

Informed Gatekeepers and Transnational Violence: Using Perceptions of Safety of Latino/a Youth in Determining Legal Cases

Abstract

From 2013 to 2017, thousands of unaccompanied children (UCs) arrived in Louisiana from Latin America. This research aims to increase understanding of experiences of Latino/a youth who came to New Orleans during that migratory peak. This study offers additional background information on the violent circumstances that forced youth to migrate and insight into youth perceptions of public safety for stakeholders in law and public policy. By triangulating secondary data on crime in Mexico, Central America, and New Orleans with primary survey data (N=52), this study found that the majority of surveyed youth (79.2 %) consider New Orleans safer than their country of origin. This finding, among other significant findings related to violence and perceived effectiveness of law enforcement, can be used to advise stakeholders when considering legal options for youth. Moreover, this study generates applied research that contextualizes immigrant youth experiences and their perceptions of safety, offering a methodology for future scholarship.

Keywords: Latino/a immigration policy, unaccompanied minors, Central America, Special Immigrant Juvenile Status (SIJS)

Introduction

From 2013 to 2017, 168,901 unaccompanied children (UCs) from Mexico and Central America made their way to the United States to escape violence and corruption (Krogstad, 2016; Migrant Policy Institute, 2017). These UCs were released from Immigration and Customs Enforcement (ICE) to the Office of Refugee Resettlement (ORR), which facilitates placement with sponsors (usually family members) in the United States. In the state of Louisiana, 4,090 UCs were placed with sponsors within this same period (ORR 2016). UCs arrived in the New Orleans metro area to reunite with their families and enroll in school systems in Orleans and Jefferson Parish (Smith, 2017). Legal clinics like Project Ishmael and Pro Bono and Juveniles Project opened, and existing agencies like Catholic Charities strengthened their teams in order to accommodate new clients. Yet even with increased access to legal services, the options for legal protections for these youth were limited.

Special Immigrant Juvenile Status (SIJS), an amendment added in 1990 to the Immigration and Nationality Act of 1965, is one form of legal protection that offers a percentage of special immigrant visas available to some minors (U.S. Citizenship and Immigration Services, 2017). The status allows juveniles, under the age of 18, to apply for lawful permanent residency with USCIS despite unauthorized entry if it is found that it is not in the applicant's best interest to return to their country of origin. Before the minors can file their I-360 Petition for SIJS, a state court ruling, either juvenile or family court, must find that the youth cannot be reunified with one or both parents because of abuse, neglect, abandonment, and/or a similar reason under state law (USCIS, 2017).

In the first stage, the state serves as a gatekeeper for individual cases; however, legal scholars Meghan Johnson and Kele Stewart have found that the application of this structure has “allowed variation” among state courts' interpretations of these cases, thus leading to unequal access to SIJS (Johnson and Stewart, 2014). Our report offers a localized methodology that collects data on Latino/a youth perceptions of safety to inform court administrators at the state level of the experiences of youth in New Orleans, thereby allowing a more equitable application of SIJS within and across states. Moreover, by using these localized methods as a blueprint, scholars can present community organizations, policymakers, legal teams, and court officials with data that offer an increased awareness of the transnational violence that engenders migration. Findings presented in this report provide key insights for these stakeholders to understand the depths of violence and corruption that force these youth to migrate.

Methodology

Using a mixed-methods approach, this report analyzes primary survey data (N=52) in order to increase understanding among key stakeholders in UC legal cases regarding perceptions

of safety of Latino/a youth and country conditions in Mexico and Central America. This research is grounded in quantitative methods using a 19 question survey with an open-ended, qualitative question. This question asks respondent youth to describe their overall feelings of safety comparing New Orleans to their country of origin.

The participants in this research range between 18 and 24 years old and arrived to New Orleans after 2010 from Central America and Mexico. We recruited youth participants through the International High School, the NET Charter High School, and through the Congress of Day Laborers—a member-led grassroots organization of immigrants that arrived after Hurricane Katrina to help rebuild the city. Community partners at these respective institutions helped identify youth participants. The survey instrument was administered over a three-month period to volunteer participants.

