

A War That Never Ended: The Difficulties of a Salvadorian Refugee Finding Refuge in the U.S.

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Pope Francis, the head of the Catholic Church said: “Migrants and refugees are not pawns on the chessboard of humanity. They are children, women, and men who leave or who are forced to leave their homes for various reasons, who share a legitimate desire for knowing and having, but above all for being more.”¹ On the contrary, Salvadorian refugees have been treated like pawns for reasons that are beyond their control. From the beginning of the Salvadorian Civil War, political uprisings caused many Salvadorian citizens to migrate and seek refuge. They have taken refuge in many places such as the United States. The Salvadorian refugees have survived a war that had damaged their communities and looked for a place where they would no longer endure violence and oppression. The repercussions of the Salvadorian Civil War, related gang violence, and the declining economy have created difficult challenges for Salvadorian citizens, leading them to see the United States as a place of hope for a better life. Despite the Salvadorian’s views, the U.S. government had a hand in creating the unstable conditions in El Salvador through its anticommunist and anti-immigrant policies helping create the refugee crisis both directly and indirectly. The United States policies have continued to reject Salvadorian citizens from becoming refugees causing Salvador to find itself struggling to find a solution.

The violence in El Salvador started with the impact of the Salvadorian Civil War. The Salvadorian Civil War started in 1980 and ended in 1992.² The reasons for the start of the Salvadorian Civil War can be traced back to 1932 when thousands of indigenous Salvadorians

¹ John L. Allen Jr., “Pope says immigrants not pawns on global chessboard,” *National Catholic Reporter* (Kansas City, MA), Sep. 24, 2013, <https://www.ncronline.org/blogs/francis-chronicles/pope-says-immigrants-not-pawns-global-chessboard>.

² Amelia Hoover Green, and Patrick Ball, “Civilian Killings and Disappearances during Civil War in El Salvador (1980–1992),” *Demographic Research* 41, (2019): 781, <https://www.jstor.org/stable/26850667>.

were targeted and killed by the military government known as *la matanza* (the massacre).³ The Salvadorian government was known for massive repression against perceived threats to the country's economic and political regime. This repression continued, leading to the formation of the Nationalist Republican Alliance (ARENA) which was known for being a "death squad" in 1980 and led by its founder Roberto D'Aubuisson, a Salvadoran military officer and neo-fascist politician. They carried out many judicial killings including the assassination of Archbishop Oscar Romero who was an outspoken voice against ARENA's assassinations and slaughter.⁴ Rebel groups such as Farabundo Marti National Liberation Front (FMLN) were formed against the violent political repression by the government and declared war on the Salvadorian government in 1980.⁵ FMLM acted against the government towards the possibility of peaceful reforms for political legitimacy.

The "final offense" that FMLN launched against the Salvadorian government became a 12-year civil war. At the start of the war, FMLN forces failed to dominate against ARENA, leading to allied death squads committing the most violence against ordinary civilians.⁶ Even through the destruction, allies came in support of FMLN including the United States. Ronald Regan saw Salvador as a key Cold War battleground and issued billions of dollars towards the

³ Green et al, "Civilian Killings and Disappearances during Civil War in El Salvador (1980–1992)," 783.

⁴ Patrick McNamara, "Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims," *Refugee Survey Quarterly* 36, (2014): 1-2, <https://academic-oup-com.proxy048.nclive.org/rsq/article/36/4/1/4108107?login=true&token=eyJhbGciOiJub25lIn0.eYJleHAiOiJlE3MTMwNjQ4MzAsImp0aSI6IjEwNDMyNWUxLWExMDItNDNiYi05MzZiLTlhYTU3ZmYyZGZhNiJ9>.

⁵ Green et al, "Civilian Killings and Disappearances during Civil War in El Salvador (1980–1992)," 3.

⁶ McNamara, "Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims," 3-4.

