

# ENTERING THE UNITED STATES: THE DIFFERING VIEWS FROM THE NORTHERN TRIANGLE, CUBA AND PUERTO RICO

HERIBERTO FERNANDEZ\*

## I. BACKGROUND.

The differences in political behavior and priorities of the ethnic groups that form the United States (“U.S.”) can prevent political parties and other organizations from effectively engaging each group. This principle is confirmed by an analysis of the migratory experience and political behavior of different ethnic communities residing within the U.S.

This paper will explore the experiences individuals from El Salvador, Guatemala and Honduras, known as “The Northern Triangle”, Cuba, and Puerto Rico,<sup>285</sup> have migrating to the U.S. It will also consider the effects that U.S. law and policy have, and discuss the political behavior and leanings of their communities once inside the U.S.

All of these nations share a common history that includes Spanish colonization.<sup>286</sup> The Spanish conquest of the Northern Triangle countries started in the early 16<sup>th</sup> century, and by the mid-16<sup>th</sup> century, most of what is today El Salvador, Guatemala, and Honduras was under the jurisdiction of the Audiencia de Guatemala, an administrative body established by the Spaniards.<sup>287</sup>

---

\* Juris Doctor Candidate, South Texas College of Law Houston, 2020.

<sup>285</sup> Jon Greenberg, *Migrants at the Southwest Border: The Northern Triangle Nations*, POLITIFACT (July 2, 2018, 11:46 AM), <https://www.politifact.com/truth-o-meter/article/2018/jul/02/migrants-southwest-border-northern-triangle-nation/> [http://perma.cc/5V6V-C2B9].

<sup>286</sup> Guatemala, Audiencia of, ENCYCLOPEDIA OF LATIN AMERICAN HISTORY AND CULTURE, *Encyclopedia.com* (last visited 25 May. 2019), <https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/guatemala-audiencia> [http://perma.cc/HYT7-3PFI].

<sup>287</sup> *Id.*

During the early 17<sup>th</sup> century, this area and neighboring Mexico gained independence from Spanish rule.<sup>288</sup> A short-lived Central American Federation followed the liberation from Spain and, subsequently, from Mexico, but the three countries eventually asserted their sovereign powers by the mid-19<sup>th</sup> century.<sup>289 290 291</sup>

Puerto Rico was settled by the Spaniards in 1508 and remained under Spanish control until 1898.<sup>292</sup> On December 10, 1898 the signing of the Treaty of Paris meant not only the end of the Spanish-American war, but that Puerto Rico became a possession of the U.S.<sup>293</sup>

The first Spanish settlement in Cuba, Baracoa, was founded in 1512.<sup>294</sup> By 1898, Cuba gained its independence from Spain, and eventually it became a republic in 1902.<sup>295</sup> Cuba also shares, with Puerto Rico and the Northern Triangle, a history of centuries spent under Spanish control.

The experience an individual from each of these three regions has entering the U.S. will influence what the local communities, formed by these immigrants, will prioritize politically. For the Hispanic community in the U.S.,

---

<sup>288</sup> *Id.*

<sup>289</sup> The Editors of Encyclopaedia Britannica, *United Provinces of Central America*, ENCYCLOPEDIA BRITANNICA (Feb. 28, 2019), <https://www.britannica.com/place/United-Provinces-of-Central-America> [http://perma.cc/PX7J-XMQH].

<sup>290</sup> *Supra* note 2.

<sup>291</sup> David Bushnell & Ralph Lee Woodward, *Central America: The Habsburg period (1524–1700)*, ENCYCLOPEDIA BRITANNICA (Dec. 20, 2018), <https://www.britannica.com/place/Central-America/The-Habsburg-period-1524-1700#ref40852> [http://perma.cc/2JKY-2M3J].

<sup>292</sup> Thomas G. Mathews, et al, *Puerto Rico – History*, ENCYCLOPEDIA BRITANNICA (May 18, 2019), <https://www.britannica.com/place/Puerto-Rico/History> [http://perma.cc/MS92-65RB].

<sup>293</sup> Treaty of Peace between the United States of American and the Kingdom of Spain, Dec. 10, 1898, 30 Stat. 1754; TS 343; 11 Bevans 615 (commonly known as the Treaty of Paris).

<sup>294</sup> The Editors of Encyclopaedia Britannica, *Baracoa: Cuba*, ENCYCLOPEDIA BRITANNICA (last updated Dec. 03, 2018), <https://www.britannica.com/place/Baracoa> [http://perma.cc/UDD3-RHZZ].

<sup>295</sup> The Editors of Encyclopaedia Britannica, *Cuban Independence Movement*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/event/Cuban-Independence-Movement> [http://perma.cc/PNE3-FL6X].

this means differences in political behavior and motivations that political parties should consider when attempting to reach out to each of these communities. Subsequently, U.S. law and its treatment of immigrants is entrenched into their communities and affects their political motivations and behavior.

## II. ENTERING THE UNITED STATES.

### *A. Northern Triangle experience.*

In 2015, 3.4 million individuals born in the Northern Triangle were present in the U.S., and 1.9 million of these individuals were inside the country without documentation.<sup>296</sup> Natives or nationals of Guatemala, Honduras, and El Salvador who want to immigrate to the U.S. without a visa frequently make their way to the southwest border.

In Fiscal Year (“FY”) 2018, the U.S. awarded 32,169 immigrant visas to individuals from the Northern Triangle.<sup>297</sup> Immediate Relative visas accounted for 61% of the visas awarded to individuals from this region, and Family Presence visas made up another 38%.<sup>298</sup> A combined total of forty-six Diversity visas were awarded to individuals from Honduras and Guatemala, and none were awarded to persons from El Salvador.<sup>299</sup>

Non-Immigrant visas, allowing a temporary presence inside the U.S., are awarded in larger numbers than immigrant visas to nationals from the Northern Triangle. In FY 2018, 127,209 non-immigrant visas were awarded, a decrease

---

<sup>296</sup> Rocio Cara Labrador, et al, *Central America’s Violent Northern Triangle*, COUNCIL ON FOREIGN RELATIONS (last updated June 26, 2018), <https://www.cfr.org/background/central-americas-violent-northern-triangle> [http://perma.cc/SFY2-J75B].

<sup>297</sup> U.S. Dep’t of State, *Table III: Immigrant Visas Issued (by Foreign State of Chargeability or Place of Birth): Fiscal Year 2018*, IN REPORT OF THE VISA OFFICE 2018, <https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2018AnnualReport/FY18AnnualReport%20-%20TableIII.pdf> [http://perma.cc/T6WT-PV4Z].

<sup>298</sup>*Id.*

<sup>299</sup> *Id.*

from the 155,710 granted in 2017.<sup>300</sup> Non-immigrant visas awarded to Hondurans were responsible for the drop, year-over-year, as the total decreased by 40% in 2018.<sup>301</sup>

The estimated millions of undocumented immigrants from the Northern Triangle currently in the U.S. are a combination of visa overstays and those who entered without any documentation. In FY 2017, the U.S. government estimated there were 10,268 B1 or B2 in-country-visa-overstays from the Northern Triangle, with Guatemalans accounting for 40% of those estimated overstays.<sup>302</sup>

There is no exact measure as to how many individuals make the journey annually from the Northern Triangle to the U.S. southwest border. In 2018, a total of 225,572 individuals from the region were apprehended by the U.S. Customs and Border Protection (“CBP”).<sup>303</sup> Ninety-nine percent of those apprehensions took place at the southwest border.<sup>304</sup> The 2018 total reflects an increase of more than 400% from those apprehended in 2007.<sup>305</sup> However, 808,688 Mexicans were apprehended in 2007 but that number dropped to 155,452 in 2018.<sup>306</sup>

In 2018, the CBP reported that 38,189 unaccompanied alien children

---

<sup>300</sup> U.S. Dep’t of State, *Table XVIII: Nonimmigrant Visas Issued by Nationality (Including Border Crossing Cards) Fiscal Years 2009-2018*, IN REPORT OF THE VISA OFFICE 2018, <https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2018AnnualReport/FY18AnnualReport%20-%20TableXVIII.pdf> [<http://perma.cc/2NTR-2YNG>].

<sup>301</sup> *Id.*

<sup>302</sup> U.S. Dep’t of Homeland Security, *Table 3: Non-VWP Country B1/B2 Overstay Rates*, IN FISCAL YEAR 2017: ENTRY EXIT OVERSTAY REPORT, Oct. 2017, at 15, [https://www.dhs.gov/sites/default/files/publications/18\\_0807\\_S1\\_Entry-Exit-Overstay\\_Report.pdf](https://www.dhs.gov/sites/default/files/publications/18_0807_S1_Entry-Exit-Overstay_Report.pdf) [<http://perma.cc/QA72-P2E6>].

<sup>303</sup> U.S. Customs and Border Protection, U.S. BORDER PATROL NATIONWIDE APPREHENSIONS BY CITIZENSHIP AND SECTOR FYS 07-18, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/BP%20Apps%20by%20Sector%20and%20Citizenship%20FY07-FY18.pdf>, (last visited May 26, 2019) [<http://perma.cc/7685-QWNB>].

<sup>304</sup> *Id.* at 35-36.

<sup>305</sup> *Id.* at 1-2.

<sup>306</sup> *Id.* at 1-2, 35-36.

from the Northern Triangle were apprehended at the southwest border.<sup>307</sup> Fifty-eight percent of the unaccompanied children were from Guatemala, 29% were from Honduras and the remaining 13% were from El Salvador.<sup>308</sup>

For the thousands that make the trip from the Northern Triangle up through Mexico to the U.S. border every year, the experience can consist of a series of physical, mental and emotional challenges. As chronicled in a recent *New York Times* article, a young man from El Salvador can take a route through Guatemala and Mexico via human smuggling networks.<sup>309</sup> He must pay these smugglers by selling personal assets, tapping into personal savings, or with money sent from family abroad.<sup>310</sup>

This contract entered into with the smugglers does not have the best warranties. This young man from was at risk of running into cartels in Mexico, stayed at sometimes unsanitary buildings and did not have reliable medical attention during his trip.<sup>311</sup> His family in the U.S. was in frequent communication via cellphone with him as he made his way north, through Mexico.<sup>312</sup>

This cellphone provided a link for family members to stay abreast of his movements and ensured that his uncle could locate him, confirm that he was alive and also aided in scheduling a series of payments made to the smugglers at different points of the journey.<sup>313</sup>

Throughout the journey, he reported fearing for his life and that he was

---

<sup>307</sup> U.S. Dep't of Homeland Security, *U.S. Border Patrol Nationwide Apprehensions by Sector FY 2017*, Department of Homeland Security (last modified Feb. 11, 2019), <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions-fy2017> [http://perma.cc/UP9U-TLPQ].