Context of Violence in Central America and Mexico

Violence continues to be rampant across Central America and Mexico, forcing youth to flee their homes to avoid gang recruitment and other forms of violence. A 2016 report by Verisk Maplecroft ranked Latin America as the highest region for risk of violent crime with Mexico and three Central American countries ranked in the top ten: Guatemala (2nd); Mexico (3rd); Honduras (6th); El Salvador (8th) (Verisk Maplecroft, 2016; Renwick, 2016). In the countries that make up the Northern Triangle—Guatemala, El Salvador, and Honduras—violent crime has skyrocketed, disproportionately affecting youth between the ages of 15-30 (Renwick, 2016; Council on Foreign Relations, 2016; Seelke, 2016; The World Bank, 2016). High levels of impunity in the Northern Triangle, with numbers ranging from 72% to 96% of cases, show the lack of recourse for these victims and exemption from punishment of perpetrators (CICIG, 2016; Council on Foreign Relations, 2016; InterAmerican Commission on Human Rights, 2015).

The Council on Foreign Relations reports 85,000 gang members in the Northern Triangle. Gangs like Mara-Salvatrucha (MS-13) and Eighteenth Street Gang (M-18 or Mara 18) target male youth for new membership and female youth for sexual violence (Council on Foreign Relations, 2016). With repressive “*Mano Dura*” (Firm Hand) policies and crackdowns by Central American governments on gang activity at the turn of the twenty-first century, the response by many organized crime groups was a reciprocal increase in violent tactics, such as random violence campaigns targeted at non-gang youth (Rodgers, 2009; Arana, 2005). “*Cero Tolerancia*” (Zero Tolerance) policies have often made gang member reform or reintegration into society more difficult, increasing tensions between gang members and civilians (Jütersonke, Muggah, & Rodgers, 2009).

A 2014 report conducted by the American Immigration Council states that oftentimes relocating to the United States is not the first option for these youth when fleeing violence; rather, they turn first to other cities in their country of origin. When these “same threats to life resurface,” the youth are then forced to relocate to the United States (Kennedy, 2014). Despite these high levels of violence, young immigrants like UCs are often unable to gain refugee status in the United States due to language barriers, lack of legal representation, or failure to explain their experiences of violence in terms that meet one of the five required asylum grounds: persecution based on race, religion, nationality, political opinion, or membership in a particular political group (Dalrymple, 2006: 131). Typically, gang violence, general violence, and lack of response by local security forces do not qualify as persecution under U.S. federal law, therefore leaving these youth susceptible to deportation.

For deportation cases, a 2014 report by *Human Rights Watch* shows that many individuals deported back to Honduras fear for their lives because of increasing threats of

violence (Human Rights Watch, 2014). From January 2014 to September 2015, eighty-three deportees were killed upon their forced return to the Northern Triangle, either as retaliatory measures by gangs for fleeing or based on the assumption that they have access to wealth in the United States (Brodzinsky & Pilkington, 2014; Human Rights Watch, 2014).

Context in Post-Katrina New Orleans

The city of New Orleans has an established Latino/a population with strong ties to Central America, especially Honduras, which dates back to the shipping industry and banana trade during the early twentieth century (Sluyter et al., 2015). This population increased after Hurricane Katrina when a “rapid response labor force” of Mexican and Central American migrant workers came to New Orleans to complete dangerous, low-wage work in mold remediation, demolition, and reconstruction under the Davis-Bacon Act and Occupational Safety and Health Administration (OSHA) regulation suspensions (Fussell, 2009; Gorman, 2010; Masozera, Bailey, & Kerchner, 2007). In addition to the suspended federal protections for prevailing wage guarantees, the Environmental Protection Agency (EPA) and state regulatory bodies recognized that toxic mold levels and air pollutants created by open-pit burning during cleanup efforts posed a serious threat to human health (Picou, 2009). Under these conditions, Latino/a immigrants and migrant workers came to settle in the region.