Salvadorian Civil War's military training, funding, and war materiel.⁷ Eventually, FMLM regrouped its areas of control through allies' help. Moreover, the second final offense in 1989 helped exemplify FMLN's power. By 1992, the Chapultepec Peace Accords was signed by the Government under President Alfredo Cristiani of the ARENA Party which would allow FMLN to participate in electoral politics and re-establish El Salvador's police and military forces.⁸

The Chapultepec Peace Accord was signed in 1992 that ended the Salvadorian Civil War. This accord established peace between the Salvadorian government and FMLN but even after this was signed the war left as deathly impact on the country. Plain Dealer writes about events in 1992 which he considers as "a year for dying." He includes the Salvador Civil War and United States involvement as a deadly event by saying "A peace accord is reached in El Salvador, ending a 12-year civil war that claimed 75,000 lives and soaked up \$1 billion in U.S. aid."⁹ The war had ended with many deaths, with many Salvadorians civilians who received the most impact. Although the civil war had ended, violence continued throughout the country because of the United States' reparation of Salvadorian criminals.

After the accord was signed, the Salvadorian government agreed to establish the Public Security National Academy (ANSP) which would be responsible to train, recruit, and monitor the National Civilian Police (PNC) that would serve as security to the country. Because ANSP began this process with insufficient funding, the process of re-establishing the country was slow

⁷ McNamara, "Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims," 4.

⁸ McNamara, "Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims," 1.

⁹ "Reflecting on a Year of Grief, Hope," *Plain Dealer* (Cleveland, OH), Dec. 31, 1992, <https://infoweb-newsbank-com.proxy048.nclive.org/apps/news/document-view?p=WORLDNEWS&docref=news/0F803F11C6023AEA>.

and caused the country to be left with no police presence.¹⁰ The absence of police paved the way for gang-violence to continue. Simultaneously, the Clinton administration established a tougher legislation in 1996 to prevent gang-related crimes by having “noncitizens sentenced to a year or more in prison would now be repatriated to their countries of origin, and even foreign-born American felons could be stripped of their citizenship and expelled.”¹¹ This caused the United States to foment further instability in Salvador by increasing gang violence. Many of these felons that were repatriated from the United States were sent back to Salvador which posed a larger threat to the country as many small towns still lacked legal officials for security. Even with the presence of police, many of these gangs earned money through the transportation and dealing of drugs and used corrupt police officers to their advantage, allowing them to pay their way out of jail. If gang members ended up in jail, they could still operate their criminal operations from the inside because of how easy it was to communicate.¹² Through intimidation, threats, physical assault, and murder, gang members have been able to stay in power over the civilians in Salvador.

Even after the war, the country faces the highest homicide rates, with 2016 having the second highest number of intentional homicides since the end of the Civil War.¹³ Due to these high rates of homicide, women are seen as the most vulnerable with a high need to escape the country. With gangs and cartels, many women decide to stay in their homes, avoid public transportation, and keep children inside to prevent them from being victims of violence or death

¹⁰ McNamara, “Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims,” 4.

¹¹ McNamara, “Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims,” 4.

¹² McNamara, “Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claim,” 5-6.

¹³ McNamara, “Political Refugees from El Salvador: Gang Politics, the State, and Asylum Claims,” 8.

and for their own safety. Starting at the age of 15 girls were forced to engage in romantic relationships with gang members through intimidation and control, which is identified as modern-day slavery.¹⁴ In a UNHCR report from 2015, Claudia, a Salvadoran woman, said “The whole reason I was in danger was because I was a woman. A man feels like he is entitled to physical and emotional power over you.”¹⁵ The femicide, also known as the genocide towards women because they are women, has led to concurring homicides of women through rape, forced prostitution, and domestic violence. Through mass migration, Salvadorians seek to go to the United States as both a place of refuge and as a place that creates refugees.

As early as the 1970s, undocumented Salvadorians have been arriving in the United States in great numbers.¹⁶ This happened because prior to 1980 there were no U.S. immigration laws that had established a definition of a refugee. It was not until the 1980 Refugee Act that the U.S. adopted the 1951 United Nations Convention definition of refugee.¹⁷ When it came to El Salvador, it was one of the few countries that was considered for Temporary Protected Status (TPS). TPS was established by the U.S. Congress in 1990 to allow migrants whose homes were considered unsafe the right to live and work in the United States for a temporary period of time.¹⁸

¹⁴ Denise N. Obinna, “Seeking Sanctuary: Violence Against Women in El Salvador, Honduras, and Guatemala,” *Violence Against Women* 27, no. 6–7 (2021): 811, <https://journals-sagepub-com.proxy048.nclive.org/doi/full/10.1177/1077801220913633>.

