



July 14, 2014

Dear Member of Congress,

On behalf of the First Focus Campaign for Children, a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions, I would like to express our concern regarding recent discussions in Congress to rollback the removal hearing procedures for unaccompanied immigrant children set forth in law by the 2008 Trafficking and Victims Protection Reauthorization Act (TVPRA). The TVPRA was passed after careful debate and consideration by Congress and represents a true bipartisan effort aimed to protect all children in the United States, regardless of their country of origin. To roll back these protections in the name of expediency would undermine children's safety and due process rights.

Several Members of Congress have recently proposed changes to the law in order to address the recent influx of unaccompanied minors from Central America by expediting their removal process. This misguided proposal would mean repealing a law that serves to protect the safety and interests of thousands of children. Under current law, unaccompanied children from non-contiguous countries who come into the United States are placed in removal hearings to determine whether they can be safely repatriated to their home countries. This ensures that the child has the opportunity to present their circumstances to an immigration judge so that he or she can make an informed decision as to whether or not the child qualifies for some type of relief from removal, such as asylum. Furthermore, the law stipulates that pro bono legal representation should be provided for these children, highlighting the importance of ensuring that children are adequately represented in immigration proceedings. The Congressional Record makes it clear that with these provisions, Congress was seeking to protect children "who had escaped traumatic situations such as armed conflict, sweatshop labor, human trafficking, forced prostitution, and other life threatening circumstances." The children who have crossed the border in recent months from Central America have overwhelmingly endured this type of trauma and is exactly the population the TVPRA sought to protect through fair legal processes.

It is also important to note that subjecting children from non-contiguous countries to the same screening process as children from contiguous countries would minimize their chances of obtaining relief they may be eligible for. Unlike children from non-contiguous countries who are automatically referred to the Office of Refugee Resettlement for screening and placement with sponsors, children from contiguous countries (Mexico and Canada) are screened for trafficking and credible fear concerns by a Customs and Border Patrol (CBP) officer or other immigration officer within 48 hours of apprehension, and frequently repatriated immediately. A 2011 report by Applesseed reveals that CBP simply lacks the time, resources, and training to appropriately screen children, many of who have suffered trauma. As a result, vulnerable youth are at risk of being inappropriately screened and returned to dangerous situations.

In recent months, Congress has brought the issue of child trafficking to the forefront of legislative activity by holding numerous hearings and introducing promising bills that attempt to expand services and protections to victims and those at risk. We commend Congress on taking critical steps forward to stop child trafficking in the United States and across the globe. However, repealing any part of the TVPRA would be a clear step in the wrong direction. The TVPRA remains the most comprehensive piece of human trafficking legislation and provides much needed services to foreign-born youth victims. Attempting to expedite the removal process by stripping the due process provisions for unaccompanied minors puts child trafficking victims at risk of falling through the cracks.

We encourage Congress to continue its efforts to address child trafficking this session by strengthening protections for victims and keeping the 2008 TVPRA intact. We also urge Congress to work towards finding comprehensive solutions to address the child refugee crisis that reflect our American values and prioritize the best interest of the child.

Sincerely,



Bruce Lesley  
President

Enclosed: Fact sheet, “Legal Protections for Unaccompanied Children Under the Trafficking Victims Protection Act.”