



**FIRST FOCUS CAMPAIGN FOR CHILDREN
STATEMENT FOR THE RECORD**

**HOUSE JUDICIARY COMMITTEE:
“AN ADMINISTRATION MADE DISASTER: THE TEXAS BORDER
SURGE OF UNACCOMPANIED ALIEN MINORS.”**

JUNE 25, 2014

Chairman Goodlatte, Ranking Member Conyers, and Members of the House Judiciary Committee, we thank you for the opportunity to submit this statement for the record for the hearing entitled “An Administration Made Disaster: The Texas Border Surge of Unaccompanied Alien Minors.”

The First Focus Campaign for Children is a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. As an organization dedicated to promoting the safety and well-being of all children in the United States, we urge Congress to work towards finding comprehensive solutions to the Central American child migration crisis that prioritize the best interest of the child and address both the immediate needs of the children who have recently entered the U.S. as well as the root causes of their forced migration. We believe recent attempts to put these children in the middle of the politics surrounding the immigration debate do nothing to address the problem and only distract from the urgent need to ensure that we are protecting vulnerable children who are seeking refuge in the United States.

There is no doubt that the recent influx of unaccompanied children across the Southern border represents a humanitarian crisis. Recent data from the Department of Homeland Security (DHS) reveals that since October 1, 2013, 47,017 children have entered the United States, with the majority coming from Mexico, Honduras, El Salvador and Guatemala, and a significant increase in the number of girls and young children.ⁱ According to extensive research including a recent report by the UN High Commissioner for Refugees (UNHCR), the majority of newly arriving children are escaping extreme violence and instability, spurred by increased drug trafficking and gang activity in their home countries.ⁱⁱⁱ Honduras, for example, was recently cited as the murder capital of the world by the United Nations Office of Drugs and Crime.^{iv}

While some children may also be motivated to leave due to domestic abuse, extreme poverty, high unemployment rates and hopes of reunifying with family members in the U.S., the vast majority are fleeing desperate situations which force both youth and their families to make the very difficult decision to either stay and accept near certain death or risk “probable death” by migrating to surrounding countries. In Mexico, children reported that human smugglers aggressively recruit children, and across the region it was reported that gangs also regularly recruit children as young as ten years old. Therefore, claims that children are primarily fleeing to the United States due to rumors about lenient immigration policies undermine the reality of the trauma these children have experienced. Hopes of obtaining immigration relief only provide additional incentives at best for those fleeing for their lives, and

such rumors are fueled primarily by misinformation from smugglers who profit from increased migration. In fact, of the over 400 children who were interviewed by UNHCR, only 9 youth mentioned hope of obtaining immigration relief as a reason for their migration.

It is also important to note that the increase in child migrants is impacting other countries, not just the United States. Contiguous countries to El Salvador, Guatemala, and Honduras such as Mexico, Panama, Nicaragua, Costa Rica and Belize have also seen a dramatic increase in the number of child asylum-seekers from Central America.^v The severity of the situations these children are fleeing from should not be underestimated. A recent report by Kids In Need of Defense (KIND) reveals stories from numerous unaccompanied children who attest to nearly daily exposure to atrocities and abuse, including witnessing the murder and rape of friends and family members, sexual and physical violence targeted at even the youngest children, and forced prostitution or gang recruitment.^{vi} The children also reveal traumatic experiences endured along their long and arduous journeys, as many children fall victim to trafficking, sexual abuse and violence, sometimes by the very smuggler hired to transport them. In fact, UNHCR estimates that nearly two-thirds of the unaccompanied minors they interviewed qualify for international protection due to violence and abuse in their home countries.^{vii}

These children are some of the most vulnerable, and yet despite their hope of finding protection and safety in the United States, they are faced instead with a complicated immigration system that does not reflect their specific needs. After apprehension and screening by Customs and Border Patrol (CBP), children are held for up to 72 hours in detention centers that are frequently not equipped to meet children's needs and lack personnel with expertise in working with traumatized children. A recent lawsuit by the ACLU and other civil rights groups against CBP cited over 100 instances of abuse and maltreatment of unaccompanied children in CBP custody, including freezing cold cells, inadequate access to food or medical care, and incidents of physical and sexual abuse.^{viii} Upon release from CBP, children are either immediately repatriated to their home country or referred to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) to be placed in shelter care or released to a parent, relative or other sponsor pending the outcome of their immigration hearing. All unaccompanied children are placed into removal proceedings, and must undergo the same immigration process as adults. Despite their age, even children as young as two-years-old are not appointed legal counsel, forcing them to undergo proceedings alone or rely on the limited pro bono representation provided by non-profit organizations.

Recommendations

We urge both Congress and the Administration to hold the best interest of the child paramount in all solutions that are being developed to address this crisis. The following are specific recommendations from the First Focus Campaign for Children, many of which were included in the plan presented last week by Senators Robert Menendez (D-NJ), Dick Durbin (D-IL), Mazie Hirono (D-HI), and Representatives Luis Guterrez (D-IL) and Lucille Roybal-Allard (D-CA).

