

ANNEX 4: State Department Responses to SFRC Questions for the Record

Document 1: State Department Responses – Submitted December 2, 2019

From the SFRC Nomination Hearing of Mr. Stephen Biegun for Deputy Secretary of State, November 20, 2019

Question 228: Over the last few months, there have been a series of “asylum cooperation agreements” that the Department of Homeland Security recently signed with Honduras (September 25, 2019), Guatemala (July 26, 2019) and El Salvador (September 20, 2019). As far as we can determine, none of these agreements have yet been transmitted to Congress, as required by U.S. law, despite the fact that the 60-day window for reporting appears to have passed for the Guatemala agreement. Can you please explain why these congressionally mandated reports have not yet been transmitted, and when we can expect them?

Answer 228: I have had no involvement with these issues in my capacity as Special Representative for North Korea. However, I am advised of the following: Pursuant to 1 U.S.C. § 112b, “the Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter.” The agreements about which you asked did not enter into force immediately upon signature. The Asylum Cooperation Agreement with Guatemala entered into force on November 15, 2019, and will be transmitted to Congress within 60 days of that date. Asylum Cooperation Agreements with El Salvador and Honduras have not entered into force. Should they enter into force in the future, they will be transmitted to Congress within 60 days of the date of their entry into force.

Question 229: Do you commit to transmitting these agreements to Congress?

Answer 229: As indicated in my previous answer, I am advised of the following: The Asylum Cooperation Agreement with Guatemala entered into force on November 15, 2019, and will be transmitted to Congress within 60 days of that date. The Asylum Cooperation Agreements with El Salvador and Honduras have not entered into force. Should they enter into force in the future, they will be transmitted to Congress within 60 days of the date of their entry into force.

Question 230: What is your assessment of security conditions in El Salvador and do you believe the country is able to provide safety and security to asylum seekers if they are sent to El Salvador?

Answer 230: I understand an individual cannot be removed to a country in which the individual would be persecuted or tortured. The Attorney General and the Secretary of Homeland Security must certify that all countries with which the United States signs Asylum Cooperation Agreements, including El Salvador, meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to

implementation of said agreements, including that individuals will have access to a full and fair procedure for adjudicating a claim for asylum or equivalent temporary protection.

Question 231: What is your assessment of the Salvadoran asylum system?

Answer 231: El Salvador has a nascent asylum system. Through its international humanitarian partners, the Department is providing support to help strengthen the capacity of the Salvadoran asylum system to allow migrants seeking protection to receive that protection closer to home. I understand that prior to implementing any Asylum Cooperation Agreements, the Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A), including that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, and that individuals cannot be removed to a country in which the individual would be persecuted.

Question 232: What is your assessment of security conditions in Honduras and do you believe that the country is able to provide safety and security to asylum seekers if they are sent to Honduras?

Answer 232: I understand no individual can be sent to a country in which the individual would be persecuted or tortured. The Attorney General and the Secretary of Homeland Security must certify that Honduras meets the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation of the Asylum Cooperation Agreement, including that individuals will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 233: What is your assessment of the Honduran asylum system?

Answer 233: Honduras has a nascent asylum system. Through its international humanitarian partners, the Department is providing support to help strengthen the capacity of the Honduran asylum system to allow migrants seeking protection to receive that protection closer to home. I understand that prior to implementing any Asylum Cooperation Agreements, the Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A), including that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, and that individuals cannot be removed to a country in which the individual would be persecuted.

Question 234: What is your assessment of security conditions in Guatemala and do you believe that the country is able to provide safety and security to asylum seekers if they are sent to Guatemala?

Answer 234: On November 15, the agreement the United States signed with Guatemala entered into force following certification by the Attorney General and the Secretary of Homeland Security pursuant to 8 U.S.C. § 1158(a)(2)(A) that individuals seeking asylum who are removed

to Guatemala will have access to a full and fair procedure for determining their asylum claim or equivalent protection and following an exchange of diplomatic notes. Individuals who would be persecuted or tortured in Guatemala will not be sent to that country pursuant to this same statutory provision.

Question 235: What is your assessment of the Guatemalan asylum system?

Answer 235: Guatemala and the United States signed an Asylum Cooperation Agreement on July 26. The Attorney General and Secretary of Homeland Security determined that Guatemala's asylum system provides full and fair access to individuals seeking protection, as required by U.S. law, prior to the ACA entering into force on November 15. The first individual was sent to Guatemala under the agreement on November 21. While the ACA is a bilateral agreement, humanitarian assistance efforts funded by the Bureau of Population, Refugees, and Migration complement its implementation through partners like the UN High Commissioner for Refugees and International Organization for Migration. The ACA helps address the humanitarian and security crisis at our southern border, while fulfilling our mandate to provide protection and resolve the plight of persecuted and uprooted people.

Document 2: State Department Responses – Submitted December 23, 2019

From the SFRC Hearing “U.S. Policy in Mexico and Central America: Ensuring Effective Policies to Address the Crisis at the Border,” Assistant Secretary for International Narcotics and Law Enforcement Affairs Kirsten Madison and Acting Assistant Secretary for Western Hemisphere Affairs Michael Kozak, September 25, 2019

Question 7: Please provide a list of all agreements, instruments, and arrangements, binding or non-binding; annexes; appendices; implementation plans, guidance and other related documents that the Trump Administration has signed, agreed to, or otherwise joined with Mexico and the Central American governments so that we can finally get a clear picture of what this Administration is doing in the name of the American people? Please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents).

Answer 7: The Department has provided all relevant agreements under the Case-Zablocki Act and will continue to transmit agreements consistent with the requirements of the Act moving forward. This includes the Joint Declaration and Supplementary Agreement the Department transmitted to the Congress pursuant to the Case Act on August 6, 2019.

Question 8: Please provide a copy of all of these agreements, arrangements, instruments, supplemental agreements, annexes, appendices and implementation plans.