Almost a decade later, after dramatic surges in violence levels in Central America and Mexico, youth who had lost parents, whose parents had already come to the U.S., or whose parents could no longer protect them from local gang recruitment and attacks set out in increasing numbers to rejoin relatives in New Orleans and other cities across the United States. Despite high rates of violence in New Orleans and Central America (UCR FBI, 2017; UNAH-IUDPAS, 2017), the youth interviewed demonstrated much higher confidence levels in New

Orleans's police force to investigate crimes and pursue criminals than they did for security forces in their home countries. In addition, homicides and other crimes in New Orleans do not frequently occur as a part of random violence campaigns like those run by gangs in Central America, which are often orchestrated to instill fear in civilians or to coerce youth into participating in organized crime (UCR FBI, 2017; UNAH-IUDPAS, 2017).

Results

Descriptive statistics of the sample of displaced youth (N=52) from primary data collection are reported here. The group is divided between people who identify as female (N=21) and male (N=26). Two people identified as transgender (N=2) and three participants did not respond to this question. The majority of respondents reported that they have lived in New Orleans for more than 3 years and are originally from Honduras (N=36).

[TABLE 1 ABOUT HERE]

Perceptions of Safety

When asked about perceptions of safety, 42.6% of youth surveyed reported they strongly agreed with feeling safe in their neighborhood in New Orleans, and 25.5% reported they somewhat agreed with feeling safe. Taken together, 68.1% of youth surveyed strongly or somewhat agree with feeling safe in their neighborhood in New Orleans compared to 8.5% that strongly agreed and 10.6% that somewhat agreed that they feel safe living in their neighborhood in their country of origin. 2.1% reported they strongly disagree and 2.1% reported they somewhat disagree that they feel safe in their neighborhood in New Orleans while 40.4% reported they strongly disagreed and 25.5% somewhat disagreed that they felt safe living in their neighborhood in their country of origin.

[TABLE 2 ABOUT HERE]

When asked about perceptions of safety when visiting other areas in New Orleans outside their own neighborhood, 43.3% of respondents reported that they strongly agreed that they felt safe in other areas in New Orleans. 13.6% somewhat agreed that they felt safe in neighborhoods other than their own in New Orleans. Taken together, 56.9% of youth surveyed strongly or somewhat agreed to feeling safe in areas other than their neighborhood in New Orleans compared to 10.9% of those who reported they strongly agreed, and 10.9% who somewhat agreed to feeling safe in other areas outside their neighborhood in their country of origin. 11.4% of youth surveyed reported they strongly disagree and 4.5% reported they somewhat disagree that they feel safe visiting other areas in New Orleans. Compare this to 34.8% of respondents who strongly disagree and 21.7% that somewhat disagree with feeling safe in other neighborhoods other than their own in their country of origin.

When asked if they feel safer in New Orleans than in their country of origin, 60.4% strongly agreed and 18.8% somewhat agreed that they feel safer in New Orleans, while 4.2% strongly disagreed and 16.7% neither agreed nor disagreed. Through the open-ended qualitative question, more nuanced responses contextualize the conditions in Central America and Mexico. Many youth emphasized that they did not feel safe anywhere in their cities or neighborhoods in their country of origin. Basic day-to-day transit between locations was complicated by the constant threat of violent crime. For example, a female from Honduras addressed the extent of violence on the street-level:

In my country, Honduras, you can't even walk [on the street] because of crime, many deaths and robberies.

Referring to the increased gang violence, a male originally from El Salvador also emphasized the frequency of murder and ever-present death:

I feel much safer here [in New Orleans] because nothing bad has happened to me and because in the country where I am from there are many gangs and many people die every day.

According to a report in the *North American Congress on Latin America*, El Salvador became the most violent country in 2016, averaging 81 murders per 100,000 people (Martinez, 2017). When asked about violence experienced, 53.8% of the youth interviewed reported being victims of multiple types of crime in their country of origin. In addition to murder, youth were also targeted for robbery, extortion, and sexual assault. Referencing violence toward LGBTQ communities in Latin America, one female youth explained that her risk of exposure to violence was multiplied:

In Honduras being a transgender woman my life was in great danger. And I was criminalized and discriminated against by my community.