<sup>308</sup> *Id.*

<sup>309</sup> Nicholas Kulish, *What it Costs to be Smuggled across the U.S. Border*, NY TIMES (June 30, 2018), <https://www.nytimes.com/interactive/2018/06/30/world/smuggling-illegal-immigration-costs.html> [http://perma.cc/5ZA2-KR3B].

<sup>310</sup> *Id.*

<sup>311</sup> *Id.*

<sup>312</sup> *Id.*

<sup>313</sup> *Id.*

unable to remain calm during certain parts of the trip.<sup>314</sup> He feared running the fate of friends who had been hurt or raped while trying to make it to the U.S. border.<sup>315</sup> At other times, he had to hide in buses and tractor-trailers to avoid authorities in Mexico.<sup>316</sup>

In Mexico, the ultimate destination for the thousands attempting to cross the southwest border, it is reported that police officials can be bribed at different points of the journey.<sup>317</sup> If the bribe is not paid, officials will impede the individuals from reaching the border.<sup>318</sup> This type of activity further undermines the safety of the immigrant.

The reality of the trip up north does not spare women or children. A 2013 photo essay featured in *The Atlantic* documented the experience of Elvira Lopez, a Guatemalan woman making the journey to the U.S.<sup>319</sup> The 22-year old had fallen asleep while on top of a train when a tree branch knocked her off.<sup>320</sup> The fall led to the amputation of her right leg and caused her to spend months convalescing in a shelter in Tapachula, Mexico.<sup>321</sup> The shelter is funded by donations and tries to help wounded immigrants, like Lopez, obtain prosthetics.<sup>322</sup>

The photo essay also chronicled the story of Daniela, a twenty-year-old transgender, Honduran immigrant.<sup>323</sup> Daniela was staying at a shelter in Ixtepec,

---

<sup>314</sup> *Id.*

<sup>315</sup> *Id.*

<sup>316</sup> *Id.*

<sup>317</sup> *Id.*

<sup>318</sup> Molly Hennessy-Fiske, *Migrants say Border Agents Wants Bribes*, VALLEY NEWS (Nov. 22, 2018), <https://www.vnews.com/Asylum-seekers-blocked-at-Texas-border-bridges-say-Mexican-officials-are-demanding-money-to-let-them-pass-21725151> [http://perma.cc/C6JH-375R].

<sup>319</sup> Alan Taylor, *An Immigrant's Journey*, THE ATLANTIC (Aug. 13, 2013), <https://www.theatlantic.com/photo/2013/08/an-immigrants-journey/100573/> [http://perma.cc/V3NQ-YNJ6].

<sup>320</sup> *Id.*

<sup>321</sup> *Id.*

<sup>322</sup> *Id.*

<sup>323</sup> *Id.*

as she waited for Mexican authorities to process documents that would allow her to take a bus to the U.S. border.<sup>324</sup> The bus ride was a safer alternative for her, compared to the freight trains, for moving further north.<sup>325</sup>

Once inside the U.S., some undocumented individuals from the Northern Triangle will be taken by human smugglers to specific locations. On May 23, 2018, eighty-six undocumented immigrants, including four children, were found by police inside an eighteen-wheeler near Raymondville, Texas suffering from dehydration.<sup>326</sup> Individuals from the Northern Triangle countries made up part of this particular immigrant group along with individuals from Mexico and Nicaragua.<sup>327</sup>

On July 23, 2017, thirty-nine immigrants were found inside a tractor-trailer in San Antonio, Texas.<sup>328</sup> Ten immigrants died and the survivors detailed the terrible heat they endured inside the trailer.<sup>329</sup> The police investigation revealed the immigrants, some from Guatemala and El Salvador, had entered the U.S. through the southwest border in different groups and were crammed inside the trailer to be transported covertly to a destination.<sup>330</sup>

Those immigrants who are apprehended trying to cross the border can win parole and be allowed into the U.S. if they meet certain asylum and refugee criteria.<sup>331</sup> In FY 2018, 6,240 asylum decisions were made on applications filed by Hondurans, 8,232 on applications brought by Salvadorans, and on 6,052 filed

---

<sup>324</sup> *Id.*

<sup>325</sup> *Id.*

<sup>326</sup> Fernando del Valle, *86 Immigrants Found in Trailer Near Raymondville*, THE MONITOR (May 23, 2018), <https://www.themonitor.com/2018/05/23/86-immigrants-found-in-trailer-near-raymondville/> [http://perma.cc/XGQ5-JPHB].

<sup>327</sup> *Id.*

<sup>328</sup> CBS AP, *At Least 9 Dead in Immigrant-Smuggling Attempt in San Antonio*, CBS NEWS (July 23, 2017 at 7:37 AM), <https://www.cbsnews.com/news/walmart-immigrant-smuggling-san-antonio-several-dead-bodies-found-trailer/> [http://perma.cc/V7DJ-DKJC].

<sup>329</sup> *Id.*

<sup>330</sup> *Id.*

<sup>47</sup> U.S. Dep't of Homeland Security, *Asylum*, (last reviewed/updated on Nov. 12, 2015), <https://www.uscis.gov/humanitarian/refugees-asylum/asylum> [http://perma.cc/S29W-AR6K].

by Guatemalans.<sup>332</sup> Salvadorans were granted asylum at rate of 23.5%, higher than the 21.2% for Hondurans and 18.8% for Guatemalans.<sup>333</sup>

Defensive Asylum cases filed by individuals from the Northern Triangle totaled 76,328 in 2017, an increase from the 29,506 applications filed in 2014.<sup>334</sup> Affirmative Asylum cases filed by individuals from the Northern Triangle increased from 20,557 in 2015 to 31,066 in 2017.<sup>335</sup>

Eventually, the individual or family will settle in a community with family members or near a labor source. In 2012, the Houston area was home to 180,000 individuals born in the Northern Triangle.<sup>336</sup> Between 2000 and 2012, the Honduran foreign-born population in the area grew by 132% and the Guatemalan by 130%, the largest for any immigrant group during that time period.<sup>337</sup> El Salvador accounts for the largest share of individuals at 104,000, or 59% of individuals from the Northern Triangle in the Houston area.<sup>338</sup>

Despite having the largest foreign-born population growth in Houston, Hondurans and Guatemalans, born outside of the U.S., have the lowest naturalizations rates in the area. El Salvadorans naturalized at a rate of 24%, Guatemalans 17%, and Hondurans 14%.<sup>339</sup> Individuals from Vietnam had the highest naturalization rate in the Houston area, at 74%, and the Philippine community had the second highest at 61%.<sup>340</sup>

---

<sup>332</sup> TRAC Immigration, *Asylum decisions and denials jump in 2018*, Syracuse University (Nov. 29, 2018), <https://trac.syr.edu/immigration/reports/539/> [<http://perma.cc/T7W6-GTNO>].

<sup>333</sup> *Id.*

<sup>334</sup> U.S. Dep't of Homeland Security, *Annual Flow Report Refugees and Asylees: 2017* (March 2019), [https://www.dhs.gov/sites/default/files/publications/Refugees\\_Asylees\\_2017.pdf](https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2017.pdf) [<http://perma.cc/X57X-GA4F>].

<sup>335</sup> *Id.* at 7.

<sup>336</sup> Randy Capps, et al, *A Profile of Immigrants in Houston, The Nation's Most Diverse Metropolitan Area*, Migration Policy Institute (March 2015), <https://www.migrationpolicy.org/research/profile-immigrants-houston-nations-most-diverse-metropolitan-area> [<http://perma.cc/X57X-GA4F>].

<sup>337</sup> *Id.* at 6.

<sup>338</sup> *Id.* at 5.

<sup>339</sup> *Id.* at 7.

<sup>340</sup> *Id.* at 7.



The Northern Triangle communities within the Houston area have the largest share of foreign-born population that is in the U.S. without authorization.<sup>341</sup> For Guatemalans it's 61%, for Hondurans, 51%, and for El Salvador, 27%.<sup>342</sup> Mexico, at 47%, is the only non-Northern Triangle country to make the top four in this category.<sup>343</sup>

The Northern Triangle immigrant community in the Houston area has lower levels of median household income and education than other immigrant groups in the area. Hondurans had a median household income of \$28,000, Guatemalans of \$33,000, and Salvadorans of \$37,000.<sup>344</sup> In contrast, Indian households earned \$93,000 and Colombian households earned \$56,000.<sup>345</sup> Among immigrant groups, the three northern triangle nations have the highest percentages of adults, twenty-five or older, that failed to complete high school.<sup>346</sup>

The lack of education, income and documentation means the immigrant will lead a very different lifestyle, all to conceal their legal status. They must stay out of trouble with the law while working and raising a family. This lifestyle can cause psychological and emotional pressures on individuals, families and the communities they inhabit.

The American Psychological Association ("APA") has concluded that undocumented youth and children are exposed to stressful situations because of their legal status.<sup>347</sup> These situations include racial profiling, exposure to gangs, immigration raids in their communities, forcible separation from their parents, and more.<sup>348</sup> In turn, these stressful events can lead to symptoms of

---

<sup>341</sup> *Id.* at 4.

<sup>342</sup> *Id.* at 4.

<sup>343</sup> *Id.* at 4.

<sup>344</sup> *Id.* at 12.

<sup>345</sup> *Id.* at 12.

<sup>346</sup> *Id.* at 14.