Answer 8: The Department has provided all relevant agreements under the Case-Zablocki Act and will continue to transmit agreements consistent with the requirements of the Act moving forward. This includes the Joint Declaration and Supplementary Agreement the Department transmitted to the Congress pursuant to the Case Act on August 6, 2019. With respect to the Department’s reporting practice with regard to the Case Act, my understanding is that the Department follows the criteria set out at 22 CFR 181.2 in deciding whether any undertaking, oral agreement, document, or set of documents, including an exchange of notes or of correspondence, constitutes an international agreement within the meaning of the Case Act, and that it will continue to do so. These criteria include the identity and intention of the parties; the significance of the arrangement; specificity, including objective criteria for determining enforceability; the necessity for two or more parties; and the form of the instrument.

Question 9: What agreements has the United States Government signed with the Government of El Salvador since January 1, 2017. As the State Department is the lead agency on U.S. diplomacy with foreign governments, please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the

agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents). Please provide a copy of all of these agreements, supplemental agreements, annexes, and implementation plans.

Answer 9: The Asylum Cooperation Agreements with El Salvador has not yet entered into force. Should it enter into force in the future, it will be transmitted to Congress within 60 days of the date of their entry into force. Pursuant to 1 U.S.C. § 112b, “the Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter.”

Question 10: What agreements has the United States Government signed with the Government of Guatemala since January 1, 2017. As the State Department is the lead agency on U.S. diplomacy with foreign governments, please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents). Please provide a copy of all of these agreements, supplemental agreements, annexes, and implementation plans.

Answer 10: The Asylum Cooperation Agreement with Guatemala entered into force on November 15, 2019, and will be transmitted to Congress within 60 days of that date. Pursuant to 1 U.S.C. § 112b, “the Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter.” In addition, the Department of Homeland Security and Guatemala’s Ministry of Government signed a Memorandum of Cooperation (MOC) on May 27, 2019. This MOC describes areas in which the two governments commit to work in good faith to enhance cooperation on border security, training, joint actions to counter illicit flows of people, drugs, and money, and improvements in the identification, administration, and detention of illegal immigrants. For this MOC with Guatemala, I would refer you to the Department of Homeland Security for further information.

Question 11: What agreements has the United States Government signed with the Government of Honduras since January 1, 2017. As the State Department is the lead agency on U.S. diplomacy with foreign governments, please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other

supporting documents). Please provide a copy of all of these agreements, supplemental agreements, annexes, and implementation plans.

Answer 11: The Asylum Cooperation Agreement with Honduras has not entered into force. Should it enter into force in the future, it will be transmitted to Congress within 60 days of the date of their entry into force. Pursuant to 1 U.S.C. § 112b, “the Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter.”

Question 18: What specific steps does the United States want Guatemala to take prior to obligating new U.S. foreign assistance for Guatemala? Has Guatemala taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to Guatemala?

Answer 18: We expect the government of Guatemala to take action to stem irregular migration to the United States, such as combatting migrant smuggling and human trafficking rings, enhancing border security, dissuading its citizens from illegally immigrating, and receiving and reintegrating its returned citizens. Guatemala has taken important steps in this direction in recent weeks, including signing an H2A agreement concerning temporary agricultural workers; an Asylum Cooperation Agreement; a border security arrangement; and a biometrics data sharing arrangement. Providing appropriate assistance to help our counterparts carry out these measures will be part of our strategy and appropriate Congressional consultations and notifications will occur as the strategy is implemented.

Question 22: What specific steps does the United States want Honduras to take prior to obligating new U.S. foreign assistance for Honduras? Has Honduras taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to Honduras?

Answer 22: We expect the government of Honduras to take action to stem migration to the United States, such as combatting migrant smuggling and human trafficking rings, enhancing border security, dissuading its citizens from illegally migrating, and receiving and reintegrating its returned citizens. Honduras has taken important steps in this direction in recent weeks, including signing an Asylum Cooperation Agreement and agreeing to further discussions on additional measures. Providing appropriate assistance to help our counterparts carry out these measures will be part of our strategy and appropriate Congressional consultations and notifications will occur as the strategy is implemented.

Question 25: Did the State Department provide any assessments or evaluations to DHS regarding the capacity of the Salvadoran, Guatemalan, and Honduras migration and asylum systems prior to DHS signing the agreements? If so, what was the content of these assessments or evaluations? How and by who were such assessments and evaluations transmitted to DHS?

Answer 25: I cannot discuss internal and interagency deliberations, nor can I discuss specific documents or communications that are involved in such deliberations.

Question 26: Does the State Department currently assess that the Government of El Salvador has the capacity to receive by asylum seekers that reached the U.S. border? If so, how many asylum seekers does the State Department assess that the Government of El Salvador is capable of receiving back on a monthly basis?

Answer 26: The Attorney General and the Secretary of Homeland Security must certify that these countries meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 27: What is the name of the Salvadoran asylum agency? What is its annual budget? How many employees does it have?

Answer 27: The Commission for Refugee Status (CODER) is responsible for refugee status determinations for the Salvadoran government and is staffed by employees of the Ministry of Foreign Affairs. CODER does not have its own budget.

Question 28: What is the name of the Salvadoran migration agency? What is its annual budget? How many employees does it have?

Answer 28: The Dirección General de Migración y Extranjería is the organization within the Government of El Salvador responsible for migration issues. Pursuant to this question, the Department of State is seeking specific information regarding its budget and staffing but has not received a response at this time.

Question 29: Does the State Department currently assess that the Government of Guatemala has the capacity to receive by asylum seekers that reached the U.S. border? If so, how many asylum seekers does the State Department assess that the Government of Guatemala is capable of receiving back on a monthly basis?

Answer 29: The Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 30: What is the name of the Guatemalan asylum agency? What is its annual budget? How many employees does it have?

Answer 30: The National Commission for Refugees (CONARE) is the Guatemalan agency responsible for asylum issues. It has four participating officials (one from the National Migration Institute (IGM), and one from each of the Ministries of Government, Labor and Social Development, and Foreign Affairs). Currently none of these officials is dedicated to CONARE full-time. CONARE meets to review asylum petitions and submit recommendations to the National Migration Authority (AMN) for final decision. The Office of International Migration Relations (ORMI) has seven full-time employees (three caseworkers, three investigators seconded to CONARE, and one supervisor). They conduct investigations in support of CONARE recommendations. The Department of State has not yet been able to confirm what CONARE's current budget is. With funding from the Department of State's Bureau of Population, Refugees, and Migration (PRM) UNHCR is assisting the government of Guatemala in scaling up its asylum capacity over the coming year.

