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May 01, 2020

Is Honduras Safe for Refugees and Asylum Seekers?

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On May 1, 2020, the Trump administration [published](#) an agreement signed with Honduras in September 2019, that purports to allow the United States to transfer third-country asylum seekers to Honduras, despite the failure of Honduras to protect its own citizens, the dangers refugees face there, and the lack of effective systems to protect them from return to persecution. The [U.N. Refugee Agency \(UNHCR\)](#) and [U.S. State Department](#) have both described Honduras's asylum system as "nascent," and UNHCR has expressed "serious concerns" about the accord. This agreement and similar ones with [El Salvador](#) and [Guatemala](#) are designed to block refugees from asylum in the United States, instead sending them to some of the most dangerous countries in the world – from which people are fleeing in search of protection. These agreements violate U.S. refugee and immigration law as well as U.S. treaty commitments. Transfers to [Guatemala](#) began in November 2019 after an [interim final rule](#) was published that month implementing the asylum-seeker transfer accords.

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Honduras falls far short of the U.S. law requirements that would permit U.S. officials to treat it as a "safe third country" for the purpose of turning back asylum seekers. Rather than sending refugees to a country that cannot or will not protect them, the United States [should](#) support stronger refugee protection across the region, uphold its own asylum legal obligations at home, and support effective human rights, anti-corruption and rule of law initiatives in Honduras. This factsheet explains the concept of "safe third country" agreements under U.S. law and why Honduras does not meet the legal requirements that would allow such transfers of asylum seekers.

What is a "safe third country"?

The term "safe third country" generally refers to agreements that allow one country to turn away or send asylum seekers fleeing another country to a third "safe" country where they can instead receive refugee protection. To legally send a person seeking asylum in the United States or at a U.S. port of entry to a third country, U.S. law requires that three "safe third country" requirements must be met. Congress has spelled out the requirements that must be met before U.S. officials and agencies can send or remove asylum seekers to a third country, and the Secretary of Homeland Security and the Attorney General must certify that these requirements have been met before such an agreement can be implemented.

Specifically, to be a safe third country, the [Immigration and Nationality Act](#) requires that the country must:

- **Guarantee asylum seekers protection from persecution:** The country must be a place where the refugee's "life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion."
- **Provide access to "full and fair" procedures to assess asylum requests:** The country must afford "access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection."
- **Agree to be designated a safe third country:** The country must have entered into a bilateral or multilateral agreement with the United States.

Canada and the United States signed a safe third [agreement](#) in December 2002, which went into effect in December 2004. Thus, asylum seekers who enter the United States after passing through Canada are returned and permitted to request asylum there unless they qualify for an exception to the agreement and vice versa.

Honduras does not meet safe third country legal requirements.

Refugees are not adequately protected in Honduras:

Many Hondurans are fleeing violence and seeking refuge in other countries because their government fails to protect them. According to the [UNHCR](#), 24,000 Hondurans fled their country to seek asylum in the United States in 2018. More than 76,000 asylum applications by Hondurans are currently pending adjudication worldwide. There were an estimated [191,000](#) persons displaced within Honduras due to violence, national and transnational gang activity, and human trafficking, according to the U.S. State Department.

According to the [Congressional Research Service](#), Honduras "remains one of the most violent countries in the world." In 2019, the number of murders rose in Honduras making its homicide rate the [highest](#) in Central America. Despite restrictions imposed by the government due to COVID-19, the murder rate remains [high](#) in 2020. In 2019, two Nicaraguan refugees were among those [murdered](#) in Honduras; other Nicaraguan asylum seekers have [reportedly](#) been tracked by persecutors and killed in Honduras.

The U.S. State Department [reports](#) that migrants, including refugees, are vulnerable to attacks by criminal groups – groups the Honduran government is unable or unwilling to control, particularly given rampant corruption and the ties between government officials and criminal entities. In late April 2020, the U.S. Department of Justice [indicted](#) the former head of the Honduran National Police, accusing him of abusing his law enforcement position as part of a conspiracy involving high-ranking Honduran politicians – including the current Honduran president. According to [Human Rights Watch](#), "impunity for crime and human rights abuses is the norm" in Honduras.

Asylum seekers in Honduras are at risk, not only due to their inherent vulnerabilities as refugees, but also on account of their race, nationality, gender, sexual orientation, gender identity. Women, children, and LGBT individuals, in particular, face [high levels](#) of violence in Honduras with many forced to flee to seek protection elsewhere. Indigenous people and communities of Afro-descent are also the [targets](#) of threats and violence in Honduras. Human trafficking is widespread in Honduras and often causes internal displacement. The U.S. State Department's [2019 Trafficking in Persons Report](#) for Honduras found that "women, children, LGBTI Hondurans, migrants, and individuals with low education levels are particularly vulnerable to trafficking."