From 2009 to 2014, the OAS reports that 174 members of the LGBTQ community in Honduras were killed—69 of these victims identified as transgender (OAS, 2014). In addition, discrimination against these youth makes the pursuit of justice even more difficult.

Crime and Reporting

With respect to crime, youth reported experiencing significantly lower amounts of crime in New Orleans than in Central America/Mexico. This report distinguishes between violent and nonviolent crime: violent crimes in this study include murder, rape/sexual assault, aggravated assault, simple assault, and kidnapping; nonviolent crimes include burglary, robbery, auto theft, larceny, and vandalism. Table 3 shows the breakdown in type of crime experienced by themselves or a member of their household reported by the respondent. Youth were encouraged to report all types of crimes that they, or members in their household, had suffered both in New Orleans and in Central America/Mexico.

[TABLE 3 ABOUT HERE]

27.5% of youth surveyed (N=14) reported that they or a member of their household have been a victim of a crime in New Orleans compared to 86.7% of respondents (N=39) that reported they or a member of their household have been a victim of a crime in their country of origin. Of the 27.5% of those surveyed that reported having been a victim of a crime in New Orleans, 5.9% reported suffering rape or sexual assault; 66.7% reported a robbery, theft, larceny, or burglary; 2.0% reported suffering a simple assault; 3.9% reported having experienced aggravated assault; 2.0% reported having experienced vandalism; 2.0% reported another kind of crime; and, 7.8% reported having been the victim of two or more crimes. No youth surveyed indicated that a member of their household in New Orleans have been a victim of murder.

In their country of origin, of the 86.7% of surveyed youth that reported that they or a member of their household have been a victim of a crime, 7.8% reported having been a victim of rape or sexual assault; 37.3% suffered a robbery, theft, larceny, or burglary; 15.7% reported having experienced simple assault; 31.4% reported having suffered an aggravated assault; 23.5% reported having experienced vandalism; 5.9% reported that a member of their household was a victim of murder; 9.8% experienced some sort of other type of crime; and, 39.2% reported having experienced two or more crimes.

We then compared the number of crimes reported to the police in New Orleans with the number of crimes reported in their country of origin to ascertain to what degree surveyed youth trusted the police by reporting crimes they experienced.

[TABLE 4 ABOUT HERE]

In New Orleans, 24.2% of youth surveyed reported crimes to the police while 33.3% of crimes were not reported. 42.4% responded, “don’t know.” With respect to their the country of origin,

30.4% of the cases were reported to the police, 54.3% were not reported to the police, and 15.2% responded, “don’t know”.

In addition to reporting experiences of crime by type and location, we gauged perceptions of youth regarding their interactions with local police and willingness to report crimes. Gathering such qualitative data informs the quantitative and vice versa. Doing so provides insight into both the kind of crime but also the likelihood of youth to report crime to the police given their unique social location. Using open-ended questions, we learned some youth responded that they feel safer in New Orleans because of their confidence in local law enforcement and government institutions compared to their country of origin. One female originally from Honduras explained that this confidence stems from her perception of corruption in law enforcement:

I feel much safer in this country, for the fact that here the government is not corrupt and the police act and do justice when something illegal or not right happens to a citizen.

A male from Honduras stated that his confidence in local law enforcement and government institutions was related to comparative action taken:

If something happened I know that the police [in New Orleans] would investigate the case, not like in my country—they do not care.

This youth illustrates law enforcement as a viable resource for his community. Having ubiquitous access to emergency resources like 911 alone offer public safety service in the United States that exceeds emergency standards in Central America and Mexico, thus providing perceptions of stronger institutions and increased personal safety. Other youth emphasize the same sense of trust in local law enforcement and perceptions of security:

I feel safer here in New Orleans than in Honduras because the police here work faster and they enforce the law here. In my country, there is a lot of corruption and people take violence for granted, like a normal thing.

I feel more secure in the United States than in my country.

