



PAIRING MIGRATION ENFORCEMENT WITH FOREIGN POLICY

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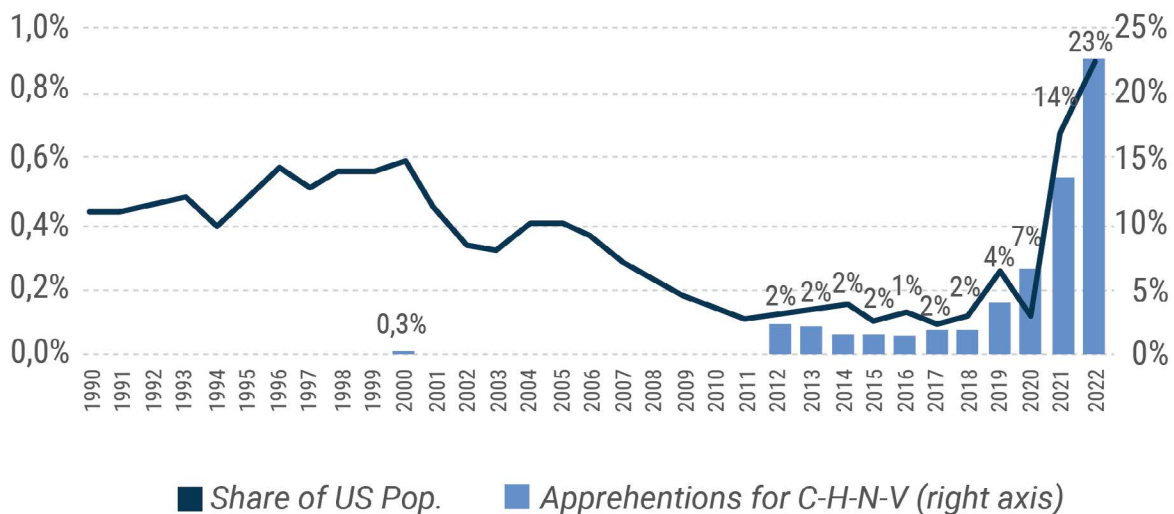
INTRODUCTION

President Biden's new border enforcement action is a partial solution to the real migration problem to better serve national security values and interests. The decision to limit the entry of Cuban, Haitians, Nicaraguans and Venezuelans is an effective contradiction with US interests unless it is not accompanied by more proactive foreign policy. It is unquestionable that a remarkably high inflow

of migrants has shown unprecedented numbers equal to 1% of the US population. Also unquestionable is that such increase is coming from the worst politically performing countries in the region: those countries the administration is targeting, are almost 25% of all apprehensions in 2022, when in 2000 they were 0.3%.

APPREHENSIONS AS SHARE OF THE US POPULATION AND SHARE OF CUBA, HAITI, NICARAGUA AND VENEZUELA TO TOTAL APPREHENSIONS

Source: DHS [Nationwide Encounters](#).



The increase coincides just with the dramatic and worsening political conditions in those places over the past ten years: jailing, assassinations, censorship, fear, and corruption are what rule these countries. These citizens have been practically expelled from their countries, in outright violation of international law, agreements to which the United States is part of. That is, political instability is what drives migration.

A proportional US foreign policy response is needed to accompany these border enforcement actions, otherwise, people will continue to migrate. US policy on these countries must be proactive and as decisive as the values that protect democracy, and a strong reminder to citizens from these countries that they are not alone.

WEAPONIZING REPRESSION AND POVERTY WITH EXPULSION

In at least three countries, leaders have ‘weaponized’ repression and poverty by expelling their citizens into exile. People from these places are not simply voting with their feet, but they are escaping horrible conditions. Cubans’ emigration increased right during the pandemic amidst growing social protests due to unmet demands, and after the government responded with repression. The Haitian situation is epic, there is no functioning state in a country where the government administration was already in the hands of international cooperation, and rule was nothing but symbolic or a euphemism. The killing of its president sealed the collapse of the government and further escalating migration. Maduro in Venezuela has shown the world his refusal to democratize the country and has responded with poverty, incarceration, and migration rather than dialogue. He has become a transactional politician negotiating sanctions for minimal changes. Daniel Ortega has criminalized democracy, and practically Talibanized Nicaragua. It is a pariah, rogue and captured state by definition and practice.