<sup>347</sup> American Psychological Ass'n, *Undocumented Americans What is it Like to Grow Up as an Undocumented Youth in America*, <https://www.apa.org/topics/immigration/undocumented-video.aspx> (last visited on May. 25, 2019) [<http://perma.cc/N8SK-L7P9>].

<sup>348</sup> *Id.*

psychological and emotional suffering.<sup>349</sup>

The APA research documented frequent crying, disruptions in sleeping and eating habits, depression, poor identity formation, difficulty forming relationships and feelings of persecution as some of the symptoms shown by children who were separated from their undocumented parents.<sup>350</sup>

The law of the state in which the immigrant resides will determine how hard living a normal life will be. Life in a state that gives ID cards or drivers licenses to undocumented immigrants will make an individual less anxious than in a state that does not, such as Alabama and Texas.<sup>351</sup>

In 2011, Alabama passed House Bill 56, a law that targeted unauthorized immigrants in the state.<sup>352</sup> The law's provisions included the criminalization of solicitation of work by unauthorized immigrants, and requiring schools K-12 to inquire about the immigration status of newly enrolled students.<sup>353</sup> A lawsuit filed by the Southern Poverty Law Center and other organizations challenged the law and in 2011 these two provisions, and others of the House Bill, were invalidated in a settlement agreement.<sup>354</sup>

In 2017, despite the settlement, attorneys and activists in Alabama complained that it was not clear if some provisions of House Bill 56 were still valid.<sup>355</sup> Among those provisions singled out in the complaints are the

---

<sup>349</sup> *Id.*

<sup>350</sup> *Id.*

<sup>351</sup> Gilberto Mendoza, *States Offering Driver's Licenses to Immigrants*, NAT'L CONF. STATE LEGISLATURES (Nov. 13, 2016), <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx> [http://perma.cc/U8A3-3GAV].

<sup>352</sup> Connor Sheets, *Alabama's 2011 Anti-Immigrant Law H.B. 56 Still on Books, Gets New Life Under Trump*, BIRMINGHAM REAL-TIME NEWS (Mar 24, 2017), [https://www.al.com/news/birmingham/index.ssf/2017/03/hb\\_56\\_alabamas\\_2011\\_anti-immig.html](https://www.al.com/news/birmingham/index.ssf/2017/03/hb_56_alabamas_2011_anti-immig.html) [http://perma.cc/9NRP-8T44]; Beason-Hammon Alabama Taxpayer and Citizen Protection Act, 2011 ALA. LAWS 888 (codified at ALA. CODE §§ 31-13-1 to 31-13-30).

<sup>353</sup> *Id.*

<sup>354</sup> *Id.*; *See also* *Hispanic Interest Coal. of Ala. v. Bentley*, No. 5:11-CV-2484-SLB, 2011 WL 5516953 (N.D. Ala., Sept. 28, 2011) *aff'd in pt., vacating in pt., rev'd in pt.* by *Hispanic Interest Coal. of Ala. v. Governor of Ala.*, 691 F.3d 1236 (11<sup>th</sup> Cir. 2012);

<sup>355</sup> *Id.*

prohibition on undocumented immigrants enrolling in public universities and a provision mandating the E-verify system to employers with less than twenty-five employees.<sup>356</sup> The continuing debate about House Bill 56 is a testament as to how broad the bill is in targeting the life of undocumented immigrants.

Routine traffic stops can lead to the detention of an undocumented immigrant. In 2018, ten undocumented immigrants from Guatemala, Honduras and Mexico were arrested in Delaware after jumping from a vehicle during a routine traffic stop.<sup>357</sup> In Texas, police reportedly provided the names of undocumented immigrants obtained during certain traffic stops to the CBP.<sup>358</sup>

Undocumented immigrants from the Northern Triangle can face threats to their lives from gangs such as MS-13 which prey on new arrivals for gang recruitment.<sup>359</sup> Because the immigrants do not necessarily trust the police, they can find themselves in situations where the state is not able to protect them.

The story of Maria Reyes, from El Salvador, was chronicled in *Vox*, after her teenage daughter was murdered by MS-13 members in 2015.<sup>360</sup> The *Vox* story included details on how two MS-13 members had begun targeting a young girl from El Salvador at a Maryland high-school.<sup>361</sup>

This tragic story is reflective of how Northern Triangle immigrants,

---

<sup>356</sup> *Id.*

<sup>357</sup> Scott Morefield, *10 Illegal Immigrants Arrested after Jumping out of Car during Traffic Stop*, THE DAILY CALLER (10:44 PM 12/06/2018), <https://dailycaller.com/2018/12/06/illegal-immigrants-arrested-ice-detainer/> [http://perma.cc/2FLE-TT7L].

<sup>358</sup> Suzanne Gamboa, *A Traffic Violation Could Mean a Call from ICE for Some in Texas*, NBC NEWS (June 15, 2018, 2:38 PM CDT / Updated Jun. 15, 2018, 5:05 PM CDT), <https://www.nbcnews.com/news/latino/texas-highway-patrol-sharing-lists-people-given-traffic-tickets-immigration-n883696> [http://perma.cc/3YRL-NVL6].

<sup>359</sup> Justin Jouvenal, Dan Morse and Michael E. Miller, *MS-13 Gains Recruits and Power in U.S. As Teens Surge Across Border*, WASH. POST (June 17, 2017), [https://www.washingtonpost.com/local/public-safety/ms-13-gains-recruits-and-power-in-us-as-teens-surge-across-border/2017/06/16/aacea62a-3989-11e7-a058-ddbb23c75d82\\_story.html?utm\\_term=.64bd1099cc00](https://www.washingtonpost.com/local/public-safety/ms-13-gains-recruits-and-power-in-us-as-teens-surge-across-border/2017/06/16/aacea62a-3989-11e7-a058-ddbb23c75d82_story.html?utm_term=.64bd1099cc00) [http://perma.cc/CRV8-SHMK].

<sup>360</sup> Dara Lind, *MS-13, Explained*, VOX (updated Feb 5, 2019, 9:45pm EST), <https://www.vox.com/policy-and-politics/2018/2/26/16955936/ms-13-trump-immigrants-crime> [http://perma.cc/7BFT-278D].

<sup>361</sup> *Id.*

documented and undocumented, share a background that can impede successful assimilation into American society. As a group, immigrants from the Northern Triangle have among the lowest rates of education, compared to all other immigrants in the U.S.<sup>362</sup> In addition, their English proficiency is lower, which can cause further miscommunication and misunderstanding among individuals from the Northern Triangle and non-Spanish speakers in the U.S.<sup>363</sup>

In 1999, thousands of Hondurans in the U.S. were allowed to apply for Temporary Protected Status (“TPS”).<sup>364</sup> The TPS provides a way to avoid deportation and receive an Employment Authorization Document.<sup>365</sup> Petitioners must meet a series of requirements to apply and renew TPS.<sup>366</sup> One requirement is that the individual must have been continuously physically present in the U.S. since the effective date of the most recent designation date of his or her country.<sup>367</sup> In 2018, the U.S. government announced it would work to end the program, thereby attempting to remove temporary status from tens of thousands of Hondurans.<sup>368</sup>

---

<sup>362</sup> D’Vera Cohn, et al., *Rise in U.S. Immigrants from El Salvador, Guatemala and Honduras Outpaces Growth from Elsewhere: Geography and Characteristics of Northern Triangle Immigrants*, (Dec. 7, 2017) <http://www.pewhispanic.org/2017/12/07/geography-and-characteristics-of-northern-triangle-immigrants/> [http://perma.cc/TG4L-EZBN].

<sup>363</sup> D’Vera Cohn, et al. *Rise in U.S. Immigrants from El Salvador, Guatemala and Honduras Outpaces Growth from Elsewhere: Northern Triangle Immigrants less likely to be English proficient than U.S. immigrants overall*, (Dec. 7, 2017), [http://www.pewhispanic.org/2017/12/07/geography-and-characteristics-of-northern-triangle-immigrants/pg\\_2017-12-7\\_central-american-immigration\\_2-05/](http://www.pewhispanic.org/2017/12/07/geography-and-characteristics-of-northern-triangle-immigrants/pg_2017-12-7_central-american-immigration_2-05/) [http://perma.cc/6RKD-HNMQ].

<sup>364</sup> *Temporary Protected Status Designated by Country: Honduras*, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras> (last reviewed/updated: Mar. 27, 2019) [http://perma.cc/SE4C-7Q3Y].

<sup>365</sup> *Id.*

<sup>366</sup> *Temporary Protected Status: What is TPS?* <https://www.uscis.gov/humanitarian/temporary-protected-status> (last reviewed/updated: May 13, 2019) [http://perma.cc/D5CT-D69P].

<sup>367</sup> *Temporary Protected Status Designated by Country: Honduras*, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras>. (last reviewed/updated Mar. 27, 2019) [http://perma.cc/QQ7Y-GPAL].

<sup>368</sup> Dara Lind, *Trump Tells 57,000 Hondurans Who’ve Lived in the US for 20 Years to Get Out: It’s Yet Another Move That Will Turn People Who are in the US Legally into Unauthorized Immigrants*, VOX (May 4, 2018, 4:25pm EDT), <https://www.vox.com/2018/5/4/17320352/tps-honduras->

In 2001, TPS designation was extended to individuals from El Salvador after earthquakes struck the country.<sup>369</sup> <sup>370</sup> The U.S. government has tried to end TPS, <sup>371</sup> but the designation is currently in place due to a national injunction ordered in *Ramos, et al v. Nielsen, et al.*<sup>372</sup> So far, TPS designations were awarded to 262,526 individuals from El Salvador and 86,031 from Honduras.<sup>373</sup>

Texas has 36,300 Salvadoran TPS beneficiaries, of which 16,991 live in the Houston metropolitan area.<sup>374</sup> The State of Texas would lose an estimated \$1.8 billion from its Gross Domestic Product if these Salvadoran TPS workers were removed.<sup>375</sup> A fifth of those workers are in the construction industry.<sup>376</sup> In addition, Houston is home to approximately 6,060 Honduran TPS beneficiaries.<sup>377</sup>

A survey of Honduran and Salvadoran TPS holders in six cities around the U.S. found 94% of men, and 82.1% of women were participating in the labor

---

[cancel-trump-temporary-protected-status4444](http://perma.cc/9BX8-8U5D) [http://perma.cc/9BX8-8U5D].