I feel safe in New Orleans even if this place is a little dangerous. I'm happy that I am in this country because this place gave opportunities and hope.

I can leave home in New Orleans without fearing [I will be] a victim of any type of crime.

I feel more secure here because the cops are always doing their job.

I feel safer here in New Orleans than in my country because there is more security here.

One noted exception to this sense of personal safety was in relation to local police collaboration with U.S. Immigration and Customs Enforcement (ICE). Some youth were more reluctant to report crimes to local U.S. law enforcement officials:

In my country, not so much [safety] because the police do nothing. Not much here because the police can turn me in to immigration.

Statements such as this one illustrate the growing tension within immigrant communities in regard to increased collaboration between law enforcement and ICE, even though New Orleans's "Welcoming Cities" resolution and consent decree agreement limit the New Orleans Police Department's engagement with ICE (NOPD Consent Decree Monitor, 2016).

Discussion

The youth surveyed here overwhelmingly demonstrated that they feel safer in New Orleans than their country of origin. These findings map on to general trends identified by international Human Rights organizations, like *Human Rights Watch*, in terms of youth safety. Taken together, these results justify the demand for laws and decisions by state judges, court stakeholders, and policymakers that address the best interests of youth and children. High levels of impunity, corruption, and poor infrastructure in countries of origin each contribute to the lack of recourse for these youth and corroborate their fears of returning. As these data show, despite

New Orleans' high crime rates, youth still expressed higher levels of confidence in New Orleans' law enforcement, especially in their descriptions of feelings of safety in New Orleans.

This report directly addresses shortcomings in SIJS application—as noted by legal scholars Johnson and Stewart—that foster unequal access to SIJS among state courts' interpretations of these cases due to variation in application (Johnson and Stewart 2014). Collecting data on Latino/a youth perceptions of safety, informs stakeholders—community organizations, policymakers, legal institutions, and court officials—of the experiences of youth in New Orleans. Having more nuanced knowledge available regarding the experiences of these youth (and their families) will generate more equitable application of policies like SIJS in places beyond New Orleans and Louisiana. Moreover, encouraging scholars to replicate this model, but tailoring to place-based needs and realities, will provide stakeholders with data that offer an increased awareness of the transnational violence and corruption that plague sending countries and contextualize the levels of violence that force these youth to migrate.

Conclusions and Recommendations

These data provide both a generalizable as well as in-depth perspective on the experiences of many Latino/a youth in New Orleans and in their countries of origin. As illustrated in these findings, many of these youth experienced severe trauma in their countries of origin and if forced to return, they remain targets of violent crime and face further persecution. In order to prevent such negative outcomes, we have recommended four actions that may improve public safety and the safety of these youth.

1. Provide judges and court administrators with a more nuanced understanding of conditions of violence in the countries of the youth seeking SIJS, especially random violence campaigns that target young people and their parents.

2. Provide state judges and court administrators a report based on empirical research conducted with the actual demographic in their jurisdiction impacted by the SIJS rulings regarding their own experiences with public safety in the United States and in Latin America.
3. Because migration of UCs will continue for an undetermined period of time, we recommend an increase in quotas for SIJS cases in order to avoid backlogs of cases (Catholic Legal Immigration Network).
4. We recommend that in order to improve public safety for U.S. citizens as well as for immigrants there should be no collaboration between ICE and local police. When crimes go unreported due to fear of deportation, all members of the community are left vulnerable to increased levels of violence.

Future Research and Limitations

While the study found that the respondent youth significantly consider New Orleans to be safer than their country of origin, due to limited secondary data on perceptions of safety of Latino/a youth we cannot conclusively state that crime rates are higher or lower for Latino/a youth in New Orleans compared to their country of origin. These results merely provide perceptions of safety of youth from our sample paired with the broader context of violence in Central America. Moreover, the data on crimes committed in Central America and Mexico spans a longer time period than the data on crimes committed in New Orleans (because the youth range between 1 and 5 years living in the United States), which could make this information on Central America and Mexico crimes seem significantly higher. More in depth analysis into the time period of when these crimes were committed could help mitigate these discrepancies.