In turn, 10% of Nicaraguans have fled in a spate of four years. The intention to migrate in these countries is driven by fear, repression, incarceration and economic exclusion.¹ These countries have seen convenient to expel people as a way to reduce pressures from society and receive remittances instead: the Nicaraguan labor force has not increased since 2017, while remittances increased from 12% to 21% of national income, and 14% of tax revenue.² By the same standards of international institutions these countries are extreme examples of democratic backsliding: these four countries are basically at the bottom of the ladder when it comes to respect for the rule of law, and that’s because their governments exercise a license to kill anyone with impunity deemed a political threat.

AN INCONSISTENT APPROACH TO REALITY

The change introduced may reduce some but not all migration. First, the measure may be marketing migration to those whose intention to migrate was not as strong as those with an urgent need to leave. Typically, half of those with an intention to migrate do not have a relative or someone known in the United States.³ Moreover, because of the large migration increase, the pool of US sponsors has grown small as those without a legal status has increased in the past five years. Hence the pool of people petitioning may be smaller than calculated. Take Nicaragua as example, according to official figures, there were less than 300,000 Nicaraguans in the United States in 2018 about half of which had legal status, many of which with years in the US.⁴ As of the end of 2022 there were twice as many Nicaraguans in the US but in irregular status. Thus, those who may take advantage of the measure may not experience the urgency to migrate. Our research shows that 16% of migrants in the US are legally admitted (citizens or legal permanent residents) and have a relative in Nicaragua with an intention to migrate, another 20% are Nicaraguans legally admitted who know someone not related with an intention to migrate. This means that the

number of potential applicants would be relatively small compared to the surge and intention to migrate, which may be near 400,000.⁵

Second, the measure requiring having a US sponsor is problematic insofar as it does not recognize that in most countries, the choice of coming to the United States is not because they have someone with legal status but because they feel safer in this country. People escaping worsening human rights violations are seeking safe haven first and foremost; so the measure may dissuade some people from not taking the risk of being stopped and returned but others may choose to do it knowing that there is certainty of persecution back in their home country or that conditions will not improve. For example, countries from the Northern Triangle continued to migrate despite the fact that Title 42 has been applied to nearly two thirds of them: they have continued the trek because they see no future back home.

TABLE 1: NORTHERN TRIANGLE APPREHENSION OF MIGRANTS AT US BORDER

Source: DHS Nationwide Encounters.

COUNTRY	2018	2019	2020	2021	2022
EL SALVADOR	41,981	85,059	21,051	116,477	90,000
GUATEMALA	161,845	228,575	61,488	311,739	228,164
HONDURAS	116,845	233,812	52,594	352,838	210,000

BOX 1. EFFECTS OF THE CRIMINALIZATION OF DEMOCRACY AND AUTHORITARIAN RADICALIZATION IN NICARAGUA

Source: Orozco, Manuel. *Dictatorial Radicalization in Nicaragua: From Repression to Extremism?* 2022

- A praetorian police force of 20,000 people in a country of 1.6 million homes: 1 policeman for every 100 households.
- More than 300 assassinations in impunity.
- More than 200 political prisoners, 45 of them for false accusations against prominent leaders.
- Emigration of 500,000 Nicaraguans; 400,000 between 2021 and 2022.
- Closing of almost all legally established civil society organizations
- Per capita income less than \$2,000 (similar to 2017).
- International isolation by democracies and international organizations, accompanied by a breach of international obligations.
- State corruption supported through foreign indebtedness that oxygenates financing to the regime (international loans invested in activities outside development plans, without transparency and reliability of results).
- Systematic censorship and persecution of journalists accompanied by the closing of 56 media outlets.
- Persecution of religious authorities, academics, and other notable individuals
- Economic favors to paramilitaries and local Sandinista leaders in exchange for loyalty from the grassroots.
- Electoral farse in national and municipal elections.
- Banning of books, public meetings, even of religious nature.
- Persecution of prisoners' relatives, confiscation of their passports, with denial entry and return to the country to Nicaraguan citizens.

A PROACTIVE, CONSISTENT AND COMPREHENSIVE FOREIGN POLICY RESPONSE

Migration is a symptom of severely harsh conditions in these places and success should be measured by addressing the violations to agreements, the effects on US interests and on human rights violations that are responsible for this upward trend. These migration measures can be accompanied and expanded with a more proactive, consistent US foreign policy with effective commitment of resources proportional to US interests that can mitigate further political disaster and reduce migration.