- All the federal agencies that deal with unaccompanied children, including the Department of Homeland Security (DHS), Department of Justice (DOJ), and the Department of Health & Human Services (HHS) should adopt a best interest of the child standard to guide all decisions made regarding the care of unaccompanied children as well as their eligibility for humanitarian relief.
- Congress should increase funding levels to HHS/ORR, DHS, DOJ and other relevant agencies so that adequate resources are available to ensure that children are receiving proper treatment and services that reflect their unique needs and vulnerabilities. On June 10, 2014, Senator Harkin introduced a bill that provides \$1.94 billion to HHS to address the surge of unaccompanied children. The Labor-HHS bill with

this provision has been approved by the sub-committee but is pending passage by the full Senate Appropriations Committee.^{ix} Congress should move quickly to approve this bill.

- CBP should contract with child welfare experts to screen children along the border so that children are properly evaluated for trafficking and other humanitarian concerns and connected to services.
- DHS and HHS/ORR should ensure that temporary CBP holding facilities and emergency shelters meet the required humanitarian standards for children set forth in the *Flores. v. Reno* settlement and the TVPRA and codify these standards in DHS regulations.^x The Flores Settlement, born out of a class action brought by the ACLU against the INS sets standards of how a minor in the custody of the INS should be treated. It stipulates that facilities will provide access to toilets and sinks, drinking water and food, medical assistance, adequate temperature control and ventilation, adequate supervision of minors, and contact with family members. Likewise, family detention centers should not be reopened; rather, effective alternatives to detention should be used whenever possible for families.
- ORR should ensure that children are placed into community-based care whenever possible, including placement with parent or relative sponsors, and strengthen screening mechanisms for sponsors to ensure children are being placed in safe and appropriate settings. When community-based care is not an option, children should be placed in proper facilities and other settings that are adequately equipped to meet the medical, mental health and other special needs of children, as well as pregnant and parenting teens, rather than placing children in large institutional settings.
- ORR should strengthen and significantly expand the follow-up services provided to children and their sponsors once they are released from federal custody to ensure their safety and well-being.
- All unaccompanied children placed into removal proceedings should be provided legal representation and child advocates to increase their chances for obtaining immigration relief and to ensure consideration of their best interests. Congress should pass The Vulnerable Immigrant Voice Act of 2014 by Congressman Jeffries, which would address the dire need for unaccompanied children to have access to legal counsel. The new federal “justice Americorps” legal services grant should also be modified so that it includes 16- and 17-year-old youth who risk losing their eligibility for immigration upon reaching age 18.
- The Department of State, in partnership with over relevant governmental and nongovernmental agencies in the U.S. and in the sending countries, should develop a program focused on the safe and successful repatriation and reintegration of children that are returned to their home countries.
- Foreign aid should be targeted to address the instability and violence being caused by drug traffickers and smugglers in Honduras, Guatemala, El Salvador, and Mexico and a comprehensive strategy in partnership with governments in the region should be developed that is focused on restoring children’s safety, rights, and opportunity in their home countries.

- Congress should establish a bicameral and bipartisan committee focused on developing strategies to meet the needs of child refugees and address the root causes of the child migration crisis.

We thank you again for the opportunity to submit this statement for the record. We look forward to working with Congress in the weeks ahead to find solutions to address the short and long-term needs of these vulnerable children who are in dire need of protection and assistance. Should there be any questions regarding this statement, please contact Wendy Cervantes, Vice President of Immigration and Child Rights, at wendyc@firstfocus.net.

ⁱ Southwest Border Unaccompanied Children, U.S. Customs and Border Protection (April, 2014) <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>

ⁱⁱ Children on the Run: Unaccompanied Children Leaving Central American and Mexico and the Need for International Protection, UNHCR (2014).

ⁱⁱⁱ Julia Preston, *New U.S. Effort to Aid Unaccompanied Child Migrants*, New York Times, June 2, 2014 Available at:

http://www.nytimes.com/2014/06/03/us/politics/new-us-effort-to-aid-unaccompanied-child-migrants.html?_r=1

^{iv} Global Study on Homicide. United Nations Office of Drugs and Crime, 2013. Available at: <http://www.unodc.org/gsh/>

^v Children on the Run: Unaccompanied Children Leaving Central American and Mexico and the Need for International Protection, UNHCR (2014).

^{vi} Time Is Now: Understanding and Addressing the Protection of Immigrant Children Who Come Alone to the United States. Kids In Need of Defense, February 2013. Available at: www.supportkind.org

^{vii} Children on the Run: Unaccompanied Children Leaving Central American and Mexico and the Need for International Protection, UNHCR (2014).

^{viii} Unaccompanied Alien Children Report Serious Abuses by U.S. Officials During Detention. American Civil Liberties Union, June 11, 2014. Available at: <https://www.aclu.org/immigrants-rights/unaccompanied-immigrant-children-report-serious-abuse-us-officials-during>

^{ix} Erik Wasson, *Senate to provide 1.9 billion for rise in child migrants*, The Hill, June 10, 2014. Available at: <http://thehill.com/policy/finance/208840-senate-to-provide-19b-to-handle-spike-in-child-migrants>

^x Stipulated Settlement Agreement at 7, *Flores v. Reno* (1997). Available at:

<http://immigrantchildren.org/cases/FLORES%20CASE/Flores%20Procedural%20Docs/FloresStpultdSetlmt%20AGMT.pdf>