



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

**U.S. SENATE COMMITTEE ON THE JUDICIARY  
THE UNACCOMPANIED CHILDREN CRISIS: DOES THE ADMINISTRATION HAVE A  
PLAN TO STOP THE BORDER SURGE AND ADEQUATELY MONITOR THE  
CHILDREN?**

**FEBRUARY 23, 2016**

Chairman Grassley, Ranking Member Leahy, and Members of the Senate Committee on the Judiciary, we thank you for the opportunity to submit this statement for the record for the hearing to consider the Administration's response to the influx of children arriving in the United States from Central America.

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 have been urging both Congress and the Administration to uphold the best interest of the child in all decisions regarding the Central American humanitarian crisis, including addressing the conditions in the Northern Triangle causing children to flee and ensuring adequate resources are provided to children once they arrive in the United States.

It is imperative that this situation be treated as the refugee crisis that it is. The majority of unaccompanied children who have arrived in the U.S. and been placed in the care of the Office of Refugee Resettlement (ORR) in FY 2014 and FY 2015 are from the Northern Triangle of Central America, including Guatemala, El Salvador, and Honduras. The United Nations High Commissioner for Refugees (UNHCR) has issued reports and statements that indicate that these countries are facing great instability and that children and families are experiencing extreme violence and exploitation. In fact, all three countries rank among the top five globally for homicide rates in 2015. Due to the instability of the government in these countries, there is little to no protection from traffickers, gangs, and smugglers. It should be noted that children are fleeing to many other countries in the region, not just the United States, with asylum claims at record levels in countries like Nicaragua, Belize, and Panama.

We are gravely concerned with the Administration's enforcement-heavy approach to dealing with this crisis. While we commend the Administration's recent launch of in-country processing, the program is still in its early phases of implementation and is grossly inadequate in meeting the demand. Most troubling has been the ongoing strategy to deter children and families from entering the United States.

Policies have included detaining children and mothers in family detention centers despite ample evidence that this practice is harmful to a child's development, deporting children without explaining the legal process or providing legal counsel to represent them in removal hearings, increasing enforcement efforts to intercept children on their journey and putting them at risk of being returned to violence, and conducting home raids which have terrorized whole immigrant communities to deport families who have received removal orders from immigration courts. These policies are both misguided and irresponsible as they put the lives of children at risk.

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 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. We also believe that the Department of Health and Human Services remains the most appropriate agency for overseeing the care of unaccompanied children. However, we also believe that ORR must make improvements to ensure the safety and well-being of children who are released from ORR care, including strengthening screening mechanisms for sponsors and improving post-release services. ORR must be provided with adequate resources to conduct background checks on *all* sponsors, conduct home studies consistent with child welfare practices, and provide comprehensive post-release services based on the specific needs of children and their sponsors.

In addition to the recommendations above, we believe more can be done to ensure the best interest of unaccompanied children and address the root causes of the violence in the Northern Triangle. We also encourage Congress and the Administration to implement the following reforms:

- All federal agencies that deal with unaccompanied children should adopt a best interest of the child standard to consistently guide all decisions made regarding the care of unaccompanied children as well as their eligibility for humanitarian relief.
- The administration should grant Temporary Protected Status or some other form of humanitarian relief to children and families fleeing from El Salvador, Guatemala, and Honduras. Temporary Protected Status is a designation due to conditions in a foreign country that temporarily prevent the country's nationals from returning safely, or where the country is unable to handle the return of its nationals adequately.
- DHS should close all family detention centers. Research consistently shows that family detention causes long-lasting trauma on children and is harmful to the parent-child relationship. Effective and cost-efficient alternatives to detention should be used whenever possible for families.
- DHS should cease from enforcement raids targeting Central American migrants. Raids, particularly those that target homes, further traumatize children and create a climate of fear among immigrant communities which can result in deterring immigrants from sending their children to school or accessing critical services.
- The Department of State, in partnership with over relevant governmental and nongovernmental agencies in the United States 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. Repatriation programs must provide wrap-around follow-up services to children and their families and/or sponsors in the home country. Reintegration programs should include youth violence and gang prevention components as well as workforce development.

- 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 while in ORR care and post-release.
- Congress should strengthen screening and due process mechanisms for children apprehended by CBP. Child welfare experts should be contracted by CBP to screen children along the border so that children are properly evaluated for trafficking and other humanitarian concerns and connected to services.
- All migrant 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. The *Fair Day in Court Act of 2016* is legislation that would ensure that unaccompanied children have access to counsel.
- 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.

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 and bring stability to the Northern Triangle so that children and families do not have to flee their home countries to find safety elsewhere. Should there be any question regarding this statement, please contact Wendy Cervantes, Vice President of Immigration and Child Rights, at (202) 657-0673 or [wendyc@firstfocus.org](mailto:wendyc@firstfocus.org).