<sup>369</sup> *Temporary Protected Status Designated Country: El Salvador*, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-el-salvador>. (last reviewed/updated Mar. 1, 2018) [http://perma.cc/LFV6-MFQ7].

<sup>370</sup> Nancy Flores, *Salvadorans Could Lose Protected Status in U.S.*, STATESMAN (Posted Jan 8, 2018 at 12:01 AM Updated Sep 25, 2018 at 8:34 PM), <https://www.statesman.com/news/20180108/salvadorans-could-lose-protected-status-in-us> [http://perma.cc/R7BR-4BYL].

<sup>371</sup> *Id.*

<sup>372</sup> See *Ramos, et al v. Nielsen, et al.*, 336 F. Supp.3d 1075 (N.D. Cal. 2018).

<sup>373</sup> Table I. *TPS Beneficiaries by Country of Citizenship*, in *Temporary Protected Status: Overview and Current Issues*, Cong. Res. Serv. Rep. RS20844, at 5 (Updated October 10, 2018), [https://www.everycrsreport.com/files/20181010\\_RS20844\\_9fda549df539d8fcfb32f381133838fbb08cc46d.pdf](https://www.everycrsreport.com/files/20181010_RS20844_9fda549df539d8fcfb32f381133838fbb08cc46d.pdf) [http://perma.cc/FZ7L-9YVV].

<sup>374</sup> Ileana Najarro, *Trump is Ending Protections for Immigrants from El Salvador. Here's What That Means for Houston*, HOUS. CHRON. (last updated: Jan. 8, 2018 11:42 P.M.), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-is-ending-protections-for-immigrants-from-12482458.php> [http://perma.cc/4Z8M-Y7M3].

<sup>375</sup> *Id.*

<sup>376</sup> *Id.*

<sup>377</sup> Zuzana Cepla, *Temporary Protected Status: Fact Sheet*, <https://immigrationforum.org/article/fact-sheet-temporary-protected-status/>. (last visited May 20, 2019) [http://perma.cc/N4VW-UU3B].

force.<sup>378</sup> More than half of men and women with TPS work more than forty hours a week and their average monthly income was \$2,910.<sup>379</sup> Twenty-three percent of the men work in construction or painting, and 16.1% of the women are employed in cleaning buildings.<sup>380</sup> Almost half have furthered their education since arriving in the U.S.<sup>381</sup>

### B. Cuban experience.

In contrast to those migrating from the Northern Triangle, the law and policy of the U.S. is unique towards the people of Cuba. Cubans were not extended citizenship like Puerto Ricans, but since the 1960s the U.S. has allowed large waves of political refugees from the island to naturalize. The Cuban Adjustment Act (“CAA”), enacted in 1966, permits Cubans to apply for lawful permanent residency.<sup>382 383</sup>

By the end of the Cuban revolution in January 1959, there were almost 60,600 Cubans residing in the U.S.<sup>384</sup> By 2016, 2.14 million individuals of Cuban heritage or those born in Cuba, were residing in the U.S.<sup>385</sup> Throughout the

---

<sup>378</sup> Cecilia Menjivar, *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants*, (Center for Migration Research, The University of Kansas, May 2017), [http://ipsr.ku.edu/migration/pdf/TPS\\_Report.pdf](http://ipsr.ku.edu/migration/pdf/TPS_Report.pdf). [http://perma.cc/WHL8-VPWW].

<sup>379</sup> *Id.*

<sup>380</sup> *Id.*

<sup>381</sup> *Id.*

<sup>382</sup> U.S. Dep’t of Homeland Security, *Green Card for a Cuban Native or Citizen*, <https://www.uscis.gov/greencard/caa> (last reviewed/updated Jan. 10, 2018) [http://perma.cc/L6EH-9BDQ].

<sup>383</sup> *Chap. 23 Adjustment of Status to Lawful Permanent Resident: Cuban Adjustment Act Cases*, IN ADJUDICATOR’S FIELD MANUAL, <https://www.uscis.gov/ilink/docView/AFM/HTML/AFM/0-0-0-1/0-0-0-8624/0-0-0-10170.html>. (last visited May 20, 2019) [http://perma.cc/ZP39-G6BS].

<sup>384</sup> Jorge Duany, *Cuban Migration: A Postrevolution Exodus Ebbs and Flows*, (Washington D.C.: Migration Policy Institute, 2017), <https://www.migrationpolicy.org/article/cuban-migration-postrevolution-exodus-ebbs-and-flows> [http://perma.cc/U82V-JZU6].

<sup>385</sup> U.S. Census Bureau, *The Hispanic Population in the United States: 2016: Table 2 Population by Sex, Age, and Hispanic Origin type*, <https://www.census.gov/data/tables/2016/demo/hispanic-origin/2016-cps.html> (last revised Aug. 29, 2018) [http://perma.cc/V9MM-7NGT].

decades, several distinct waves of Cuban immigrants arrived and were admitted into the U.S.<sup>386</sup>

Diplomatic relations between Cuba and the U.S. were inconsistent throughout the decades following the Cuban revolution, leading to variations in policy that have included the Wet Foot, Dry Foot policy.<sup>387</sup> Announced in 1995, this policy permitted Cubans who reached the U.S. to be paroled, but those without visas, who were intercepted at sea, were returned to Cuba.<sup>388</sup> The individuals who did make it to the U.S. could then apply for a green card.

In January 2017, President Obama announced the end of the Wet Foot, Dry Foot policy.<sup>389</sup> Cubans that reached U.S. land after the change are now treated like immigrants from any other nation instead of being paroled into the country.<sup>390</sup> This announcement led to a spike in Cuban immigration in the months leading up to the end of the policy.<sup>391</sup> Southwest border crossings increased 24% in 2016, compared to 2015 and the number of Cubans detained at sea by the U.S. increased by 64%, totaling 7,400.<sup>392</sup>

Entering the U.S. can be a varied experience for Cuban immigrants. Historically, Cubans have used at least three routes to enter the U.S. without a visa. One route may be sea travel from Cuba to south Florida. A second route consists of flying to Central or South America and then making the journey up through Mexico to cross the Southwest Border. A third route is crossing to Hispaniola and then crossing by boat the Mona Strait to Puerto Rico.<sup>393</sup>

---

<sup>386</sup> *Id.*

<sup>387</sup> *Id.*

<sup>388</sup> *Id.*

<sup>389</sup> Michelle Mendez, *The End of the 'Wet Foot, Dry Foot' Cuban Policy*, Catholic Legal Immigration Network, Inc., (<https://cliniclegal.org/resources/end-wet-foot-dry-foot-cuban-policy>) (last visited May 20 2019) [http://perma.cc/SQ6J-HDZW].

<sup>390</sup> Duany, *supra* note 100.

<sup>391</sup> *Id.*

<sup>392</sup> *Id.*

<sup>393</sup> *Otros 21 Migrantes Cubanos Arriban a Isla de Mona, Puerto Rico*, Radio Television Marti (July 15, 2016), <https://www.radiotelevisionmarti.com/a/otros-21-migrantes-cubanos-arriban-isla-mona-puerto-rico/126059.html> [http://perma.cc/BRR6-TS2Y].

The *New York Times* published a story on the hundreds of Cubans who were quickly processed and admitted to the U.S. at the southwest border, under the Wet Foot, Dry Foot policy.<sup>394</sup> The treatment they received was resented by the Mexican-American community in the border town of Laredo, Texas.<sup>395</sup> Congressman Henry Cuellar said the community had felt resentment because Central American immigrants are not treated the same under U.S. law.<sup>396</sup>

The Cubans were allowed entry into Laredo, after being processed for a few hours, and once there, they could immediately apply for certain social benefits.<sup>397</sup> On the other hand, Central Americans were apprehended and had to go through the immigration court system and hope to win asylum, or other relief.<sup>398</sup>

The 103-mile boat trip, at its shortest, from Cuba to south Florida has been an escape valve for Cuba.<sup>399</sup> During the 1980 Mariel boatlift, thousands of boats carried tens of thousands of Cubans over to Florida.<sup>400</sup> The U.S.-Cuban community members sponsored boats to pick up and to help bring Cubans to shores.<sup>401</sup>

Cubans who attempt to reach Puerto Rico by boat from Hispaniola, navigating the waters separating the Dominican Republic and Puerto Rico, risk their lives. In October 2016, fourteen Cuban immigrants were rescued from a small island off the Puerto Rican coast. They had become stranded on a natural

---

<sup>394</sup> Julia Preston, *Tension Simmers as Cubans Breeze across U.S. Border*, N.Y. TIMES (Feb. 12, 2016), <https://www.nytimes.com/2016/02/13/us/as-cubans-and-central-americans-enter-us-the-welcomes-vary.html> [http://perma.cc/CAH4-EENN].

<sup>395</sup> *Id.*

<sup>396</sup> *Id.*

<sup>397</sup> *Id.*

<sup>398</sup> *Id.*

<sup>399</sup> Diana Nyad, *Cuba: So Close You Could Almost Swim There*, HUFFINGTON POST (Jan. 29, 2015 10:38 am ET last updated Dec 06, 2017), [https://www.huffingtonpost.com/diana-nyad/cuba-so-close-you-could-a\\_b\\_6571342.html](https://www.huffingtonpost.com/diana-nyad/cuba-so-close-you-could-a_b_6571342.html) [http://perma.cc/5DWU-MTTPS].

<sup>400</sup> Andrew Glass, *Castro launches Mariel Boatlift, April 20, 1980*, POLITICO (Apr. 20, 2018 12:12 AM EDT), <https://www.politico.com/story/2018/04/20/castro-launches-mariel-boatlift-april-20-1980-528819> [http://perma.cc/X9EJ-K6Y3].