Future research should investigate the levels of trauma experienced by these youth due to the high levels of violence they encountered (or witnessed) in their countries of origin, to illustrate the dearth in mental health support for these youth. Research should also examine the largely positive responses by the youth regarding confidence levels in law enforcement, especially considering the current political context of law enforcement in collaboration with immigration authorities. Conducting localized, transnational studies with Latino/a youth on perceptions of public safety, offers a more nuanced perspective into the experiences of these youth as well as provides scholars with a methodology to employ to better inform key stakeholders on these complicated immigration processes.

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Table 1. Descriptive statistics of surveyed youth (N=52)

<i>Gender</i>	N	Percent
Female	21	41.2
Male	26	51
Trans	2	3.9
<i>Country of Origin</i>		
El Salvador	5	9.8
Guatemala	4	7.8
Honduras	36	70.6
Mexico	3	5.9
Nicaragua	2	3.9
USA	1	2
<i>Years in New Orleans</i>		
1	5	11.1
2	8	17.8
3	10	22.2
4	11	24.4
5	9	20

10 2 4.4

Table 2. Reported feelings of safety from surveyed youth (N=52)

<i>I feel safe in my own neighborhood in New Orleans:</i>	N	Percent
Strongly disagree	1	2.1
Somewhat disagree	1	2.1
Neither agree nor disagree	13	27.7
Somewhat agree	12	25.5
Strongly agree	20	42.6
<i>I feel safe visiting other areas in New Orleans, outside my own neighborhood</i>		
Strongly disagree	5	11.4
Somewhat disagree	2	4.5
Neither agree nor disagree	12	27.3
Somewhat agree	6	13.6
Strongly agree	19	43.2
<i>I feel safe in my own neighborhood in my country of origin</i>		
Strongly disagree	19	40.4
Somewhat disagree	12	25.5
Neither agree or disagree	7	14.9
Somewhat agree	5	10.6
Strongly agree	4	8.5
<i>I feel safe visiting other areas in my country of origin</i>		
Strongly disagree	16	34.8
Somewhat disagree	10	21.7
Neither agree nor disagree	8	17.4
Somewhat agree	5	10.9
Strongly agree	5	10.9
Do not know and S/O	2	4.3
<i>Overall, I feel safer in New Orleans than in my country of origin</i>		
Strongly disagree	2	4.2
Neither agree nor disagree	8	16.7
Somewhat agree	9	18.8
Strongly agree	29	60.4

Table 3. Reported experiences of crime in New Orleans and country of origin (N=51)

<i>Victim of crime in New Orleans (Youth or member of household)</i>	N	Percent
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No	33	64.7
Yes	14	27.5
<i>Crime type</i>		
Rape/Sexual Assault	3	5.9
Robbery/Theft/Larceny/Burglary	16	66.7
Simple Assault	1	5.6
Aggravated Assault	2	3.9
Vandalism	1	2.0
Murder (Member of household)	0	0
Other	1	2.0
Two or more crimes	4	7.8
<i>Victim of crime in country of origin (Youth or member of household)</i>		
No	1	2.2
Yes	39	86.7
Do not know and S/O	5	11.1
<i>Crime type in country of origin</i>		
Rape/Sexual Assault	4	7.8
Robbery/Theft/Larceny/Burglary	19	37.3
Simple Assault	8	15.7
Aggravated Assault	16	31.4
Vandalism	12	23.5
Murder (Member of household)	3	5.9
Other	5	9.8
Two or more crimes	20	39.2

Note: Since respondents were directed to choose more than one crime type if they had suffered multiple crimes, percentages do not equal 100.

Table 4. Survey results for whether or not respondent reported crime to police (N=52)

<i>New Orleans: Report Crime to</i>		
<i>Police</i>	N	Percent
No	11	33.3
Yes	8	24.2
Do not know or S/O	14	42.4
<i>Country of Origin: Report Crime to</i>		
<i>Police</i>		
No	25	54.3
Yes	14	30.4
Do not know or S/O	7	15.2

