

**First Focus Campaign for Children
Statement for the Record**

May 22, 2018

**U.S. Senate Committee on Judiciary
Subcommittee on Border Security and Immigration
“TVPRA and Exploited Loopholes Affecting Unaccompanied Alien Children”**

Chairman Grassley, Ranking Member Feinstein, Subcommittee Chairman Cornyn, Subcommittee Ranking Member Durbin and Members of the Senate Committee on Judiciary Border Security and Immigration Subcommittee, thank you for the opportunity to submit this statement for the record.

First Focus is a bipartisan children’s advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. Our organization is committed to ensuring that our nation’s immigration policies promote child well-being and ensure that all children have the opportunity to live a healthy and successful life.

The humanitarian crisis in the northern triangle of Central America has caused an increase in the number of young people who are fleeing horrific gender violence and gang recruitment. We urge both Congress and the Administration to uphold the best interest of the child in all decisions regarding this crisis and the treatment of unaccompanied alien children (UACs). We are concerned with the Administration’s attempts to undermine protections under the Trafficking Victims Protection Reauthorization Act (TVPRA) for UACs including terminating the Flores Settlement Agreement (FSA), judicial discretion to remove UAC status, expedited removal of children from non-contiguous countries, and increased burden of proof for special immigrant juvenile status (SIJS). Rather than weakening protections for children in the face of this humanitarian crisis, Congress and the Administration should be strengthening such protections.

It is our responsibility to ensure that children who are seeking refuge in the United States are not deterred from doing so and that our government provides the best protections and services to these vulnerable children during every step of the process. This includes ensuring that unaccompanied children are properly screened upon apprehension at the border, transferred in a timely manner to the care of the ORR, and safely placed in the care of sponsors. We agree with the long-standing child welfare principle that children should be placed in the least restrictive setting possible and that children do best when they are in the care of their family. In light of the recent revelation that the Department of Health and Human Services (HHS) lost track of nearly 1,500 UACs who were placed in their care, the Office of Refugee Resettlement (ORR) must be provided with adequate resources to conduct home studies consistent with child welfare practices and provide comprehensive post-release services based on the specific needs of children and their sponsors.

Additionally, we are concerned with the increasing use of the term “loophole” when talking about vulnerable children. The criminalization of young migrants will only lead to further victimization of innocent young people rather than ensuring the safety of our communities. We oppose legislation such as the Criminal Alien Gang Removal Act (S.2380) that will increase the authority of the Secretary of Homeland Security to label

groups as “criminal gangs” and limit due process and safety nets for those who would be accused under the new guidelines. Instead of punitive legislation, programs such as the Central American Minors (CAM) program, which the administration ended last year, are needed to create a comprehensive vetting process as well as legal pathway for those who qualify for protected status.

Finally, we are very concerned with the proposed rule to release potential UAC sponsor and household member’s immigration status to Immigration and Customs Enforcement (ICE). This rule will result in more UACs in foster care or HHS custody due to fear of sponsors being targeted for deportation. The proposed rule will have devastating effects on children and families and will force families to seek help from those who would prey on their vulnerability. This is in direct contradiction to the Administration’s stated goal of protecting kids from human smuggling and trafficking.

As an organization committed to the well-being of all children regardless of immigration status, we urge policy makers on both sides to take into account the best interest of the child especially in the context of children who are fleeing violence and extreme hardship. We thank you again for the opportunity to submit this written testimony. We look forward to working with you to implement common sense policies that will help unaccompanied children thrive in the United States. Should there be any question regarding this statement, please contact Kristen Torres, Policy Director, Child Welfare and Immigration, at (202) 866-0647 or kristent@firstfocus.org.