These are the politically worst performing countries in the Americas, with violence as a matter of practice and in three of these countries with state sponsored violence. If “the Biden-Harris Administration has made clear that renewing democracy in the United States and around the world is essential to meeting the unprecedented challenges of our time,”⁶ then working proactively and consistently on these countries is an utmost urgency.

There should be two goals for the Administration, one is to restore confidence to citizens from these countries that democracy is the only form of government, and that they are not alone in this quest. And two, figure out with these governments that a peaceful and negotiated solution is better for everyone than continued impunity, repression and economic downturn.

To that effect the US must take on leadership in promoting democracy (denouncing human rights, defending civic engagement), continue the proportional and precise pressure (by way of sanctions, economic tools, fight against censorship and disinformation), and take on multilateral partnerships, inclusive of the diaspora) to level the playing field toward political reforms and offer economic cooperation accompanied with political accommodation with civic forces.

The United States should promote a transnational dialogue between dissident forces (both in Cuba and the diaspora), the Cuban government and the US government that craft a roadmap for modernization. Protests in Cuba grew despite repression by Diaz Canel⁷, which were quashed in

the short term and subsequently diminished the pressure once people voted with their feet. However, Diaz Canel’s capacity to modernize Cuba depends on economic reforms that include a democratic rule of law: he cannot have growth beyond state intervention without private sector development, which means investment and increases in consumption. Those two right now depend on allowing for family remittances and foreign investment that can be competitive and protected.

The Biden administration can permit US corresponding banking with Cuban financial institutions, expand remittance transfers incentivizing money transfer operators and with the postal mail system. This measure can dovetail with the latest license to authorize foreign investment. But these changes are to be accompanied by more US leadership internationally and diplomatically condemning the repression, as well as advocating for the release of political prisoners, the more than 500 sentenced in the protests of 2021 but also the hundred more imprisoned in the past. Part of US leadership includes recognizing the right to function of civic movements that have inspired fair protests across the country. The Communist party and Army know that Cuba’s downturn is not reversible because its main source of income tourism, remittances, and trade are stagnated and not recovering substantially. The timing to increase the voice over conditions in Cuba accompanied with economic measures is critical to bring more diplomatic pressure to release prisoners, and signal messages to the political elite to the urgency address the country’s needed changes instead of the status quo.

Nation building or regime change is not what is at stake in Venezuela. But central for the US is to help ensure that the opposition forms into a representative group that can effectively compete in the presidential elections in 2024, and that international players, especially Latin American counterparts continue to stress that Venezuela complies to continued negotiations. The outcome is to have an inclusive political and social engagement toward rebuilding the country.⁸ The Maduro regime unlike Ortega’s Nicaragua is not opposed to negotiation

because the government's realization to get the country and his elite into a safer stage because, incarceration, continued remedial economic growth are not going to make Venezuela stronger. The Biden administration has learned that US policy in Venezuela needs at least three prongs, support a viable opposition circling around the recent November round of conversations; directly engage the Maduro government to address sanctions and the country's economic and political reforms, and bring multilateral pressure over those two issues. At the center of these three elements is an immediate improvement of human rights conditions in the country that accompanies a negotiated agreement toward free and fair elections and economic reconstruction. The US role in Venezuela is to follow what Lowenthal refers to as 'strategic patience'⁹, to gradually move Maduro toward a political transition in the midterm complying to the November 2021 memorandum of understanding.

US policy on Nicaragua seems more complicated due to Ortega's refusal to engage with the international community. But Biden has the mandate of Renacer Act, a formidable roadmap on how to deal with the dictatorship but is highly underutilized. It is important for the US government to focus its energies in strengthening a civic democratic group that is both in exile and in Nicaragua

but on a highly threatened environment. US policy should involve direct support to these groups, as well as to provide tools to fight disinformation and censorship so Nicaraguans are aware of their situation, of the magnitude of kleptocracy. It is important for US policy to open backchannels of engagement with dissident forces within the circle of power. These groups have realized early on that Ortega's route will take Nicaragua to a worse off scenario than Venezuela, for in the end, to reach a negotiated transition. Instead they want to be instrumental but need assurances that they can be part of a political transition.

Daniel Ortega has accused the US of instigating a coup, has called senior foreign policy officials with derogatory and racist terms, implied that migration is a response to sanctions. The Biden administration however has been a passive player while Ortega has violated the Central America Free Trade Agreement, the Democratic Charter, insulted US diplomats, expelled other diplomats, uses censorship and disinformation to campaign against the US, and signs military alliances with Russia. Compliance to Renacer Act is an urgent step given by Congress to act on conditions in Nicaragua.