¹⁵ Obinna, “Seeking Sanctuary: Violence Against Women in El Salvador, Honduras, and Guatemala,” 811.

¹⁶ Susan Figueroa, “Coping with Trauma: The Stories of Salvadoran Refugees Who Survived the Civil War,” *John F. Kennedy University*, (2011): 5, <https://login.proxy048.nclive.org/login?url=https://www.proquest.com/dissertations-theses/coping-with-trauma-stories-salvadoran-refugees/docview/1459227928/se-2>.

¹⁷ Figueroa, “Coping with Trauma: The Stories of Salvadoran Refugees Who Survived the Civil War,” 8.

¹⁸ Diana Roy and Claire Klobucista, “What Is Temporary Protected Status?” *Council on Foreign Relations* (New York, NY), Sep. 21, 2023, <https://www.cfr.org/background/what-temporary-protected-status#:~:text=Established%20by%20the%20U.S.%20Congress,but%20extendable%2C%20period%20of%20time>.

On the other hand, ABC-Political Asylum gave migrants another option as it was a form of relief that TPS applicants could apply to if interested in a more permanent solution if they feared for their personal safety if returning to El Salvador.¹⁹ Although these policies were established to help the refugees, the United States government created barriers to whom they would allow to become refugees.

As victims of political issues, Salvadorians sought to be called political refugees rather than the term “illegal aliens” in the United States.²⁰ Although laws were established to help Salvadorian citizens to retain protection in the United States, there were difficulties for many Salvadorian refugees to be granted refuge in the United States. For example, in the 1980s many Salvadorian refugee asylum cases were rarely approved because they were individuals who suffered human rights violations while those who claimed to be escaping communism would easily be granted asylum.²¹ Additionally, the United States had a goal of keeping the number of nonwhite refugees as low as possible, and deliberately tried to exclude the Salvadorians as much as they could by denying refugee status or through deportation.²² Racism and exclusion proved to be factors for many Salvadorians to find other ways to get into the United States, even through the means of traveling undocumented.

Even through the hardships, there have been Salvadorians who have obtained refugee status in the United States, especially in the 1990s when human right regimes became more

¹⁹ Figueroa, "Coping with Trauma: The Stories of Salvadoran Refugees Who Survived the Civil War," 9.

²⁰ Figueroa, "Coping with Trauma: The Stories of Salvadoran Refugees Who Survived the Civil War," 4-5.

²¹ Inderpal Grewal, “Gendering Refugees: New National/Transnational Subjects,” in *Transnational America: Feminisms, Diasporas, and Neoliberalisms* (Durham: Duke University Press, 2005), 173.

²² Grewal, “Gendering Refugees: New National/Transnational Subjects,” in *Transnational America: Feminisms, Diasporas, and Neoliberalisms*, 165.

prominent.²³ Although some Salvadorians received refuge, these refugees have been forced from their homes because staying in Salvador puts a risk on their lives causing them to struggle to adapt to a new life in a new country. Studies have found mental health issues in refugees because of lived experiences. These experiences include war trauma, loss of loved family members, and emotional and physical deprivation that have contributed to studies finding psychosocial problems and symptoms of posttraumatic stress disorder (PTSD) in Salvadorian refugees.²⁴ The refugees also come to the United States as a fresh start which imposes acculturative stress on the individuals trying to adjust from one culture to another which can be especially difficult for children in schools.²⁵ Trying to leave the past behind while trying to work one's way up in a country that discriminates for the color of one's skin and native language is challenging for Salvadorian refugees. Assimilation as a refugee is a difficult process in the United States because as they try to build a new life, they also struggle through mental health issues from past trauma that affects their well-being.

While Salvadorians are trying to seek refuge in the United States, the issue of violence in Salvador continues but has led to future initiatives to be taken place. Nayib Bukele, the current president of Salvador says, "We have a problem that we have to fix in El Salvador - We have been sending migrants to the United States and elsewhere since the '80s and now we have almost a quarter of our population living abroad."²⁶ To solve the issues of gang violence and high levels

²³ Grewal, "Gendering Refugees: New National/Transnational Subjects," in *Transnational America: Feminisms, Diasporas, and Neoliberalisms*, 173-174.

