

Migrant Narrative

UC Davis Global Migration Center

Migrants Fleeing from Organized Crime

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Problem

In recent years violence committed by organized crime has devastated communities in countries such as Mexico, Haiti, and those of the northern triangle of Central America. As a consequence, many individuals and families have been forced to migrate in search of personal safety and economic security. This exodus of refugees fleeing criminal violence has resulted in increasing numbers of migrants seeking asylum arriving at the US border.

However, the legal criteria for asylum in the US are much narrower than many might believe. Those seeking asylum must convincingly demonstrate “[a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion](#).” Since victims of organized crime may have trouble proving that they were targeted as members of a defined social group, it is often difficult for them to make the case for asylum, especially if applicants lack legal representation, which can be costly. As a result, many hopeful refugees may end up with failed asylum claims, which will likely result in their deportation back to the country they fled.

Observations

The following digital stories offer examples of some of the complications that may arise for asylum seekers fleeing organized crime with regard to US asylum law.

When **Giovanny** was sent to live with his cousin as a boy after the sudden death of his parents, he discovered that his adoptive father had powerful enemies with ties to organized crime in Honduras. As he explains in the first segment of his two-part narrative “[Who Can I Trust?](#)”, these enemies eventually murdered his adopted father, and “not being satisfied with just killing him,” they then began to persecute Giovanny. As he moved from city to city within Honduras, he was unable to find a safe haven: “Honduras is a small country, you don’t have an escape route. Wherever you go, you are going to be watched. [...] My only option, in the end, was to” migrate.

Unfortunately, his experiences in Honduras only marked the beginning of his run-ins with organized crime. In his desperation to leave Honduras, Giovanny mistakenly trusted a brother-in-law who promised to take him to the US border and help him seek asylum. Once in Mexico, however, his brother-in-law promptly sold him to a group of people running a series of illicit operations in Villahermosa, Tabasco. Although

he eventually escaped, he was not safe from them: “I was afraid to go out because I was receiving threats and they had already contacted one of my sisters, saying they were looking for me and asking where I was.” Later, in an unrelated incident, he was robbed at gunpoint by a large group of armed men traveling in a convoy close to Mexicali, Baja California.



A picture of Giovanny in the “safehouse” where he was held captive.

Despite the danger in which Giovanni found himself, he received little sympathy from US immigration officials, “even when [he] presented them with physical evidence” of his persecution. Upon crossing the border into Arizona, he surrendered to a US Border Patrol agent, and, in tears, asked for assistance. In [the second installment of his story](#), he recalls that the agent refused to help him, commenting, “So they welcomed you to Mexico, huh?” before expelling him back to San Luis Río Colorado, Sonora under the Title 42 public health policy that allowed US agents to quickly return migrants caught entering the US without authorization without taking into account their potential asylum claims. While Giovanni may eventually launch an asylum claim in the US, he will need to carefully consider how to align his case with US asylum law.

The migrants who tend to have more success are those who can demonstrate that their persecution is connected to their belonging to one of the protected groups under asylum law. Consider “[A Lesbian Mother Crossing for a Better Life](#)”, the two-part story of an anonymous Salvadorian woman who was forced to migrate after mara gang members began extorting her and threatening to kill her and her son if she would not comply with their demands. After her son was attacked by maras on his motorcycle and sustained serious injuries, she decided to leave everything behind and take her son to Sonsonate, El Salvador, a decision that became urgent when maras began circling the hospital searching for her son to finish the job: “I had to get him out of there any way I could.”

In Sonsonate, her sexuality stood out and made her a target for discrimination: “People started treating me poorly once they saw that I liked women. They would say, ‘Don’t buy from her. She’s a sinner. She’s a lesbian.’” One man who was romantically interested in her became violent when she refused to sleep with him, even after she explained that she did not like men. Her son, recently recovered from his near-fatal attack, also began drawing the attention of local gang members, who wanted to force him to deal drugs in the area. When he refused, they threatened to kill him. Due to their continued run-ins with the maras and the unfriendly welcome they were receiving, mother and son realized that their best option was to leave Sonsonate and seek asylum in the US. While it will not necessarily be easy to



Street scene from Sonsonate, El Salvador

prove, if she is able to show that she and her son were targeted and pursued by maras because of her sexual orientation, her asylum case may stand a better chance of success than that of Giovanni.

Many other cases fall into grey areas and might turn out in different ways depending on their ability to find legal representation, or even on the disposition of a particular judge, as asylum outcomes vary widely across different regions. For example, [another migrant was driven from Honduras](#) when maras began extorting and assaulting mototaxi drivers. While a trade is not an inherent characteristic like a religion or a race, the argument that he was targeted for belonging to that group may or may not convince an immigration judge that he deserves asylum. Unfortunately, many immigrants do not realize that receiving threats or suffering violence does not guarantee a successful asylum claim.

About Our Center

The UC Davis Global Migration Center studies immigration with a multi-disciplinary approach to better understand the immigration and integration of vulnerable migrants, including undocumented immigrants, temporary migrants and more.

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