Question 31: What is the name of the Guatemalan migration agency? What is its annual budget? How many employees does it have?

Answer 31: The Government of Guatemala is currently in the process of institutional reform to strengthen its migration management capabilities. Under the new pending Migration Authority Agreement, the National Migration Authority (AMN), including the National Migration Institute (IGM), was scheduled to move out of the Ministry of Government in August 2019 to become a "decentralized entity." The AMN is composed of representatives from seven governmental institutions: four ministries, the IGM, the Council for Guatemalan Migrants, and the Office of the Vice-President as the head. It does not have its own budgeted staff. The budget for the newly decentralized AMN was still under negotiation as of October 2019.

Question 32: Does the State Department currently assess that the Government of Honduras has the capacity to receive by asylum seekers that reached the U.S. border? If so, how many asylum seekers does the State Department assess that the Government of Honduras is capable of receiving back on a monthly basis?

Answer 32: The Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 33: What is the name of the Honduras asylum agency? What is its annual budget? How many employees does it have?

Answer 33: The Human Rights Management office within the National Migration Institute (INM) manages the process for making asylum determinations within the Government of Honduras. The officers make recommendations to the Commission for the Analysis, Revision, and Dictum on the Status of Refugees. The commission is composed of three members of the Ministry of Justice, Governance and Decentralization and three members of the INM. Additionally, two eligibility officers assist the human rights manager in the presentation of cases to the commission for adjudication. The INM Director signs the final approval to grant asylum. Pursuant to this question, the Department of State is seeking specific information regarding its budget.

Question 34: What is the name of the Honduras migration agency? What is its annual budget? How many employees does it have?

Answer 34: The National Migration Institute (INM) is the umbrella entity within the Government of Honduras covering migration issues. Pursuant to this question, the Department of State is seeking specific information regarding its budget and staffing but has not received a response at this time.

Question 35: To whom, when, and where does this agreement apply?

Answer 35: Guatemala and the United States signed an Asylum Cooperative Agreement on July 26, 2019. The Attorney General and the Secretary of Homeland Security determined that Guatemala's asylum system provides full and fair access to individuals seeking protection, as required by U.S. law, prior to the ACA entering into force on November 15, 2019. The first individual was sent to Guatemala under the agreement on November 21, 2019. While the ACA is a bilateral agreement between the United States and Guatemala, humanitarian assistance efforts funded by the Bureau of Population, Refugees, and Migration complement its implementation through partners like the United Nations High Commissioner for Refugees and the International Organization for Migration. The ACA with Guatemala helps address the humanitarian and security crisis at our southern border, while simultaneously fulfilling our mandate to provide protection and resolve the plight of persecuted and uprooted people.

Question 36: Given known violence and humanitarian concerns in Guatemala, how is this agreement consistent with our international obligations related to asylum seekers and refugees?

Answer 36: On November 15, the agreement the United States signed with Guatemala entered into force following certification by the Attorney General and the Secretary of Homeland Security pursuant to 8 U.S.C. § 1158(a)(2)(A) that individuals seeking asylum who are removed to Guatemala will have access to a full and fair procedure for determining their asylum claim or equivalent protection and following an exchange of diplomatic notes. Individuals who would be persecuted or tortured in Guatemala will not be sent to that country pursuant to this same statutory provision.

Question 37: Given the limitations of Guatemala's existing asylum system, how is the country equipped to process and adjudicate potentially thousands of asylum seekers?

Answer 37: The Department of State's Bureau of Population, Refugees, and Migration (PRM) provided more than \$26 million in humanitarian assistance funding for UNHCR to assist the government of Guatemala in scaling up its asylum capacities over the coming year.

Question 39: What is Guatemala's current capacity for the number of asylum claims it can process annually based on the resources currently budgeted for asylum claims?

Answer 39: Per the response to Question 30, due to the ongoing reorganization of ORMI, the State Department cannot yet provide an accurate estimation of Guatemala's asylum processing capacity at this time. The United States government is actively working with our partners and the Government of Guatemala to better understand its current capacities.

Question 40: In light of the agreement, what is the expected increase in the number of asylum claims in Guatemala, and what amount of additional resources will be required to handle such claims?

Answer 40: The United States and Guatemala have not yet finalized an implementation plan, which would include more details on how both governments plan to implement the ACA. In line with its own strategic priorities and the state-led Comprehensive Regional Protection and Solutions Framework (MIRPS), with humanitarian assistance funding from the Department, UNHCR will support the Guatemalan government to scale up its asylum capacity.

Question 42: Where will asylum seekers sent to Guatemala pursuant to this agreement be located in Guatemala?

Answer 42: The Asylum Cooperation Agreement (ACA) between the U.S. and Guatemala has not yet entered into force. The Department of State, in coordination with the Department of Homeland Security, is actively engaging with the Government of Guatemala to finalize detailed plans for implementation of the agreement.

Question 43: Do you assess that such asylum seekers will be subject to the same crime and insecurity plaguing Guatemala?

Answer 43: The Attorney General and the Secretary of Homeland Security must certify that these countries meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted or tortured for political reasons, and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 44: Does this agreement [the Safe Third Country Agreement with Guatemala] require a rule or further bilateral documents to become effective?

Answer 44: Pursuant to the terms of the Asylum Cooperative Agreement (“ACA”) between the United States and Guatemala, the ACA will enter into force after the parties exchange notes indicating that each has complied with all necessary domestic legal procedures for the ACA to enter into force. As of the date of this hearing, this exchange has not yet occurred and accordingly the agreement has not entered into force. I defer to the Departments of Justice and Homeland Security regarding any need to modify existing regulations to provide for the U.S. implementation of this and any other ACAs that the United States enters into.

Question 45: Given that 8 U.S.C. § 1158(a)(2)(A) states that the designation of a safe third country requires the Attorney General to determine that the “the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection,” will the U.S. Attorney General issue findings regarding the fullness and fairness of Guatemala’s asylum system and, if so, when?