<sup>401</sup> *Id.*



reserve and were rescued by the U.S. Coast Guard.<sup>402</sup>

In June 2016, the CBP office in Aguadilla, Puerto Rico, stated it had detained and processed 225 Cuban immigrants to date.<sup>403</sup> By July, another forty-one Cuban immigrants had reached Isla de Mona, Puerto Rico.<sup>404</sup> The Chief Agent for the CBP Ramey Sector, Ramiro Cerrillo, said traffickers will abandon immigrants on Isla de Mona despite knowing how dangerous it is.<sup>405</sup> Isla de Mona is a small island, a three to four hour boat ride from Puerto Rico and is considered inhospitable.<sup>406</sup>

For decades Cubans were forced to choose one of the previously discussed routes to reach the U.S., a direct result of the inconsistent relations between the two countries. For example, commercial flights between Cuba and the U.S. were not authorized between 1962 and 2016.<sup>407</sup> However, in the 1960s there was the Freedom Flights program, a refugee resettlement initiative.<sup>408</sup> The U.S. sponsored program consisted of daily chartered flights between Varadero, Cuba and Miami, Florida.<sup>409</sup> The 260,600 persons that arrived via Freedom flights included more blue-collar and service workers than previous Cuban immigration waves.<sup>410</sup>

In a 2018 article, the *Miami Herald*, described Cubans as 'no longer

---

<sup>402</sup> *Cubanos Realizan Peligrosas Travesías Para Llegar A Puerto Rico Vía República Dominicana*, PRIMERAHORA (Dec. 15, 2010, 01:20 p.m), <https://www.primerahora.com/noticias/mundo/nota/cubanosrealizanpeligrosastravesiasparalegarapuertoricoviarepublicadominicana-453080/> [<http://perma.cc/QAP5-RNLW>].

<sup>403</sup> *Otros 21 Migrantes*, *supra* note 109.

<sup>404</sup> *Id.*

<sup>405</sup> *Id.*

<sup>406</sup> *Isla de Mona*, WIKIPEDIA (last updated 17 May 2019, at 23:49 (UTC), [https://en.wikipedia.org/wiki/Isla\\_de\\_Mona](https://en.wikipedia.org/wiki/Isla_de_Mona) [<http://perma.cc/TB7R-A5E2>].

<sup>407</sup> Cuban Research Institute, Steven J. Green School of International & Public Affairs, Florida International University, *Chronology of U.S. Cuba Relations*, <https://cri.fiu.edu/us-cuba/chronology-of-us-cuba-relations/> (last visited May 22, 2019) [<http://perma.cc/5BFE-MZ95>].

<sup>408</sup> Duany, *supra* note 100.

<sup>409</sup> *Id.*

<sup>410</sup> *Id.*

privileged.<sup>411</sup> Close to 248,100 Cubans were legally admitted into the U.S. between 1959 and 1962. An additional 260,600, arrived via Freedom Flights from 1965 to 1973. Yet since the end of the Wet Foot Dry Foot policy, Cuban immigrants are left to enter the U.S. clandestinely or through the visa process.<sup>412</sup>

In April 2018, the familiar scenario of immigration by boat to the U.S. repeated itself when thirty Cubans were intercepted at sea while on the Florida Straits, by the U.S. Coast Guard.<sup>413</sup> All but one of the thirty individuals were sent back to Cuba.<sup>414</sup> The U.S. Coast Guard reported repatriating 1,532 Cubans during FY 2017.<sup>415</sup>

Specialized programs that benefit Cuban immigrants exclusively still exist. The Cuban Family Reunification Parole (“CFRP”) Program, established in 2007, allows eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Cuba.<sup>416</sup> Once a family member is granted parole through the CFRP, the individuals may come to the U.S. without waiting for their immigrant visa priority dates to become current.<sup>417</sup>

A Cuban immigrant who manages to reach the U.S. will find Cuban communities throughout the country that are economically diverse but generally better off than other Hispanic immigrant communities.<sup>418</sup> They will have higher

---

<sup>411</sup> Sarah Moreno, *Cuban Immigrants No Longer ‘Privileged’ in the United States*, MIAMI HERALD (May 24, 2018 06:05 PM, updated May 25, 2018 01:03 PM), <https://www.miamiherald.com/news/nation-world/world/americas/cuba/article211827094.html>.

<sup>412</sup> Duany, *supra* note 100.

<sup>413</sup> David Goodhue, *Coast Guard Crews Stop Almost 30 People Trying to Reach U.S. from Cuba*, MIAMI HERALD (Apr. 26, 2018 05:33 PM, updated May 30, 2018 04:02 PM), <https://www.miamiherald.com/news/local/community/florida-keys/article209909599.html>.

<sup>414</sup> *Id.*

<sup>415</sup> *Id.*

<sup>416</sup> Cuban Family Reunification Parole Program, 72 Fed. Reg. 65588 (Nov. 21, 2007), see also, <https://cu.usembassy.gov/visas/immigrant-visas/cuban-parole-programs/cfrp-program/> (last visited May 22, 2019) [http://perma.cc/7QFP-Y533].

<sup>417</sup> *Id.*

<sup>418</sup> Gustavo López, *Hispanics of Cuban Origin in the United States, 2013: Statistical Profile*, (Sept. 15, 2015), <https://www.pewhispanic.org/2015/09/15/hispanics-of-cuban-origin-in-the-united-states-2013/> [http://perma.cc/WH2H-6MNE].

median earnings and lower poverty rates.<sup>419</sup> The number of Cubans that are English dominant is lower than for other Hispanics, but their education attainment is higher.<sup>420</sup> About 25% of Cubans twenty-five years and older in the U.S. have a college degree, while the average for Hispanics is 14%.<sup>421</sup>

Texas plays an important part in the Cuban immigration story. From 2013 through 2016, tens of thousands of Cubans tried to enter the U.S. through the Laredo, Texas, CBP sector.<sup>422</sup> Since the 2010 census, thousands of Cubans have entered the state, including at least 29,000 in 2015 who arrived at the Texas-Mexico border.<sup>423</sup>

Cuban immigration to the U.S. has been significant, in part, because of the U.S. willingness to accept political refugees in large numbers from the island throughout the decades. Immigrants from the Northern Triangle countries have not enjoyed the same level of classification as political refugees.

### C. Puerto Rican experience.

Puerto Ricans who move to the U.S. are not considered immigrants. The U.S. Congress gave Puerto Ricans citizenship in 1917 through passage of the Jones-Shafroth Act (“Jones Act”).<sup>424</sup> The U.S. had taken possession of the island in 1898, as a result of the Spanish-American War.<sup>425</sup> Prior to the Jones Act,

---

<sup>419</sup> *Id.*

<sup>420</sup> *Id.*

<sup>421</sup> *Id.*

<sup>422</sup> Federation for American Immigration Reform, *Texas’ Other Border Surge*, <http://www.fairus.org/legislation/state-local-legislation/texas-other-border-surge>. (last visited May 22, 2019) [http://perma.cc/838F-LQUW].

<sup>423</sup> Lomi Kriel, *Waves of Cubans are Crossing into Texas*, HOUS. CHRON. (May 28, 2016 Updated: May 31, 2016 2:39 p.m.), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Waves-of-Cubans-crossing-into-Texas-7951545.php> [http://perma.cc/A7FQ-RW9J].

<sup>424</sup> Act of March 2, 1917, 39 Stat. 951 (2017) (codified at 48 U.S.C. §§ 731-916 (2012)) also known as the Puerto Rican Federal Relations Act, and more popularly as the Jones Act.

<sup>425</sup> History.com Editors, *Puerto Rico Invaded*, IN THIS DAY IN HISTORY: July 25 (Feb. 9, 2010 last updated Mar. 3, 2019), <https://www.history.com/this-day-in-history/puerto-rico-invaded> [http://perma.cc/XZK4-TMJU].

Puerto Ricans immigrated to the U.S. in the 19<sup>th</sup> century, specifically to New York City, as subjects of a Spanish possession.<sup>426</sup>

Since the 1950's Puerto Rican migration to the U.S. is primarily through commercial air travel.<sup>427</sup> Puerto Ricans simply need a valid airline ticket and a Puerto Rican issued driver's license or a government-issued I.D. to pass through TSA security screening in Puerto Rico and gain entry into the U.S.<sup>428</sup>

The Great Migration of the 1950s is considered the one of the largest waves of Puerto Rican migration to the U.S. when approximately 470,000 Puerto Ricans relocated to the U.S., primarily New York.<sup>429</sup> New York's Puerto Rican population reached 878,000 by the 1970s.<sup>430</sup> Neighboring New Jersey had another 136,000 Puerto Ricans residing there by the 1970s and Florida had at least 482,000 Puerto Ricans by the beginning of the 21<sup>st</sup> century.<sup>431</sup>

Puerto Ricans migrated to dozens of different states, avoiding the large communities in New York City and Orlando through private hiring. A January 2018 article by the *Wall Street Journal* reports the marketing and recruiting efforts by state-based employers directed at individuals in Puerto Rico.<sup>432</sup>

---

<sup>426</sup> Gemma Solomons, *Becoming "Nuyorican": The History of Puerto Rican Migration to NYC*, NATIONAL TRUST FOR HISTORIC PRESERVATION (Oct. 13, 2017), [https://savingplaces.org/stories/becoming-nuyorican-history-puerto-rican-migration-nyc#.XC7\\_TlxKg2w](https://savingplaces.org/stories/becoming-nuyorican-history-puerto-rican-migration-nyc#.XC7_TlxKg2w) [http://perma.cc/WU32-QCBN].

<sup>427</sup> *The Great Puerto Rican Migration*, ANCESTRY.COM, <https://www.ancestry.com/contextux/historicalinsights/puerto-rican-migration> [http://perma.cc/T8QG-VFV2].

<sup>428</sup> U.S. Customs and Border Protection, *Needing a Passport to Enter the United States from U.S. Territories: Will Travelers from U.S. Territories Need to Present a Passport to Enter the United States?*, [https://help.cbp.gov/app/answers/detail/a\\_id/980/~/needing-a-passport-to-enter-the-united-states-from-u.s.-territories](https://help.cbp.gov/app/answers/detail/a_id/980/~/needing-a-passport-to-enter-the-united-states-from-u.s.-territories). (last visited May 22, 2019) [http://perma.cc/47WZ-6WN4].