Many refugees are left unprotected due to lack of full and fair procedures:

Refugees returned to Honduras would also be at grave risk of being sent back to their countries of persecution due to glaring deficiencies in the country's refugee protection system.

Honduras's tiny asylum system does not have the ability to assess, adjudicate and manage the cases of the many Brazilian, Guatemalan, Mexican, Nicaraguan, Salvadoran and other asylum seekers Honduras has [reportedly](#) agreed to accept. Over an eleven year period, from January 2008 to July 2019, only [299 requests](#) for asylum were registered with the Honduran National Institute for Migration, and only 50 were recognized as refugees. Moreover, asylum seekers in Honduras can file requests for protection in only three locations, and the country does not issue work permits for asylum seekers, leaving refugees with no means to support themselves while they wait for an unequipped system to process their requests for protection.

In expressing its opposition to the accord, UNHCR has [warned](#) that the country's asylum system is only "nascent." The U.S. State Department has also [described](#) the country's asylum system as "nascent," explaining that its effectiveness "had not been fully proven."

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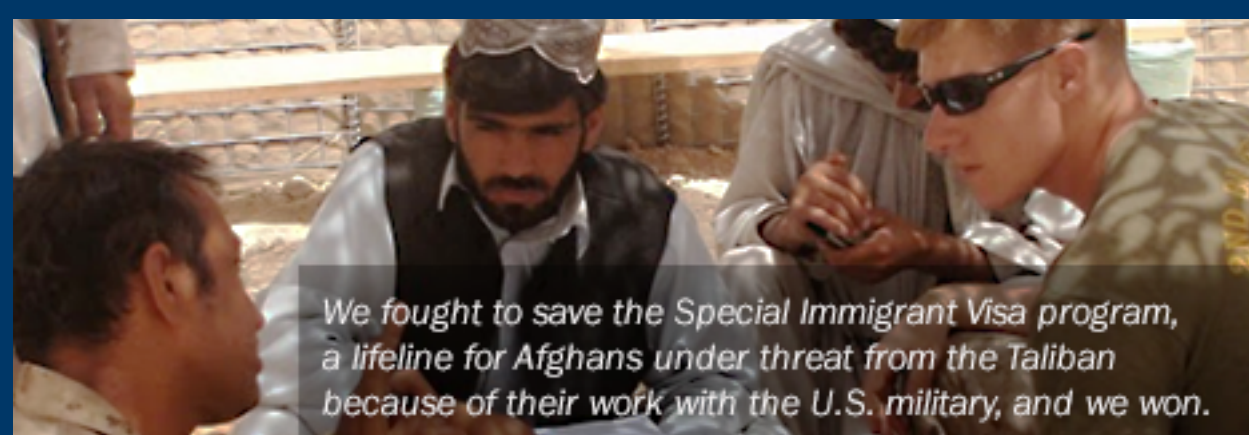
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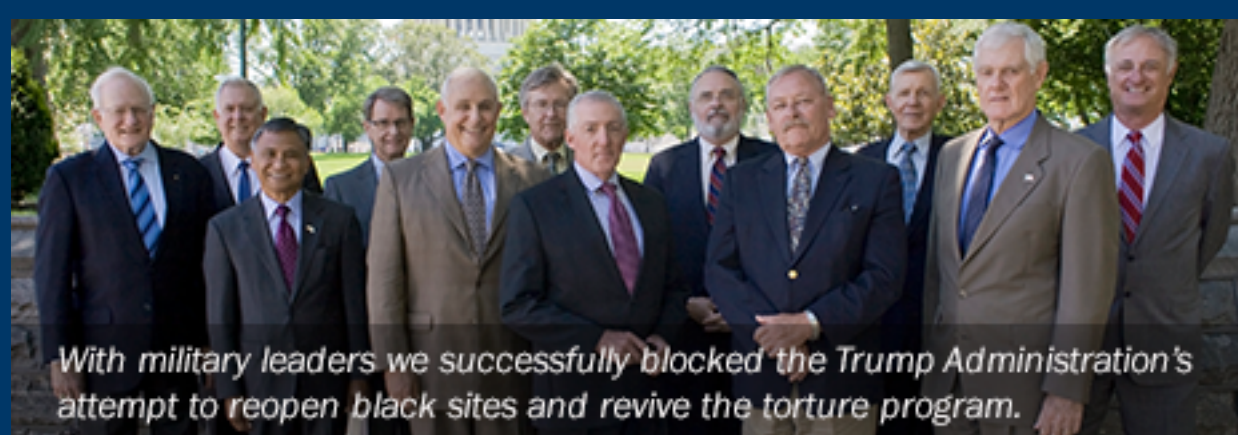
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