Answer 45: The Attorney General and the Secretary of Homeland Security must both determine that the Guatemalan refugee protection system satisfies the “access to full and fair procedure” requirements of 8 U.S.C. § 1158(a)(2)(A) before the Asylum Cooperative Agreement between the United States and Guatemala enters into force. I defer to the Departments of Justice and Homeland Security as to when they anticipate those determinations will be made.

Question 48: Given known violence and humanitarian concerns in Honduras, how is this agreement consistent with our international obligations related to asylum seekers and refugees?

Answer 48: I understand no individual can be sent to a country in which the individual would be persecuted or tortured. The Attorney General and the Secretary of Homeland Security must certify that Honduras meets the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation of the Asylum Cooperation Agreement, including that individuals will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 49: Given the limitations of Honduras’s existing asylum system, how is the country equipped to process and adjudicate potentially thousands of asylum seekers?

Answer 49: The Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 51: What is Honduras's current capacity for the number of asylum claims it can process annually based on the resources currently budgeted for asylum claims?

Answer 51: The Department is taking steps to consult with our international organization partners and the Government of Honduras in order to verify such information.

Question 52: In light of the agreement, what is the expected increase in the number of asylum claims in Honduras, and what amount of additional resources will be required to handle such claims?

Answer 52: The United States and Honduras have not yet finalized an implementation plan, which would include more details on how both governments plan to implement the ACA. It is expected that the U.S. government will begin working with the Government of Honduras to draft detailed plans for implementation of the agreement in the coming weeks.

Question 55: Do you assess that such asylum seekers will be subject to the same crime and insecurity plaguing Honduras?

Answer 55: The Attorney General and the Secretary of Homeland Security must certify that these countries meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted or tortured for political reasons, and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Question 60: Given known violence and humanitarian concerns in El Salvador, how is this agreement consistent with our international obligations related to asylum seekers and refugees?

Answer 60: Under U.S. law, the ACA requires that DHS and DOJ certify that an asylum seeker has access to full and fair procedures for determining a claim to asylum or equivalent temporary protection in a third country, and that they would not face persecution or torture. We are prepared to work with El Salvador to strengthen its capacity to provide asylum to those who seek it. The Government of El Salvador remains ultimately responsible for addressing crime and insecurity in its country.

Question 61: Given the limitations of El Salvador's existing asylum system, how is the country equipped to process and adjudicate potentially thousands of asylum seekers?

Answer 61: The Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum

or equivalent temporary protection. The United States and El Salvador have not yet finalized an implementation plan, which would include more details on how both governments plan to implement the ACA. We would welcome the opportunity to work with our international partners and the Government of El Salvador to strengthen the capacity of the asylum system.

Question 62: What is your understanding of the resources – financial and personnel – the Government of El Salvador budgets for processing asylum claims?

Answer 62: The Commission for Refugee Status (CODER) is responsible for refugee status determinations for the Salvadoran government and is staffed by employees of the Ministry of Foreign Affairs. CODER does not have its own budget. The Dirección General de Migración y Extranjería is the organization within the Government of El Salvador responsible for migration issues. Pursuant to this question, the Department of State is seeking specific information regarding its budget and staffing but has not received a response at this time.

Question 63: What is El Salvador's current capacity for the number of asylum claims it can process annually based on the resources currently budgeted for asylum claims?

Answer 63: The Department is taking steps to consult with our international organization partners and the Government of El Salvador in order to verify such information.

Question 64: In light of the agreement, what is the expected increase in the number of asylum claims in El Salvador, and what amount of additional resources will be required to handle such claims?

Answer 64: The United States and El Salvador have not yet finalized an implementation plan, which would include more details on how both governments plan to implement the ACA. It is expected that the U.S. government will work with the Government of El Salvador to draft detailed plans for implementation of the agreement.

Question 67: Do you assess that such asylum seekers will be subject to the same crime and insecurity plaguing El Salvador?

Answer 67: The Attorney General and the Secretary of Homeland Security must certify that these countries meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted or tortured for political reasons, and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

Document 3: Revised State Department Responses – Submitted Feb. 14, 2020

From the SFRC Hearing “U.S. Policy in Mexico and Central America: Ensuring Effective Policies to Address the Crisis at the Border,” Assistant Secretary for International Narcotics and Law Enforcement Affairs Kirsten Madison and Acting Assistant Secretary for Western Hemisphere Affairs Michael Kozak, September 25, 2019

El Salvador: QFR info (DGME, CODER, staffing, budgets)

How many cases did El Salvador adjudicate in 2019?

- According to UNHCR, in 2019 four applications from previous years received refugee recognition and 17 cases from previous years were closed. No new cases submitted in 2019 were adjudicated in 2019.

What is El Salvador's asylum capacity?

- El Salvador currently has no full-time staff dedicated to the asylum system, and one part-time caseworker. Based on the current capacity and previous decisions, UNHCR estimates El Salvador can adjudicate five cases per year with its current personnel and resources.
- CODER (Comisión para la Determinación de la Condición de Persona Refugiada, in Spanish) received 415 asylum applications between 2002 and mid-March 2020. They recognized 102, denied 18, found 74 inadmissible, 151 were withdrawn, and 11 were closed without being resolved. 59 are currently pending.
- The Embassy asked but was unable to obtain a capacity estimate from the government.

Does the government itself provide any training for asylum officers in El Salvador?

- UNHCR is working with the government to provide trainings for asylum officers.

How many employees does DGME have?

- The Embassy was unable to get an answer to this question.

CODER Budget

- CODER does not have its own budget.

Coder Structure – Roles and Responsibilities:

- **Secretariat:** The CODER Secretariat, consists of the Ministry of Foreign Affairs (MFA) Director of Legal Affairs and a legal affairs office employee. Both have a variety of other job duties and only work on CODER functions part-time. The Secretariat is responsible for collecting forms and documentation, notifying other

agencies of applicants' need for services as appropriate, providing identification (initially in the form of a certificate stating they are applying for asylum), and doing advocacy and outreach. If a case is deemed admissible, it moves on to asylum adjudication. The Secretariat researches and discusses the cases that have been deemed admissible, providing information to the Subcommittee.