<sup>429</sup> Bryan Caplan, *The Swamping That Wasn't: The Diaspora Dynamics of the Puerto Rican Open Borders Experiment*, Library of Economics and Liberty (Mar 27 2014), [https://www.econlib.org/archives/2014/03/the\\_swamping\\_th.html](https://www.econlib.org/archives/2014/03/the_swamping_th.html) [http://perma.cc/2S3D-GMGJ].

<sup>430</sup> *Id.*

<sup>431</sup> *Id.*

<sup>432</sup> Arian Campo-Flores, *Struggling to Fill Jobs, U.S. Employees Look to Storm-Battered Puerto Rico*, WALL ST. J. (Jan. 26, 2018 5:30 a.m. ET), <https://www.wsj.com/articles/struggling-to-fill-jobs-u-s-employers-look-to-storm-battered-puerto-rico-1516962600> [http://perma.cc/WK2V-BB6Y].

Businesses in Bronson County, Missouri hired more than two hundred Puerto Ricans for a diversity of professions, including welding and nursing.<sup>433</sup> A health-care services company, Bayada Home Healthcare, ran a Facebook ad recruitment campaign in Puerto Rico, and offered 26 Minneapolis-based positions to prospective employees that resided in Puerto Rico.<sup>434</sup> For the Nantucket Hotel & Resort in Massachusetts, hiring Puerto Ricans is preferred than having to go through the U.S. visa process, which a Nantucket employee described as “erratic”.<sup>435</sup>

For the thousands of Puerto Ricans employed on the island by the Internal Revenue Service, the Department of Veterans Affairs, and other Federal agencies, migrating to the U.S. can consist of applying to a position located in a U.S. state office of their choice. In 2018, there were 4,229 Veterans Affairs employees and 615 IRS employees on the Island.<sup>436</sup> In the state of Montana, for comparison, Veterans Affairs has 1,552 employees.<sup>437</sup> The U.S. armed forces also have recruiting offices on the island.<sup>438</sup>

In 2014, almost 177,448 Puerto Ricans lived in Texas, more than twice the 69,509 who lived there in 2000.<sup>439</sup> Puerto Ricans in Texas had household median incomes of \$53,565, higher than the \$39,322 average for all state side Puerto Ricans.<sup>440</sup> The Puerto Ricans in Texas are more educated, have higher

---

<sup>433</sup> *Id.*

<sup>434</sup> *Id.*

<sup>435</sup> *Id.*

<sup>436</sup> Governing the State and Localities, *Federal Employees by State*, (last updated Jan. 25, 2019), <https://www.governing.com/gov-data/federal-employees-workforce-numbers-by-state.html> [http://perma.cc/KV28-SZPN].

<sup>437</sup> *Id.*

<sup>438</sup> U.S. Army Ponce Center, <https://www.facebook.com/USARMYPONCECENTER/?rf=338196866294016>. (last visited May 22, 2019) [http://perma.cc/ED4X-PL5Z].

<sup>439</sup> Center for Puerto Rican Studies, Hunter College CUNY, *Puerto Ricans in Texas, the United States, and Puerto Rico, 2014, Apr. 2016*, <https://centropr.hunter.cuny.edu/sites/default/files/PDF/STATE%20REPORTS/7.%20TX-PR-2016-CentroReport.pdf> [http://perma.cc/R7K4-8P87].

<sup>440</sup> *Id.* at 1.

paying jobs and have lower poverty rates than the average stateside Puerto Ricans.<sup>441</sup> Cash public assistance was received by Puerto Rican families in Texas at a rate of 1.5%, lower than the 6.9% nationally for Puerto Ricans.<sup>442</sup> In Texas, approximately three out of every ten Puerto Rican men, and almost five out of every ten Puerto Rican women, work in either management, business, science, or art professions.<sup>443</sup> Among Puerto Ricans in Texas eighteen and older, 12.9% are veterans.<sup>444</sup>

Harris County has the largest concentration of Puerto Ricans in Texas, followed by Bexar County and Tarrant County.<sup>445</sup> In 2014, approximately 24,510 Puerto Ricans lived in Harris County, 20,675 lived in Bexar County, and 16,515 in Tarrant County.<sup>446</sup>

The first two decades of the 21st century have seen increased migration of Puerto Ricans to the U.S.<sup>447</sup> A lack of economic vibrancy that has lasted over a decade continues to drive Puerto Ricans to the U.S.<sup>448</sup> Violence associated with the drug war combined with a lack of employment opportunities motivate thousands of Puerto Ricans every year to move to the mainland, or another country.<sup>449</sup>

In 2017, Hurricane Maria impacted the island as a strong category four

---

<sup>441</sup> *Id.*

<sup>442</sup> *Id.*

<sup>443</sup> *Id.* at 4.

<sup>444</sup> *Id.*

<sup>445</sup> *Id.*

<sup>446</sup> *Id.* at 5.

<sup>447</sup> D'Vera Cohn, et al., *Puerto Rican Population Declines on Island, Grows on U.S. Mainland*, Aug. 11, 2014, <http://www.pewhispanic.org/2014/08/11/puerto-rican-population-declines-on-island-grows-on-u-s-mainland/> [http://perma.cc/A4YA-VLZW].

<sup>448</sup> Nathan Bomey, *6 Reasons Why Puerto Rico Slid into a Financial Crisis*, USA TODAY (Oct. 4, 2017, 11:34 a.m. ET, Updated Oct. 4, 2017, 6:00 p.m. ET), <https://www.usatoday.com/story/money/2017/10/04/puerto-rico-debt-crisis-bankruptcy-donald-trump/731091001/> [http://perma.cc/3CCS-6HJH].

<sup>449</sup> Catherine E. Shoichet, *Puerto Rico: A Forgotten Front in America's Drug War?* CNN (Updated June 10, 2012, 3:29 PM ET), <https://www.cnn.com/2012/06/09/justice/puerto-rico-drug-trafficking/index.html> [http://perma.cc/D42L-KJZT].

hurricane.<sup>450</sup> The damages caused by the hurricane drove tens of thousands of Puerto Ricans to evacuate the island in what was described as an exodus.<sup>451</sup> Thousands of evacuees fled the island to Florida where public and private actors tried to support the arriving families and individuals.<sup>452</sup>

For Puerto Ricans that move to the U.S., they will join a community that tends to be 42% English dominant, higher than the 25% average for Hispanics.<sup>453</sup> The median annual personal earnings for Puerto Ricans are also higher than for other Hispanics (\$25,000 vs. \$21,500).<sup>454</sup> The rate of poverty of Puerto Ricans, at 27%, is also higher than that of the Hispanic average of 25%.<sup>455</sup>

A Puerto Rican's experience entering the U.S. differs from that of an individual from Cuba or the Northern Triangle, as they are not affected by changes in immigration policy and law. Once in the U.S., Puerto Ricans do not have to navigate the asylum or visa system, and as citizens, they can choose to sign up to vote in local, state, and national elections.

### III. POLITICAL PRIORITIES AND BEHAVIOR

#### *A. Location: Where Are The Largest Communities?*

In 2017, the states with the largest Northern Triangle populations were in the U.S. west and south. California had the largest Salvadoran population at

---

<sup>450</sup> CBS News, *Puerto Rico: The Exodus after Hurricane Maria*, CBS NEWS (Sept. 21, 2018, 9:45 PM), <https://www.cbsnews.com/news/puerto-rico-exodus-after-hurricane-maria-cbsn-originals/> [http://perma.cc/JH85-H3SA].

<sup>451</sup> *Id.*

<sup>452</sup> Press Release, *Orlando Organizations Launch Abrazo Boricua Coalition to Resettle and Empower Puerto Rican Families*, (Apr. 27, 2018), <https://www.abrazoboricua.com/blog/2018/4/27/orlando-organizations-launch-abrazo-boricua-coalition-to-resettle-and-empower-puerto-rican-families> [http://perma.cc/2MA8-YM3E].

<sup>453</sup> Gustavo López and Eileen Patten, *Hispanics of Puerto Rican Origin in the United States, 2013*, (Sept. 15, 2015), <http://www.pewhispanic.org/2015/09/15/hispanics-of-puerto-rican-origin-in-the-united-states-2013/> [http://perma.cc/Y8WR-753E].

<sup>454</sup> *Id.*

<sup>455</sup> *Id.*

727,177, and the most Guatemalans at 418,748.<sup>456</sup> Texas had the second largest Salvadoran population at 346,005, was home to 167,154 Hondurans and had the third largest Guatemalan population at 103,286.<sup>457</sup>

The States with the most Puerto Ricans and Cubans vary from those with the most Salvadorans, Hondurans, and Guatemalans, in that they tend to be eastern states. Florida had in 2017 the largest Cuban population, at 1,528,066, and the Puerto Rican population was 1,128,225.<sup>458</sup> New York had the second largest population of Puerto Ricans, with approximately 1,113,123.<sup>459</sup> On the other hand, California has the second largest population of Cubans, at 110,792.<sup>460</sup>

Harris County, Texas, is home to the largest populations of Hondurans, Salvadorans, and Guatemalans in the state.<sup>461</sup> While Dallas County has the second largest populations for each of the three Northern Triangle countries.<sup>462</sup> For Cubans, Harris and Dallas counties are the most populated, and for Puerto Ricans, the counties of Harris and Bexar are home to the largest populations in the state.<sup>463</sup>

On the other hand, Miami-Dade County, Florida, is home to 1,000,158 Cubans, and 93,190 Puerto Ricans.<sup>464</sup> The Northern Triangle communities are

---

<sup>456</sup> U.S. Census Bureau, 2017 AMERICAN COMMUNITY SURVEY SINGLE-YEAR ESTIMATES, (Sept. 13, 2018), [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17\\_1YR/B03001/0400000US06|0400000US12|0400000US36|0400000US48](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_1YR/B03001/0400000US06|0400000US12|0400000US36|0400000US48) [http://perma.cc/ZX7T-UBUG].