²⁴ Figueroa, "Coping with Trauma: The Stories of Salvadoran Refugees Who Survived the Civil War," 9.

²⁵ Figueroa, "Coping with Trauma: The Stories of Salvadoran Refugees Who Survived the Civil War," 4.

²⁶ Charles Creitz, "El Salvador President says his Country Must fix Problems that Contribute to US Immigration Crisis," *Fox News* (New York, NY), Sep. 26, 2019, <https://www.foxnews.com/media/salvadoran-president-nayib-bukele-immigration-trump-un>.

of migration to other countries, Bukele has recently established a high-volume maximum-security prison that can hold 40,000 inmates. Through his governance, 65,000 people have been incarcerated for gang activity, leading Salvador to have the highest incarceration rate in the world.²⁷

Although there has been a decline in violence and there is much public support for Bukele's new policies to help decrease violence in the country, there are many human rights organizations that argue about the human rights violations that are present in this new maximum-security prison. Overcrowding has become one of the issues in these jail cells as each cell holds 100 prisoners.²⁸ There have also been instances when the government declared state of emergency where "prisoners were locked down 24 hours a day, denied access to lawyers, healthcare, weren't able to participate in the trials against them — basically spent four or five years in lockdown in prison cells."²⁹ Prisoners have been denied their human rights at the cost of Bukele's plan to incarnate anyone who is suspected to be affiliated with gang-related activity. By playing by his own rules, Bukele says "we are not substituting democracy because El Salvador has never had democracy."³⁰ The rise of Bukele's authoritarian rule has helped bring security to the country but at the expense of human rights being diminished.

While Salvador tries to repair its country, human rights are at risk. A question now arises whether there's a way for Salvador to preserve security while also respecting human rights laws. This becomes a difficult question when the country is in reparation, but the U.S. has declared to

²⁷ Ellen Ioanes, "El Salvador's Massive Prison and the Strongman Behind it, Explained," Vox (Washington, DC), March 5, 2023, <https://www.vox.com/world-politics/2023/3/5/23621004/el-salvador-prison-bukele-ms13-barrio-18>.

²⁸ Ioanes, "El Salvador's Massive Prison and the Strongman Behind it, Explained."

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³⁰ Mark Feierstein, Keith Mines, Mary Speck, and Ricardo Zúniga, "El Salvador's Bukele: From 'World's Coolest Dictator' to 'Philosopher King,'" *United States Institute of Peace* (Washington, DC), February 8, 2024, <https://www.usip.org/publications/2024/02/el-salvadors-bukele-worlds-coolest-dictator-philosopher-king>.

collaborate with the Salvadorian government to help promote economic growth and encourage fair trials to protect human rights.³¹ Many people turn to gangs as a solution to poverty as some gang members say “Look, I’m still in this because of my family, because otherwise I won’t have anything to offer to my family. They will starve.”³² In desperation for money to support their families, many people in Salvador have turned to gang life as a form of protection to survive against other gangs and as their only solution to poverty.

To solve the issue of many Salvadorians becoming refugees, it’s important to start at the root of the problem. Just like President Bukele wants to stop gang violence, the solution lies in focusing on why gangs are created and what is causing this issue in the country. Scott Wright tells us: “Poverty for the poor of El Salvador, and the poor of Latin America, Africa, and Asia, means death, and those who do not die slowly from hunger and disease, die quickly from violence and repression. That has been the fate of the poor in El Salvador for a very long time.”³³ In Salvador, the economy suffers from extreme poverty, which has caused gang violence. There’s a need for the United States and Salvadorian governments to work together to enable a process towards the progression of a better economy rather than dismissing human rights in prisons. Salvadorian refugees have been victims of violence and oppression for years in both the United States and Salvador but through economic growth and fair legal regulations, Salvador can become safer and dependable for citizens to live and prosper a healthier life.

³¹ Feierstein et al, “El Salvador’s Bukele: From ‘World’s Coolest Dictator’ to ‘Philosopher King.’”

³² Feierstein et al, “El Salvador’s Bukele: From ‘World’s Coolest Dictator’ to ‘Philosopher King.’”

³³ Scott Wright, *Oscar Romero and the Communion of Saints: A Biography*, 2nd ed (Maryknoll: Orbis Books, 2015).

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