- **Subcommission:** CODER has a four-member Subcommittee with two part-time staff from the MFA (the MFA Director of Human Rights and MFA Director of Humanitarian Affairs) and two part-time staff from the DGME (Director General of Migration and Immigration) and the Department of Justice and Public Safety (DJPS) Legal Director). The Subcommittee uses the information provided by the Secretariat, interviews asylum applicants, and makes a recommendation to the Commission for final decisions.
- **Commission:** The Commission, which makes final decisions, consists of the Minister of Foreign Affairs and the Minister of Justice and Public Safety; the Minister of Foreign Affairs is the presiding official. Appeals are also decided by the Commission, both for admissibility and final asylum decisions.

Asylum Process:

This is how the DGME describes the asylum process:

- Applicant at any land/sea/air port of entry places a claim before the DGME officer.
- DGME Officer notifies CODER.
- CODER has 72 hours to appear at the border and interview the applicant to determine eligibility.
- If the applicant does not have a place to stay in El Salvador, DGME assists in providing shelter at the La Chacra shelter. (PRM note: This is a government-run shelter, primarily for foreign migrants and people without documentation. End note.)
- CODER has 15 days to issue a preliminary determination on the claim.
- The applicant is issued a temporary identification document valid for 30 days until a final decision is made.

This is how CODER describes the asylum process:

- Applications received at the border are interviewed by the Subcommittee within 72 hours to decide initial admissibility.
- Applicants already inside the country have five days from their arrival to apply for asylum with CODER in San Salvador, though this can be waived with an explanation. They are interviewed by the Subcommittee within 20 days to decide initial admissibility.
- Civil society organizations provide shelter, food, legal advice, and may accompany applicants to interviews.
- UNHCR notes that there is a 30-day deadline for the initial review and a three-month period for final adjudication. However, these deadlines are not often met.

Guatemala:

Confirm ORMI's (Oficina de Relaciones Migratorias Internacionales) budget (13k annual)

- Yes, the \$13,000 budget is annual. However, administrative costs, like salaries, come out of a different pool of money.

Does the VP himself need to sign off on all asylum claims? Or just someone from his office?

- The National Migration Authority (Autoridad Migratoria Nacional or ANM) is composed of the heads of seven governmental institutions: the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of Labor and Social Security, the Ministry of Government, the Guatemalan Migration Institute (IGM), the Council for Guatemalan Migrants, and the Vice President. The ANM makes the final decision on refugee status determination (RSD), based on Guatemala's National Commission for Refugees' (CONARE) recommendations. Decisions need to be signed by all seven representatives of the ANM, including the Vice President.

How much of the IGM's budget goes to asylum function?

- The Department was unable to obtain an answer as salaries, building costs, etc. are not broken down for ORMI.

Is the IGM is under Gobernacion?

- Yes, until August 2020.

Confirm understanding that it isn't just one asylum agency, but three different entities that all work on asylum - CONARE, AMN, and ORMI.

- The three institutions are one on top of the other, hierarchically, with CONARE above AMN, which in turn sits above ORMI as part of a single RSD system. Their individual roles are explained below:
- Asylum applications can be presented at border control stations, as well as at the Office for the Assistance and Protection of the Fundamental Rights of Migrants (Subdireccion de Atencion y Proteccion de Derechos Fundamentales de los Migrantes), a unit of the IGM located in Guatemala City. This new office will take over from the ORMI, which was mandated with the same task by a preceding law.
- Asylum-seekers should be interviewed by ORMI in Guatemala City within 15 days of their application. In practice, the time varies greatly and under the current COVID-19 context, it is ranging from 6 to 10 weeks.
- The ORMI/Office for Assistance and Protection transfers all asylum applications and their recommendations as to whether to recognize the asylum-seeker, based on their interview, to the CONARE. The CONARE is composed of three Ministries (Governance, Labor and Foreign Affairs) and the IGM. CONARE issues a positive or negative recommendation on the cases before them.
- The CONARE should send their recommendation on the cases considered to the

- ANM within 30 days of their meeting.
- The ANM is composed of the heads of seven governmental institutions: four Ministries, the IGM, the Council for Guatemalan Migrants and the Vice President. The ANM makes the final decision on RSD, based on the CONARE's recommendations. Decisions need to be signed by all seven representatives of the ANM within 30 days of their meeting.
- The CONARE then notifies the asylum-seeker of the outcome of his/her application. If CONARE issues a negative decision, the applicant has 10 working days to file an appeal/reconsideration to the ANM. ANM has five days to decide on the appeal.

How many asylum claims were presented to the Guatemalan asylums system in 2019?

- In 2019 Guatemala received 495 applications. In 2019, a total of 47 cases were decided on their merits, with 26 cases recognized and 21 cases denied. 65 cases were closed for other reasons.

Of the 31 people UNHCR has helped access the Guatemalan asylum system, how many cases have been adjudicated?

- UNHCR has helped 31 cases access the Guatemalan asylum system, but none have been adjudicated. UNHCR is coordinating with the Ministry of Labor to support all refugees and asylum-seekers who have not been able to renew or apply for work permits during the pandemic. Two individuals have received their work authorization.

Process:

- Applications may be submitted verbally or in writing to:
 - the Direccion General de Migracion (DGM)
 - Border posts (land, air, sea)
 - Policia Nacional Civil (PNC)
- If the application is made at a border post with the DGM, the individual will receive a temporary document. The document has to be renewed every ten days.
- Within ten days, the DGME will inform individual of interview date.
- After the interview, the case is referred to the CONARE, which will review, issue, and inform individuals of the decision.
- If individuals are approved, the DGME will issue a new document recognizing the individuals as refugees.
- Individuals whose applications are denied can appeal to CONARE within five days.
- Appeals are decided by the General Secretariat of the Presidencia de la Republica

Honduras:

What is the INM's (National Migration Institute) annual budget?

- The Department was unable to confirm this information.

How many employees does the INM have?

- There are about 422 employees in INM's "operations area."

Is the INM an independent entity in Honduras?

- The INM is a decentralized entity of the Secretaries of State in the Offices of Governance, Justice and Decentralization with its own legal status and independence in the administrative, labor, functional and financial areas.

What CIRADR (Internal Commission for the Review, Analysis, and Opinion of Refugee Applications) Budget:

- The CIRADR does not have a separate, legally established budget apart from INM.
- CIRADR does not have full-time employees dedicated to refugee issues.