<sup>457</sup> *Id.*

<sup>458</sup> *Id.*

<sup>459</sup> *Id.*

<sup>460</sup> *Id.*

<sup>461</sup> U.S. Census Bureau, 2017 *American Community Survey Single-Year estimates*, (Sept. 13, 2018), [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17\\_1YR/B03001/0500000US48029|0500000US48113|0500000US48201](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_1YR/B03001/0500000US48029|0500000US48113|0500000US48201) [http://perma.cc/SH57-JTN9].

<sup>462</sup> *Id.*

<sup>463</sup> *Id.*

<sup>464</sup> U.S. Census Bureau, 2017 *American Community Survey Single-Year estimates*, (Sept. 13, 2018), [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17\\_1YR/B03001/0500000US12086|0500000US12095|0500000US12097](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_1YR/B03001/0500000US12086|0500000US12095|0500000US12097) [http://perma.cc/NQ88-DEHM].



less populous in this county, but combined, the community approximates 115,955 individuals.<sup>465</sup> Hondurans makeup the biggest share with a 68,660-strong community in Miami-Dade County.<sup>466</sup> In Central Florida, Orange County was home to 194,754 Puerto Ricans, and Osceola County to 101,359.<sup>467</sup>

### B. Voting.

U.S. statutory law and case law has been instrumental in enabling Spanish speaking communities the opportunity to vote. In September 2018, the U.S. District Court for the Northern District of Florida granted an injunction that called for Spanish-language sample ballots to be provided by certain counties, online and at polling sites.<sup>468</sup> The injunction applied to 32 counties with Puerto Rican populations and did not include 20 Florida counties without that population.<sup>469</sup>

In 1970, the Supreme Court up-held a ban on literacy tests used at polling stations to disfranchise voters.<sup>470</sup> Years before, the 1965 Voting Rights Act included a provision specific to Puerto Ricans and other territories.<sup>471</sup> The Act's section 4(e) prohibits denying Puerto Ricans and individuals from the states and territories the right to vote based on their inability to read, write or interpret any matter in English, as long as they meet certain education requirements.<sup>472</sup>

The Texas Election Code requires voting materials to be translated into

---

<sup>465</sup> *Id.*

<sup>466</sup> *Id.*

<sup>467</sup> *Id.*

<sup>468</sup> *Madera v. Detzner*, 325 F. Supp. 3d 1269, 1273-75 (N.D. Fla. 2018).

<sup>469</sup> Maggie Astor, *Florida Must Provide Election Materials in Spanish, Judge Says*, NY TIMES, (last updated Sept. 7, 2018), <https://www.nytimes.com/2018/09/07/us/politics/florida-election-spanish.html> [<http://perma.cc/P6XA-QCYW>].

<sup>470</sup> *Oregon v. Mitchell*, 400 U.S. 112 (1970).

<sup>471</sup> Voting Rights Act of 1965, Pub. L. 89-110, Title I § 2, 79 Stat. 437, 439 (1965) (codified at 52 U.S.C. § 10301 (2012)).

<sup>472</sup> *Id.*

Spanish in counties that meet specific criteria.<sup>473</sup> In addition, presiding judges in certain election precincts are to make reasonable efforts to appoint clerks who are fluent in English and Spanish.<sup>474</sup>

In California, the Secretary of State designates certain precincts and counties that must provide certain election materials in the Spanish language.<sup>475</sup> California Secretary of State, Alex Padilla, said in a 2018 press release: “Elections are the cornerstone of our democracy and voting rights include access to voting information in a voters preferred language”.<sup>476</sup>

### C. Political Issues.

The political issues that are important to individuals from Northern Triangle communities can vary from those that are important to the Puerto Rican and Cuban communities. These differences can amount to thousands of voters within these communities that may break from the traditional behavior that are recognized to characterize the Hispanic community.

In the U.S. 29% of Honduran immigrants are proficient in the English language.<sup>477</sup> In comparison, Puerto Ricans moving from the island to the U.S., 60% are proficient with the English language, twice the rate of Honduran immigrants.<sup>478</sup>

Among Salvadorans in the U.S., 35% are bilingual and 63% speak mainly

---

<sup>473</sup> See TEX. ELEC. CODE ANN. § 272.002 (2010).

<sup>474</sup> See TEX. ELEC. CODE ANN. § 272.009 (2010).

<sup>475</sup> See CAL. ELEC. CODE § 14201 (2003).

<sup>476</sup> SOS Press Office, *Six New Languages Added to 2018 Elections Language Assistance Requirements*, (Jan. 18, 2018), <https://www.sos.ca.gov/administration/news-releases-and-advisories/2018-news-releases-and-advisories/six-new-languages-added-2018-election-language-assistance-requirements/> [http://perma.cc/3XWG-Y8UQ].

<sup>477</sup> Gustavo López, *Hispanics of Honduran Origin in the United States, 2013: Statistical Profile*, PEW HISPANIC (Sept. 15, 2015), <http://www.pewhispanic.org/2015/09/15/hispanics-of-honduran-origin-in-the-united-states-2013/> [http://perma.cc/HA9X-H2KK].

<sup>478</sup> Gustavo López and Eileen Patten, *Hispanics of Puerto Rican Origin in the United States, 2013*, PEW HISPANIC (Sept. 15, 2015), <http://www.pewhispanic.org/2015/09/15/hispanics-of-puerto-rican-origin-in-the-united-states-2013/> [http://perma.cc/8NJ6-SJUT].

Spanish.<sup>479</sup> For Puerto Ricans, 41% are bilingual and 42% speak mainly English, compared to 3% of Salvadorans who speak mainly English.<sup>480481</sup>

A poll conducted in 2014 by the Pew Research Center showed 17% of Spanish-dominant Hispanics were angry because the Obama Administration had delayed executive action on deportation relief, but only 5% of English-dominant Hispanics expressed anger.<sup>482</sup> When asked if they could vote for a candidate they disagreed with on immigration issues, but agreed on everything else, 29% of English Dominant Hispanics said they would not, compared to 49% of Spanish dominant Hispanics who said they would not.<sup>483</sup>

Considering that Puerto Ricans in the U.S. are more dominant and proficient in English than Salvadorans and Hondurans, potentially more Salvadorans and Honduras will be angry at the Obama administration than Puerto Ricans, and more might consider the immigration issue a deal breaker at the ballot box. It can be said that Salvadorans and Hondurans, as a community, are likely to have the political priorities or behavior of more Spanish dominant Hispanics while Puerto Ricans will lean more towards the preferences exhibited by bilingual and English dominant Hispanics.

When asked if it had become more difficult to be Hispanic in the U.S., four out of every ten English-dominant Hispanics said yes, but almost seven out of every ten Spanish-dominant Hispanics said yes.<sup>484</sup> Hispanics that feel their

---

<sup>479</sup> Gustavo López, *Hispanics of Salvadoran Origin in the United States, 2013: Statistical Profile*, PEW HISPANIC (Sept. 15, 2015), <http://www.pewhispanic.org/2015/09/15/hispanics-of-salvadoran-origin-in-the-united-states-2013/>. [<http://perma.cc/VWH5-U5Z5>].

<sup>480</sup> *Supra* note 195.

<sup>481</sup> *Supra* note 194.

<sup>482</sup> Mark Hugo Lopez, et al, *Hispanics and Their Views of Immigration Reform*, IN LATINO SUPPORT FOR DEMOCRATS FALLS, BUT DEMOCRATIC ADVANTAGE REMAINS, (Oct. 29, 2014), [https://www.pewresearch.org/wp-content/uploads/sites/5/2014/10/2014-10-29\\_NSL-latino-politics.pdf](https://www.pewresearch.org/wp-content/uploads/sites/5/2014/10/2014-10-29_NSL-latino-politics.pdf). [<http://perma.cc/5PMN-859N>].

<sup>483</sup> *Id.*

<sup>484</sup> Mark Hugo Lopez, et al., *Latinos Have Become More Pessimistic About Their Place in America*, IN MORE LATINOS HAVE SERIOUS CONCERNS ABOUT THEIR PLACE IN AMERICA UNDER TRUMP (Oct. 25, 2018), <https://www.pewhispanic.org/wp-content/uploads/sites/5/2018/10/Pew-Research-Center-Latinos-have-Serious-Concerns->

existence in the U.S. is more difficult, will be inclined to want a political candidate that promises change.

The educational attainment among members of the three communities in the U.S. differs and indicates their political priorities can differ, too. Among Hondurans in the U.S., 9% of adults twenty-five or older are estimated to have at least a Bachelor's Degree.<sup>485</sup> For Puerto Ricans, that number rises to 18%, and for Cubans to 25%.<sup>486 487</sup> Research by the Pew Center indicates that 32% of Latino voters in the U.S., with at least some college education, consider the immigration issue a deal-breaker when voting, but for Latinos voters with just a high school diploma, the number rises to 40%.<sup>488</sup> The Honduran community in the U.S. would be, overall, more inclined to consider the immigration issue a deal-breaker than the Puerto Rican and Cuban communities.

In 2018, when asked if they worried about deportation, 62% of English-dominant Hispanics said they did not, compared to 70% of Spanish dominant Hispanics who said they worried some, or a lot.<sup>489</sup> Considering the presence of thousands of undocumented immigrants from El Salvador, Honduras, Cuba and Guatemala in the U.S., but virtually none from Puerto Rico, Puerto Ricans, as a community, are less exposed to the immigration system and its consequences, certainly less so than the Northern Triangle and Cuban communities.

---

[About-Their-Place-in-America\\_2018-10-25.pdf](http://perma.cc/BJ8C-GJ5V) [http://perma.cc/BJ8C-GJ5V].

<sup>485</sup> *Supra* note 193.

<sup>486</sup> Gustavo López, *Hispanics of Cuban Origin in the United States, 2013: Statistical Profile*, (Sept. 15, 2015), <https://www.pewhispanic.org/2015/09/15/hispanics-of-cuban-origin-in-the-united-states-2013/> [http://perma.cc/6AFT-NGV4].

<sup>487</sup> *Supra* note 194.

