



**Welcome the stranger.
Protect the refugee.**

**Statement submitted to the Committee on the Judiciary of the
U.S. House of Representatives**

Hearing on Unaccompanied Children at the South Texas Border

June 25, 2014

An estimated 80-90,000 unaccompanied alien children (UACs) are expected to cross the southern border of the U.S. by the end of the current fiscal year and as many as 140,000 may come next year. The journeys these children take are extremely dangerous, making them vulnerable to violence, rape, and exploitation. In most cases, the children have fled relentless violence and hopelessness in search of a safe place and a better life. Their safety and well-being must be at the heart of every policy decision made in response to this humanitarian crisis.

Although this has been widely recognized as a regional humanitarian crisis only recently, migration from the “Northern Triangle” of Central America—El Salvador, Guatemala, and Honduras—has risen steadily as violence has increased and transnational organized crime has gained a foothold in the region. It is important to note that asylum claims are increasing all over the region: Mexico, Panama, Nicaragua, Costa Rica, and Belize have shown a 435 percent increase in the number of asylum applications they have received from individuals from Northern Triangle countries. This shows that “push factors” are causing people to flee and that the influx of asylum seekers is not unique to the U.S.

The governments of El Salvador, Guatemala, and Honduras are unable to ensure citizen safety. Honduras has the highest homicide rate in the world, and as the murder rate has risen, so has migration. In these countries, gangs forcibly recruit children as young as five. Kids who

refugees are tortured and killed by the gangs. They are also targeted by vigilante groups who indiscriminately kill young people in neighborhoods known for gang activity. There are few employment opportunities; about a third of young people in the urban areas of these countries are not employed or in school. The police do not protect them and the weak governments in the region do not control the violence. A recent report from the UN refugee agency (UNHCR) found that more than half of the children they interviewed cited violence, sexual abuse, forced gang recruitment, and other forms of exploitation as the main reason they fled.

Under the law, the U.S. is required to release these children (unless they are Mexican, in which case they are usually returned quickly to Mexico) to the Department of Health and Human Services' Office of Refugee Resettlement (ORR). ORR must provide housing until the child can be released to a relative or placed in foster care, where they will wait for their immigration hearing. The law requires that the children from Central America have their cases heard by an immigration judge before they can be deported. The system was designed to serve the 6,000 to 8,000 kids who used to come to the U.S. every year. It cannot handle 80,000. Right now there is simply not enough space to house the children who are here, let alone those who are still coming, and the U.S. must meet the most basic needs of these children immediately.

Vice President Biden recently made a stop in Guatemala during his Latin America trip, where he met with government officials in an effort to get the message across to parents that sending their children to the U.S. is not a safe or viable decision. But parents already understand that the journey is dangerous. Given a choice between keeping their children at home, where they are at extreme risk of violence and there is no hope for the future, and sending them to the U.S., where they face an extreme risk of violence during the journey but have some hope of a safe future, parents are choosing hope.

More border enforcement would not in any way solve this humanitarian crisis—in fact, border resources and enforcement have been more robust than ever under the Administration, yet the migration surge continues. Considering enforcement alone in responding to this crisis could result in child refugees being barred from accessing the protection they need.

The only long term solution to this crisis is a holistic approach that prioritizes safety and opportunity for children in the countries of the Northern Triangle. This approach should also include processing refugees from these countries before they attempt to travel to the U.S. and enacting new forms of humanitarian protection for individuals fleeing the violence in the region.

In terms of immediate response, the U.S. Border Patrol and other government officials that come into contact with migrant children should be trained to deal appropriately with them. Children should be screened to determine if they would be persecuted if returned to their home countries and advised of the right to seek asylum. Children who flee the violence who have asylum claims must be able to make them, and procedures for kids in the immigration system must be fair and humane.

Furthermore, systems and funding should be in place to ensure that these children have competent legal representation and are not left alone to represent themselves in court. Congress should allocate funds to the immigration courts to process cases quickly and should fund programs to help ensure the safe return and integration of children who are sent back to their home countries.

The humanitarian situation at the southern border has caused another crisis. Because of the large shortfall in funding for the Office of Refugee Resettlement (ORR), ORR has informed Congress that it plans to “reprogram” funds that had been budgeted to pay for refugee resettlement services. These cuts would have devastating consequences for recently arrived refugees as they begin their lives anew in our communities. Many successful programs such as those that support micro-enterprise, provide child care for refugee families, support Cuban-Haitian entrants, elderly refugees, and school impact grants will no longer receive funding.

It is unconscionable that refugees should be made to bear the cost of the influx of children at our southern border. Congress must immediately increase funding to ORR by \$200 million for FY14 so that the burden of the influx of children at the border is not paid for by the refugees from Iraq, Syria, and elsewhere who have been generously offered protection by the U.S.

Throughout our history, America has been defined by our generosity toward those who seek a safe haven from violence, oppression, and persecution. We must build and maintain processes that reflect the American tradition of offering a chance at a new beginning to those who seek safety and freedom. As a global humanitarian leader, the U.S. has an obligation to fairly and objectively assess asylum applicants who arrive at our borders. The U.S. must show leadership in helping unaccompanied children while maintaining our commitment to asylum seekers and refugees.