Process:

- The applications must be submitted to INM, which will forward the applications to the central office for resolution.
- Once it has arrived at the main office, the application will be remitted to the Gerencia de Derechos Humanos y Atencion al Migrante to open the file.
- The Gerencia de Derechos Humanos y Atencion al Migrante passes the file on to the Secretary General to put it in the system, assign a number to the file, and issue the authorization of a provisional document that allows the applicant to stay in the country temporarily while the request is being processed. This document serves as identification and it is not an authorization to work in the country.
- The Gerencia de Derechos Humanos y Atencion al Migrante fills out the evaluation form of the case that has the analysis of either inclusion or exclusion, and this is submitted to the CIRADR, which is made up of: the Secretariat of Human Rights; Secretariat of Justice, Government, and Decentralization; National Migration Institute; UNHCR (in an observation capacity); Center for the Promotion and Defense of Human Rights (CIPRODEH); and the Forum for Migration in Honduras (FONAMIH).
- The CIRADR reviews and analyzes the evaluation form filled out by the Gerencia de Derechos Humanos y Atencion al Migrante. CIRADR then provides the corresponding opinion, which is signed by its six members.
- The CIRADR drafts an opinion about the decision, which is signed and then submitted to the General Secretary of INM.
- The INM Secretary General makes the final decision and INM informs individuals of the decision.

- Once an applicant is notified of the positive resolution, the applicant then must get the resolution and pay for its certification. The applicant must then register in the foreign residents registry, which requires another payment, and then they must bring the certification and proof of registration to INM which will then provide the ID card to the refugee.
- The appeal procedure is not clearly demarcated by law, though the Honduran government reports there is an administrative recourse.
- The government has also given complementary protection for humanitarian reasons to applicants.

Does the Gerencia de Derechos Humanos y Atencion al Migrante have any full time staff? What is the Gerencia's budget?

- 17 staff members support Gerencia, though none are full time.
- The personnel assigned to the Human Rights and Migrant Care Agency have various responsibilities, one of which is processing and analyzing the applications of requests for refugee status.
- The annual budget is approximately USD \$220,000. The budget covers the Protection Program of the Human Rights of Migrants and includes the wages and salaries of the personnel assigned to the Agency.

Numbers:

- Since 2014, INM has granted refugee status to 76 people, of whom 56 are still living in Honduras.
- INM received 110 applications for refugee status in 2019. INM approved 46 applications for refugee status, and denied 0 applications in 2019.
- As of March 13, 2020, the INM had received 41 applications for refugee status in 2020. None have been approved or denied.
- INM has a backlog of 124 cases.

Document 4: Revised State Department Responses – Submitted July 9, 2020

From the SFRC Hearing “U.S. Policy in Mexico and Central America: Ensuring Effective Policies to Address the Crisis at the Border,” Assistant Secretary for International Narcotics and Law Enforcement Affairs Kirsten Madison and Acting Assistant Secretary for Western Hemisphere Affairs Michael Kozak, September 25, 2019

Question 7: Please provide a list of all agreements, instruments, and arrangements, binding or non-binding; annexes; appendices; implementation plans, guidance and other related documents that the Trump Administration has signed, agreed to, or otherwise joined with Mexico and the Central American governments so that we can finally get a clear picture of what this Administration is doing in the name of the American people? Please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents).

Answer 7: The Department has provided all relevant agreements under the Case-Zablocki Act and will continue to transmit agreements consistent with the requirements of the Act moving forward. This includes the Joint Declaration and Supplementary Agreement the Department transmitted to the Congress pursuant to the Case Act on August 6, 2019, which is attached.

Question 9: What agreements has the United States Government signed with the Government of El Salvador since January 1, 2017. As the State Department is the lead agency on U.S. diplomacy with foreign governments, please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents). Please provide a copy of all of these agreements, supplemental agreements, annexes, and implementation plans.

Answer 9: The Asylum Cooperation Agreement with El Salvador is attached.

Question 10: What agreements has the United States Government signed with the Government of Guatemala since January 1, 2017. As the State Department is the lead agency on U.S. diplomacy with foreign governments, please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents). Please provide a copy of all of these agreements, supplemental agreements, annexes, and implementation plans.

Answer 10: The Asylum Cooperation Agreement with Guatemala entered into force on November 15, 2019. The Asylum Cooperation Agreement with Guatemala is attached.

Question 11: What agreements has the United States Government signed with the Government of Honduras since January 1, 2017. As the State Department is the lead agency on U.S. diplomacy with foreign governments, please ensure that the list includes agreements signed by the Department of Homeland Security, Department of Justice, Department of Defense, and all of their respective agencies and instrumentalities. Please ensure that the list includes the title of the agreement; the date it was signed; the entities and officials that signed it; and whether the agreement includes any supplemental agreements, annexes or implementation plans (or other supporting documents). Please provide a copy of all of these agreements, supplemental agreements, annexes, and implementation plans.

Answer 11: The Asylum Cooperation Agreement with Honduras is attached.

Question 18: What specific steps does the United States want Guatemala to take prior to obligating new U.S. foreign assistance for Guatemala? Has Guatemala taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to Guatemala?

Answer 18: In October 2019, following demonstrated progress by the Government of Guatemala in addressing irregular migration, the President and the Secretary of State announced the Department's intention to move forward with certain foreign assistance programs. On November 8, 2019, the Department informed Congress of details regarding targeted U.S. foreign assistance funding for El Salvador, Guatemala, and Honduras. The Administration is moving forward with \$143 million in programs for El Salvador, Guatemala, and Honduras, which will support, through implementing partners, those governments' efforts to address issues of forced displacement and irregular migration in the region. Of the \$143 million, approximately \$29.5 million will be for Guatemala, and an additional \$7 million will be dedicated to regional programming. Also, nearly \$39 million was provided in FY 2019 for programming in Guatemala, including support for asylum capacity building, direct humanitarian assistance, and assisted voluntary return activities. Consistent with the President's policy, the Department and USAID are in the process of determining what additional assistance may necessary to support continued progress on decreasing irregular outward migration. We remain optimistic that these governments will take additional actions to further address irregular migration from their countries. The Department and USAID will notify Congress through established procedures of any intent to obligate additional funding for programming in Guatemala.