<sup>488</sup> Mark Hugo Lopez, et al, *Hispanics and Their Views of Immigration Reform*, IN LATINO SUPPORT FOR DEMOCRATS FALLS, BUT DEMOCRATIC ADVANTAGE REMAINS (Oct. 29, 2014), [https://www.pewresearch.org/wp-content/uploads/sites/5/2014/10/2014-10-29\\_NSL\\_latino-politics.pdf](https://www.pewresearch.org/wp-content/uploads/sites/5/2014/10/2014-10-29_NSL_latino-politics.pdf) [http://perma.cc/8G65-UTY6].

<sup>489</sup> Mark Hugo Lopez, et al., *Views of Immigration Policy: Half of Hispanics Say they Worry About Deportation*, IN MORE LATINOS HAVE SERIOUS CONCERNS ABOUT THEIR PLACE IN AMERICA UNDER TRUMP 31 (Oct. 25, 2018), [https://www.pewhispanic.org/wp-content/uploads/sites/5/2018/10/Pew-Research-Center\\_Latinos-have-Serious-Concerns-About-Their-Place-in-America\\_2018-10-25.pdf](https://www.pewhispanic.org/wp-content/uploads/sites/5/2018/10/Pew-Research-Center_Latinos-have-Serious-Concerns-About-Their-Place-in-America_2018-10-25.pdf) [http://perma.cc/5Q4V-LK35].

In 2016, Cubans and Puerto Ricans comprised 31% and 28% of the Hispanic vote in Florida.<sup>490</sup> An October 2018 poll of registered Hispanic voters showed similarities and differences in how these two communities view political issues.<sup>491</sup> Diversity of opinion also exists on the topic of healthcare. Most Puerto Rican voters, 57%, opposed the repeal of Obama Care, but 60% of Cuban voters expressed support for the repeal.<sup>492</sup>

Another issue of contention would be that of Puerto Rican statehood. While 83% of Puerto Rican voters in the poll expressed support for statehood, only 64% of Cubans supported it, and 20% of Cubans opposed.<sup>493</sup> On the issue of extending federal aid to Puerto Ricans who settled in Florida due to Hurricane Maria, 11% of Puerto Ricans opposed more aid but the opposition rose to 23% among Cubans.<sup>494</sup>

When it comes to the issue of immigration, Cuban and Puerto Rican voters shared similar and opposing views. Half of Cuban voters in the poll approved of President Trump's immigration policies but only 27% of Puerto Rican voters approved.<sup>495</sup> When it came to extending the Differed Action for Childhood Arrivals program (DACA), the two voting blocs expressed support for extending the program, with 8 out of every 10 Cubans and Puerto Ricans supporting it.<sup>496</sup>

---

<sup>490</sup> *Latinos in the 2016 election: Florida*, (Jan. 19, 2016), <http://www.pewhispanic.org/fact-sheet/latinos-in-the-2016-election-florida/> [http://perma.cc/6PP4D-4KUM].

<sup>491</sup> Mason-Dixon Polling & Strategy, *October 2018 Florida Hispanic Voter Poll*, POLITICO (Oct. 2018), <https://www.politico.com/f/?id=00000166-cb4c-d7ac-abfe-ebcf677c0000> [http://perma.cc/ERF7-RF2F].

<sup>492</sup> *Id.* at 10.

<sup>493</sup> *Id.* at 17.

<sup>494</sup> *Id.* at 16.

<sup>495</sup> *Id.* at 11.

<sup>496</sup> *Id.* at 12.

*D. Political Behavior and Party Leanings.*

The political behavior of the three communities in the U.S. also varies when it comes to voter turnout and political party leanings. In the 2012 election, the Cuban eligible voter turnout was 68%, the South and Central American was 57%, with the Puerto Rican rate at 53%.<sup>497</sup> In the 2018 Florida midterm election, the 206,000 voters in the state who identified as Puerto Rico-born turned out to vote at a 47% rate, compared to the 59% general turnout for the state<sup>498</sup>.

The differences in voter turnout among the three communities are evident from early voting. Analysis of early voting data in the 2018 Florida midterms revealed 45% of Cuban voters casted early ballots compared to just 27% of Puerto Rican voters. These disparities in voter turnout amount to thousands of votes and can mean all the difference in close elections.

In California, the state with the most individuals from the Northern Triangle community, 60% of Latino voters are registered under the Democratic Party.<sup>499</sup> Salvadorans in California constitute the largest Northern Triangle voting bloc in the state, comprising 4.3% of the Hispanic eligible voters.<sup>500</sup> While Mexicans comprise 82% of eligible Hispanic voters, and Puerto Ricans 2%.<sup>501</sup> Nationally, Salvadorans represent 2.6% of the Hispanic eligible voters, more

---

<sup>497</sup> Mark Hugo Lopez and Ana Gonzalez-Barrera, *Dissecting the Latino Electorate*, IN INSIDE THE 2012 LATINO ELECTORATE (June 3, 2013), [https://www.pewresearch.org/wp-content/uploads/sites/5/2013/05/the-latino-electorate\\_2013-06.pdf](https://www.pewresearch.org/wp-content/uploads/sites/5/2013/05/the-latino-electorate_2013-06.pdf). [http://perma.cc/KY3D-YKQ6].

<sup>498</sup> S.V. Date, *Dems Hope Florida Puerto Ricans' Dislike of Trump Translates to Actual Votes Next Time*, HUFF POST (Apr. 21, 2019, last updated Apr. 22, 2019), [https://www.huffpost.com/entry/trump-florida-puerto-rico\\_n\\_5cbccca5e4b068d795cdde60](https://www.huffpost.com/entry/trump-florida-puerto-rico_n_5cbccca5e4b068d795cdde60). [http://perma.cc/EB3F-ZAC].

<sup>499</sup> Mark Baldassare, et al, *Just the Facts Race and Voting in California*, Public Policy Institute of California (August 2018), <https://www.ppic.org/publication/race-and-voting-in-california>. [http://perma.cc/6JHA-AM9M].

<sup>500</sup> Pew Research Center, *Latinos in the 2016 election: California*, HISPANIC TRENDS (Jan. 19, 2016), <http://www.pewhispanic.org/fact-sheet/latinos-in-the-2016-election-california/>. [http://perma.cc/CWM8-NVBC].

<sup>501</sup> *Id.*

than any other Northern Triangle community, and Puerto Ricans are at 14.1%.<sup>502</sup>

In Texas, Puerto Ricans form the largest pool of eligible voters among the three communities, followed by Salvadorans and Cubans.<sup>503</sup> Puerto Ricans make up 2.4% of the Hispanic electorate, and Salvadorans 1.6%.<sup>504</sup> In the 2018 Texas midterms, 64% of Hispanics voted for the Democratic Party Senatorial candidate, and 53% for the Democratic Party Governor candidate.<sup>505</sup>

The Cuban community in the U.S. has been recognized as leaning to the Republican Party since the 1960s, but younger Cubans in recent elections have been shifting towards the Democratic Party.<sup>506</sup> Puerto Ricans are known to lean Democrat, but in the 2016 election, those who leaned Republican were more likely to have actually voted.<sup>507</sup> A *USA Today* article gave insight into how the Republican Party can approach Puerto Ricans in Florida.<sup>508</sup> For Florida International University Political Scientist, Dario Moreno, Republicans don't have to try and win the Puerto Rican vote in Florida. "It's not about winning", Moreno said, "But rather lowering the Democratic margin".<sup>509</sup>

---

<sup>502</sup> *Id.*

<sup>503</sup> Pew Research Trends, *Latinos in the 2016 Elections: Texas*, HISPANIC TRENDS (Jan. 19, 2016), <http://www.pewhispanic.org/fact-sheet/latinos-in-the-2016-election-texas/> [http://perma.cc/AYT-3C6Z].

<sup>504</sup> *Id.*

<sup>505</sup> *Id.*

<sup>506</sup> Francisco Navas, *In Miami, Cuban Americans have the power to push the state to the left*, THE GUARDIAN (Nov. 4, 2018 03:00 EST, corrected Nov. 5, 2018), <https://www.theguardian.com/us-news/2018/nov/04/miami-cubans-midterm-elections-voters> [http://perma.cc/W29B-UN9X].

<sup>507</sup> Juan Arroyo-Flores, et al, *Understanding Puerto Rican Voting in the United States*, SCHOLARS (Apr. 23, 2019), <https://scholars.org/contribution/understanding-puerto-rican-voting-united-states> [http://perma.cc/WZE5-KLEG].

<sup>508</sup> Deborah Barfield Berry, *Midterm: Puerto Ricans Displaced by Hurricane Maria May Prove Pivotal in Florida Elections*, USA TODAY (Oct. 17, 2018, 2:00 a.m. ET, updated Oct. 18, 2018, 2:14 p.m. ET), <https://www.usatoday.com/story/news/politics/elections/2018/10/17/midterms-displaced-puerto-ricans-courted-swing-state-florida/1518309002/> [http://perma.cc/52S7-EYA2].

<sup>509</sup> *Id.*

## IV. CONCLUSION.

It is crucial for political actors in the U.S. to understand the differences in political behavior and priorities exhibited by the different Hispanic communities. This means considering why and how a specific community arrived in the U.S. The background of the Cuban community has differences from that of Northern Triangle nations, and these differences are exhibited through political behavior.

A voter turnout difference of 5% or 10% between communities can equal thousands of votes and mean the difference in a close election.

The treatment U.S. law and policy affords the individuals of each community helps define the political priorities and behavior of that community. It is clear that Cubans and individuals from the Northern Triangle can have a harder time entering the U.S. than those from Puerto Rico. Individuals from the Northern Triangle and Cuba might focus on immigration policy because they are still trying to bring family members to the U.S. The more substantial the impediments U.S. law and policy throw in the way of a community entering the U.S., the more that community may consider immigration as a top issue when voting.

It is the responsibility of each community to organize and study itself, so it can better project itself and its needs to the rest of the U.S., and the world. Think tanks, journals, and political outreach are some of the vehicle's communities can use to make their voices counted and eventually improve their quality of life.