TABLE 2: REINFORCING NICARAGUA'S ADHERENCE TO CONDITIONS FOR ELECTORAL REFORM ACT OF 2021

Source: elaborated by the author

US POLICY REMEDIES (RENACER ACT)	ACTIONS SO FAR
Review of Nicaragua's participation in Cafta	Review is not available; Sugar quota restrictions and sanctions on mining state business with limited impact
Increase scrutiny of any loan or financial or technical assistance provided for a project in Nicaragua	Limited engagement despite continued lending or disbursement from IMF, World Bank and IADB
Sanctions targeting government officials	44, 22 of which during Biden's administration
Coordinated sanctions with other countries	Few instances, with Canada, the UK, and the EU in two occasions
Release of classified reports on the involvement in corruption of the Ortega family and government officials, as well as Russian activities in Nicaragua	Missing despite available evidence of state capture as per the IMF's definition; On Russia, no proportional response to Nicaragua's provocations
leverage bilateral and regional relationships to reduce the grave human rights violations perpetrated by the Ortega government	Coordination with OAS; Limited engagement with Central American counterparts, which sign loan agreements through their multilateral bank
Reporting and taking action to improve the state of independent media in Nicaragua	No action taken despite widespread use of state own resources to the discredit US

US policy on Haiti is not about authoritarianism nor dictatorship but on a modern form of nation 'saving' and institution building.¹⁰ The priority in Haiti is to focus on a comprehensive national economic stabilization plan, accompanied by the current effort to combat criminal organizations and build elite consensus. The current humanitarian response to deal with food security has the limitation that is not building the much-needed economic infrastructure that Haiti has missed since the fall of Duvalier.

Haitian low productivity and the lack of elite consensus have hampered the country's progress. The former depends on leveraging on those activities that have the largest distributive and more stable impact, family remittances. Remittances are reaching one million households (more than half of all households) and given the current circumstances is important to ensure the safety of the

payment network. Haiti's remittance payment network is led primarily by three private businesses with more than one thousand locations across the country. With continued violence and criminal activity, these mostly bank branch locations will likely fall into problems of bank robbery; and remittance recipient client's safety may be endangered by extortion, or kidnapping. Accelerating the use of digital transactions through a nationwide payment and commerce ecosystem can mitigate personal and financial risk. In turn, it can sustain economic activity and through a more coherent stabilization program including a cash for work program can help economic recovery. The political consensus among elites requires external intervention and one step forward can include a US cosponsored debate over the proposed 'arbitration' approach with a transnational nature to ensure institutional functioning and sustainability.

THREE CAVEATS: SANCTIONS, DIASPORAS, AND THE OAS ENGAGEMENT.

These differentiated steps need to consider leveraging sanctions, the diaspora and the OAS engagement. Unlike some who think that they serve a political behavior modification role, sanctions are only a measure of accountability. The use of international sanctions is becoming widespread as an alternative method of accountability for those who violate human rights, commit international financial crimes, and avoid being held accountable in the judicial system. International sanctions should not be eliminated but their use be aligned with precision, purpose, and proportional response to transgression in a noncooperative environment.

Diaspora engagement is crucial to all these nations. The number of migrants arriving to the US from these countries amounts to nearly four million people. Those who have arrived in the past five years amount to more than 2 million and are the most concerned with what is going on in their homeland. The diaspora in each country has organized to mobilize resources to help their families through remittances but also to push US Congress to increase pressure on these governments. Including the diaspora into a dialogue over political transition

and rebuilding their homelands is an important step to foster dialogue as well as economic recovery.

Finally, with the new US ambassador to the Organization of American States, a regional approach should take prominence in foreign policy leadership to rally support from the region's partners to promote political transitions and end political instability. It is important that the administration revives the normative elements of the OAS democratic charter in order to "stand together in defending against threats from autocracies."

It is important to not give the impression that US policy to the region is avoiding upholding US interests vis-à-vis these dictatorships. Cuba for example has been repressing its population and using migration through Nicaragua to the US as part of a scape valve to deal with its failing economy. Similarly, other countries in Central America have learned from Ortega and are liberally attacking the US and criminalizing democracy. The US cannot politically and morally afford to have four Nicaragua's in the region. Instead, US leadership can restore faith in democracy.

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