

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

18 March 2013

**ZZZ104337.E**

Honduras and United States: Information on Honduran asylum seekers in the United States; statistics on the number of Hondurans granted asylum or deported from the United States; programs regularizing the situation of Hondurans with irregular status (2004-2012)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Hondurans Claiming Asylum in the United States

According to the website of the US Citizenship and Immigration Services (USCIS), there are two ways to obtain asylum in the US: affirmatively and defensively (US 10 Mar. 2011). In order to obtain asylum through affirmative process, an individual must be physically present in the US, regardless of how he or she arrived in the US and regardless of the individual's immigration status (*ibid.*). Applications for affirmative asylum are submitted to the USCIS (*ibid.*). Defensive applications for asylum are processed by the Executive Office for Immigration Review when asylum is requested as a "defense against removal from the US" (*ibid.*).

#### 1.1 Affirmative Asylum Claims

Statistics from the US Department of Homeland Security for Honduran nationals making affirmative asylum claims in the years 2004 to 2010 indicate the following:

Fiscal Year	2004	2005	2006	2007	2008	2009	2010
Granted asylum	5	16	26	19	22	38	52

(US Sept. 2012, 44)

Information on the total number of affirmative asylum claims made by Honduran nationals and the number of those claims that were denied could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 1.2 Defensive Asylum Claims

Statistics from the US Department of Justice on defensive asylum claims received by immigration courts from Honduran nationals for the years 2008 to 2012 indicate the following:

Fiscal Year	2004 (US Apr. 2008)	2005 ( <i>ibid.</i> )	2006 ( <i>ibid.</i> )	2007 ( <i>ibid.</i> )	2008 ( <i>ibid.</i> Feb. 2013a)	2009 ( <i>ibid.</i> Feb. 2013b)	2010 ( <i>ibid.</i> Feb. 2013c)	2011 ( <i>ibid.</i> Feb. 2013d)	2012 ( <i>ibid.</i> Feb. 2013e)
Received	722	863	1,119	1,212	962	1,037	1,079	1,254	1,257
Granted	46	67	66	84	73	47	65	72	93
Denied	237	329	423	462	377	401	365	464	429

Fiscal Year	2004 (US Apr. 2008)	2005 (ibid.)	2006 (ibid.)	2007 (ibid.)	2008 (ibid. Feb. 2013a)	2009 (ibid. Feb. 2013b)	2010 (ibid. Feb. 2013c)	2011 (ibid. Feb. 2013d)	2012 (ibid. Feb. 2013e)
Abandoned	55	49	68	88	93	76	49	54	65
Withdrawn	100	139	133	160	127	116	134	137	158
Other	190	164	194	250	248	232	234	287	508

The US Department of Justice indicates that the category "Other" refers to other ways of asylum completions, such as "change of venue to another court" or granting of "another type of relief besides asylum" (ibid. Feb. 2012, K1).

## 2. Deportation of Hondurans

A report from the Office of Immigration Statistics provides information on the number of Hondurans removed from the US for the years 2004 to 2011:

Fiscal Year	2004	2005	2006	2007	2008	2009	2010	2011
Total	8,752	15,572	27,060	29,737	28,885	27,290	25,131	21,963
Criminal	2,544	2,704	5,752	5,236	5,476	6,998	10,420	10,801
Non-Criminal	6,208	12,868	21,308	24,501	23,409	20,292	14,711	11,162

(ibid. Sept. 2012, 107, 110, 113)

According to the report, "criminal" refers to individuals who have a "prior criminal conviction" (ibid., 114 note 1).

In correspondence with the Research Directorate, a representative of the Office of the National Commissioner for Human Rights (Comisionado Nacional de los Derechos Humanos, CONADEH) of Honduras sent statistics on the number of Hondurans deported from the US, which were supplied by the Centre for Returned Migrants (Centro de Atención al Migrante Retornado) and which differ from the US government figures:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total	9,350	18,941	24,643	29,348	30,018	25,101	22,878	22,448	24,335

(CONADEH 12 Mar. 2013)

The Centre for Returned Migrants promotes human rights and provides assistance to returned migrants in Honduras (CONEANFO May 2012).

## 3. Temporary Protected Status for Hondurans in the United States

Honduras was designated for Temporary Protected Status (TPS) on 5 January 1999 (US 20 Nov. 2012; ibid. 4 Nov. 2011b). TPS for Hondurans was extended until 5 July 2013 (ibid. 4 Nov. 2011a; ibid. 20 Nov. 2012). According to the website of the USCIS,

[t]he Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. Eligible individuals without nationality who last resided in the designated country may also be granted TPS. (ibid. 9 Jan. 2013)

The USCIS explains that TPS beneficiaries

- are not removable from the US;
- can obtain an employment authorization document (EAD);
- may be granted travel authorization; and
- cannot be detained by the Department of Homeland Security (ibid.).

In order to qualify for TPS, an applicant must

- file an application during initial registration or re-registration period, or meet the requirements for late initial filing during any extension of country's TPS designation (ibid.);
- have been continuously residing in the US since 30 December 1998 (ibid. 20 Nov. 2012);

- have been continuously physically present in the US since 5 January 1999 (ibid.).

USCIS notes that the "law allows an exception to the continuous physical presence and continuous residence requirements for brief, casual and innocent departures from the United States" (ibid. 9 Jan. 2013). The exceptions are determined by USCIS when applicants submit their TPS applications (ibid.).

Further information on the number of approved or rejected TPS applications and programs to regularize the situation of Hondurans with irregular status in the United States could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Comisionado Nacional de los Derechos Humanos (CONADEH). 12 March 2013. Correspondence sent to the Research Directorate by a representative.

Comisión Nacional para el Desarrollo de la Educación Alternativa no Formal (CONEANFO). May 2012. "Centro de Atención al Migrante Retornado, CAMR." <<http://www.coneanfo.org/?art=1367&title=Centro%20de%20Atenci%20al%20Migrante%20Retornado>> [Accessed 12 Mar. 2013]

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## Additional Sources Consulted

**Oral sources:** Attempts to contact representatives or academics at the following organizations were unsuccessful: Comisión Nacional de los Derechos Humanos in Tegucigalpa, Embassy of the United States in Ottawa, United Nations office in Tegucigalpa.

**Internet sites, including:** Amnesty International; Center for Comparative Immigration Studies, University of California; Centro de Atención al Migrante Retornado, Honduras; Comisionado Nacional de los Derechos Humanos; Comisión Nacional para el Desarrollo; Factiva; Freedom House; *Global Post*; *Huffington Post*; Human Rights Watch; Immigration Policy Center; InSight – Organized Crime in the Americas; International Organization for Migration; *Los Angeles Times*; Migration Policy Institute; Minority Rights Group International; Nation Master; NBC News; *The New York Times*; *Racism Review*; Refugee Forum, University of Ottawa; United Nations – Refworld, UN High Commissioner for Refugees; *USA Today*; Unites States – Department of Homeland Security Customs and Border Protection, Department of Homeland Security Immigration and Customs Enforcement, Department of State, embassies of the United States in Ottawa and Tegucigalpa.

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