Question 22: What specific steps does the United States want Honduras to take prior to obligating new U.S. foreign assistance for Honduras? Has Honduras taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to Honduras?

Answer 22: In October 2019, following demonstrated progress by the Government of Honduras in addressing irregular migration, the President and the Secretary of State announced the

Department's intention to move forward with certain foreign assistance programs. On November 8, 2019, the Department informed Congress of details regarding targeted U.S. foreign assistance funding for El Salvador, Guatemala, and Honduras. The Administration is moving forward with \$143 million in programs for El Salvador, Guatemala, and Honduras, which will support, through implementing partners, those governments' efforts to address issues of forced displacement and irregular migration in the region. Of the \$143 million, approximately \$55.7 million will be for Honduras, and an additional \$7 million will be dedicated to regional programming. Consistent with the President's policy, the Department and USAID are in the process of determining what additional assistance may be necessary to support continued progress on decreasing irregular outward migration. We remain optimistic that these governments will take additional actions to further address irregular migration from their countries. The Department and USAID will notify Congress through established procedures of any intent to obligate additional funding for programming in Honduras.

Question 24: The Department of Homeland Security recently signed asylum related agreements with the Governments of El Salvador, Guatemala, and Honduras. Did DHS inform the State Department of its intention to sign these agreements, prior to signing them? If so, when?

Answer 24: Yes. The Department of Homeland Security notified the Department of State it would like to enter into Asylum Cooperative Agreements with the Governments of El Salvador, Guatemala, and Honduras before it pursued formal negotiations. DHS and State worked in tandem during Asylum Cooperative Agreement negotiations with El Salvador, Guatemala, and Honduras.

Guatemala:

- DHS requested authority to negotiate the ACA, which the Department granted on 06/05/2019.
- On 08/08/2019, the Department authorized DHS to sign the ACA.

Honduras:

- DHS requested authority to negotiate the ACA, which the Department granted on 08/14/2019
- On 9/24/2019, the Department authorized DHS to sign the ACA.

El Salvador:

- DHS requested authority to negotiate the ACA, which the Department granted on 08/14/2019.
- On 9/20/2019, the Department authorized DHS to sign the ACA.

Question 25: Did the State Department provide any assessments or evaluations to DHS regarding the capacity of the Salvadoran, Guatemalan, and Honduras migration and asylum systems prior to DHS signing the agreements? If so, what was the content of these assessments or evaluations? How and by who were such assessments and evaluations transmitted to DHS?

Answer 25: DHS did not request the State Department to provide assessments or evaluations of the capacities of the Salvadoran, Guatemalan, and Honduran migration and asylum systems prior

to DHS signing the agreements. U.S. Embassies reported via cable to Washington on country capacities and constraints.

Question 26: Does the State Department currently assess that the Government of El Salvador has the capacity to receive by asylum seekers that reached the U.S. border? If so, how many asylum seekers does the State Department assess that the Government of El Salvador is capable of receiving back on a monthly basis?

Answer 26: The Attorney General and the Secretary of Homeland Security must certify that these countries meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection. We are aware the government of El Salvador hosted a total of 66 asylum seekers and refugees in 2018. Of those, 31 were new asylum cases; 28 were granted refugee status and 3 were denied. The Salvadoran Commission for the Recognition of Refugee Status (CODER) is required by domestic law to complete processing in three months, although there have sometimes been delays due to staffing constraints that result in processing times as long as eight months. Separately, but complementary to the ACA, in 2020, in support of El Salvador's goal to bolster its protection capacity under the Comprehensive Regional Protection and Solutions Framework (MIRPS, for its acronym in Spanish), international humanitarian organizations, with PRM contributions, will work to increase the capacity and efficiency of El Salvador's asylum system as well as humanitarian assistance for and integration of IDPs, asylum seekers, refugees, and stateless persons.

Question 27: What is the name of the Salvadoran asylum agency? What is its annual budget? How many employees does it have?

Answer 27: The Commission for the Recognition of Refugee Status (CODER) is responsible for refugee status determinations for the Salvadoran government and is staffed by employees of the Ministry of Foreign Affairs. CODER falls under the Ministry of Foreign Affairs and does not have its own budget. CODER and the Ministry of Foreign Affairs provides final approval on asylum applications.

Question 28: What is the name of the Salvadoran migration agency? What is its annual budget? How many employees does it have?

Answer 28: The Dirección General de Migración y Extranjería is the organization within the Government of El Salvador responsible for migration issues. Pursuant to this question, the Department of State is seeking specific information regarding its budget and staffing but has not received a response at this time.

Question 29: Does the State Department currently assess that the Government of Guatemala has the capacity to receive by asylum seekers that reached the U.S. border? If so, how many asylum

seekers does the State Department assess that the Government of Guatemala is capable of receiving back on a monthly basis?

Answer 29: The Morales administration stated a capacity to process up to 135 ACA transferees a day at the airport reception center. In practice, far fewer have been transferred. Furthermore, in practice, the government has not provided assistance beyond legal status to transferees and has relied on international humanitarian organizations to provide shelter, transportation, and protection counseling, and assisted voluntary return, in line with their humanitarian mandates. The Department has been encouraging the new government to more fulsomely support transferees. The Department has assessed that current shelter and processing capacity for ACA transferees through international organizations is 50 people per night. Separately but complementary to the ACA, in support of the government of Guatemala's commitments under MIRPS, the government continues to work with international humanitarian organizations to bolster its capacity to provide protection, humanitarian assistance, and integration.

Question 30: What is the name of the Guatemalan asylum agency? What is its annual budget? How many employees does it have?

Answer 30: The National Commission for Refugees (CONARE) is the Guatemalan agency responsible for asylum issues. It has four participating officials (one from the National Migration Institute [IGM], and one from each of the Ministries of Government, Labor and Social Development, and Foreign Affairs). Currently none of these officials is dedicated to CONARE full-time. CONARE meets to review asylum petitions and submit recommendations to the National Migration Authority (AMN) for final decision. The Office of International Migration Relations (ORMI) has seven full-time employees (three caseworkers, three investigators seconded to CONARE, and one supervisor). They conduct investigations in support of CONARE recommendations. Separately but complementary to ACA, with funding from State/PRM, international humanitarian organizations are assisting the government of Guatemala in scaling up its asylum capacity, humanitarian assistance, and integration response, over the coming year through MIRPS.

Question 31: What is the name of the Guatemalan migration agency? What is its annual budget? How many employees does it have?

Answer 31: The Government of Guatemala is currently in a process of institutional reform aimed at strengthening its migration management capabilities. Under its new pending Migration Authority Agreement (an intra-Guatemala instrument), the National Migration Authority (AMN), including the National Migration Institute (IGM), was scheduled to move out of the Ministry of Government in August 2019 to become a "decentralized entity." The AMN is composed of representatives from seven governmental institutions: four ministries, the IGM, the Council for Guatemalan Migrants, and the Office of the Vice-President as the head. It does not have its own budgeted staff. The budget for the newly decentralized AMN was still under negotiation as of October 2019.

Question 32: Does the State Department currently assess that the Government of Honduras has the capacity to receive asylum seekers that reached the U.S. border? If so, how many asylum seekers does the State Department assess that the Government of Honduras is capable of receiving back on a monthly basis?

Answer 32: The Attorney General and the Secretary of Homeland Security must certify that a country meets the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation, including that individuals cannot be removed to a country in which the individual would be persecuted and that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection. The Honduran government has indicated a capacity to process and shelter up to twelve ACA transferees every eight days in the initial phase, using its existing resources. The government has also signaled a willingness to expand that capacity. Separately and complementary to ACA, with funding from State/PRM, international humanitarian organizations are assisting the government of Honduras in scaling up its asylum capacity, better address the needs of IDPs, and providing humanitarian assistance over the coming year through MIRPS.

Question 33: What is the name of the Honduras asylum agency? What is its annual budget? How many employees does it have?

Answer 33: The Human Rights Management office within the National Migration Institute (INM) manages the process for making asylum recommendations within the Government of Honduras. The officers conduct research and submit case files to the Commission for the Analysis, Revision, and Dictum on the Status of Refugees. The commission is composed of three members of the Ministry of Justice, Governance and Decentralization and three members of the INM. Additionally, two eligibility officers assist the human rights manager in the presentation of cases to the commission for recommendation. The Commission submits cases with an accompanying recommendation to the INM General Secretariat for final approval to grant asylum. Pursuant to this question, the Department of State is seeking specific information regarding its budget.

Question 34: What is the name of the Honduras migration agency? What is its annual budget? How many employees does it have?

Answer 34: The National Migration Institute (INM) is the umbrella entity within the Government of Honduras covering migration issues. Pursuant to this question, the Department of State is seeking specific information regarding its budget and staffing but has not received a response at this time.

Question 40: In light of the agreement, what is the expected increase in the number of asylum claims in Guatemala, and what amount of additional resources will be required to handle such claims?

Answer 40: The United States and Guatemala have not yet finalized an implementation plan, which will include more details on how both governments plan to implement the ACA. As of January 21, ICE reports that there have been 235 Honduran and Salvadoran nationals transferred to Guatemala under the Asylum Cooperative Agreement (ACA). The first flight was on November 21, 2019. Of the 235, 144 were Honduran nationals and 91 were Salvadoran nationals. While the Department is unable to assess the extent to which the number of asylum claims in Guatemala will increase under the ACA in the future, the increase thus far has been small. As of January 21, only two ACA transferees are pursuing asylum claims in Guatemala. Separately but complementary to the ACA, in line with its own strategic priorities and the stated MIRPS framework, with humanitarian assistance funding from State/PRM, international humanitarian organizations are supporting the Guatemalan government scale up its asylum capacity, humanitarian assistance, and integration.

Question 42: Where will asylum seekers sent to Guatemala pursuant to this agreement be located in Guatemala?

Answer 42: Individuals are transferred to Guatemala City.

Question 43: Do you assess that such asylum seekers will be subject to the same crime and insecurity plaguing Guatemala?

Answer 43: The Government of Guatemala has the ultimate responsibility for addressing generalized crime and insecurity in Guatemala. In the absence of the government fully providing protection, international humanitarian organizations have provided humanitarian assistance and a level of protection, counseling and monitoring in Guatemala, including shelter and legal counseling.

Question 47: To whom, when, and where does this agreement apply?

Answer 47: The United States and Honduras signed an Asylum Cooperative Agreement on September 25, 2019. When it enters into force, the agreement will allow the United States to transfer third country nationals who wish to seek asylum or other forms of protection to Honduras to access the Honduran government's protection system. The agreement has not yet entered into force and is pending DHS and DOJ full and fair determination and a final Joint Implementation Plan and annexes, which are required for this agreement.

Question 49: Given the limitations of Honduras's existing asylum system, how is the country equipped to process and adjudicate potentially thousands of asylum seekers?

Answer 49: The Honduran government has committed to expanding its asylum system through the ACA. The Honduran government is also in communication with DHS and State regarding its current reception capacity to ensure that the number of transfers are appropriately calibrated.

Separate and complementary to the ACA, the Honduran government made commitments to expand protection, humanitarian assistance, integration, and its asylum system through the MIRPS. International humanitarian partners are prepared to assist the government fulfill this its commitments under MIRPS. Government discussions with humanitarian organizations are ongoing about the best way to do so.

Question 51: What is Honduras's current capacity for the number of asylum claims it can process annually based on the resources currently budgeted for asylum claims?

Answer 51: According to the National Migration Institute, Honduras typically processes 30-40 cases per year. In 2018, Honduras received 84 new asylum applications.

Question 61: Given the limitations of El Salvador's existing asylum system, how is the country equipped to process and adjudicate potentially thousands of asylum seekers?

Answer 61: The United States and El Salvador have not yet finalized an implementation plan, which would include more details on how both governments plan to implement the ACA. The Department will work with the Government of El Salvador and DHS to calibrate the number of transferees with El Salvador's capacity. Separate and complementary to the ACA, the government of El Salvador government made commitments to expand protection, humanitarian assistance, integration, and its asylum system through the MIRPS. International humanitarian partners are prepared to assist the government fulfill this its commitments under MIRPS. Government discussions with humanitarian organizations are ongoing about the best way to do so.