



# KIDS IN CRISIS:

## The surge of unaccompanied immigr

A humanitarian crisis of epic proportion is unfolding along the U.S.-Mexico border. Since October of last year 52,000 children have been apprehended by U.S. Border Patrol after crossing into the U.S. without family members.<sup>1</sup> Officials estimate that 90,000 unaccompanied migrant children may be apprehended by the end of the year, and as many as 140,000 children next year.<sup>2</sup> On June 2 President Obama appointed the head of the Federal Emergency Management Agency to lead the government's response to the crisis. His administration is requesting

\$1.4 billion in additional funding from Congress to help feed, house, and transport the children and has turned to the Defense Department to provide temporary housing.<sup>3</sup>

Most of the children crossing the border are from four countries: Mexico, Guatemala, Honduras, and El Salvador. Whereas Mexican children are almost always immediately returned to their home country, other child migrants are automatically put into deportation proceedings and within 72 hours placed in the custody of the U.S.

Department of Health and Human Services (HHS). In fiscal year 2013, 37 percent of child migrants in HHS custody were from Guatemala, 30 percent were from Honduras, and 26 percent were from El Salvador.<sup>4</sup>

Sometimes the family pays a smuggler to bring the child to the border; other times a child comes on his or her own. During their long and difficult journey children experience severe deprivation—not knowing when they will eat or drink next. The threat of violence and exploitation from human traffickers, drug traffickers, or police authorities is ever present. Human smugglers may abandon children when the journey becomes too risky. Adolescent girls are frequently the victims of sexual assault. As a result of the treacherous journey north, many children are deeply scarred by their migration experience.<sup>5</sup>

In November, 2013, a delegation from the U.S. Conference of Catholic Bishops traveled to Central America and southern Mexico to investigate the flight of unprecedented numbers of unaccompanied child migrants to the U.S. They found no easy answer as to why so many children are making the dangerous journey north, but rather that a series of interrelated factors have contributed to a “perfect storm” to create this phenomenon. While push factors including widespread poverty, lack of educational opportunities, and the desire to reunite with family members are all operative, the delegation's report concludes that the overwhelming reason that children are fleeing in recent years is because of pervasive violence in the sending countries and a corresponding collapse of the rule of law which have created a “culture of fear and hopelessness.”<sup>6</sup>

A 2013 study by Kids in Need of Defense (KIND), which provides pro bono legal counsel to unaccompanied immigrant children who enter the U.S. immigration system, found that 30% of the children referred to their services<sup>7</sup> migrated to escape gang violence and intimidation. Frequently, boys were targets of forced conscription by gangs once they entered adolescence. Some of KIND's female clients reported being raped by gang members who wanted them to join the gang and become their “girlfriends.” Children with a family member in the U.S. who could send home remittances were often intimidated through violent assaults to make regular payments (“renta”) to the gang.<sup>8</sup>

In addition to suffering violence perpetrated by gangs and other criminal actors such as drug cartels or corrupt law enforcement authorities, a significant number of children have fled their home countries to escape violence at the hands of family members. United Nations High Commission for Refugees (UNHCR) researchers interviewed 404 unaccompanied children who had arrived in the U.S. after September 2011 to determine their reasons for leaving. While 48 percent shared experiences of how they had been personally affected by organized criminal actors, 22 percent of the children spoke of the abuse and violence they received in their homes from parents or other family members.<sup>9</sup> Research on migration in Latin America and the Caribbean indicates that migration of a parent, especially if he or she is a caregiver, is a key cause of family disintegration



A child migrant's journey is fraught with danger. In this photo, youth risk amputation to ride a train, known as *La Bestia* (The Beast), to northern Mexico.

# rant children to the border

BY SUE WEISHAR, PH.D.

and increases in child abuse and exploitation.<sup>10</sup> Many of the children interviewed by KIND were abused by non-parental family members who were entrusted with the child's care after a parent had migrated.<sup>11</sup>

If the children reach the U.S. and are placed in HHS custody, they are then cared for through a network of state licensed care facilities such as group homes, foster care, youth shelters, and residential treatment centers funded and monitored by the Office of Refugee Resettlement (ORR), the agency within HHS assigned responsibility for the care of unaccompanied child migrants in 2002 because of its extensive experience serving the social needs of refugees. Many of the care facilities are located near the Texas border with Mexico. According to ORR data from FY 2013, three fourths of the unaccompanied child migrants in HHS custody were over 14 and 73% were boys. The average length of stay was 35 days and 85% of the children were reunified with family members or other sponsors in the U.S. through family reunification services provided by the care facilities.<sup>12</sup> It is the responsibility of the family to secure legal representation for the child—a daunting task.<sup>13</sup>

No community in the United States has been more impacted by unaccompanied child migrants than the Rio Grande valley. Fourteen shelters for unaccompanied immigrant children are funded by ORR in the valley. Long-time border activist Michael Seifert told me in a recent phone conversation, however, that many children who avoid detection by Border Patrol end up living in shacks or the brush in rural areas in the valley and that these children are prime targets of traffickers.<sup>14</sup>

Seifert believes the U.S. played a large role in creating the crisis of unaccompanied child migrants: “We were the ones who sent the gang members back to Central America after they were arrested in Los Angeles. We were the ones who cheerfully signed into

law NAFTA without understanding how it would just suffocate village economies...In so many ways this is worse than the Central American migration in the 90's because these are children.”<sup>15</sup>

The surge of unaccompanied child migrants to the border has happened at the same time that unprecedented numbers of parents traveling with children have crossed the border—about 39,000 parents who came with children had been apprehended by June of this fiscal year. Because the only immigration detention center for families, located in Pennsylvania, was already filled to capacity, most families were released by Border Patrol with an order to appear in immigration court in 30 days.<sup>16</sup> The Obama Administration announced plans on June 20 to accelerate deportations of families, including sending more immigration judges to south Texas and opening new detention facilities for families along the border—despite concerns advocates are raising of the profoundly damaging affects that detention has on the physical and mental health of children and parent-child relations.<sup>17</sup> The administration is also funding public-service announcements on Latino media about the dangers of coming illegally to the U.S. Kevin Appleby, Director of Migration Policy for the U.S. Conference of Catholic Bishops, warns, however, that without addressing the violence that causes people to flee, we are forcing vulnerable migrants back into what amounts to a war zone. “The danger they face at home is still far greater than they face trying to reach safety in the U.S. or other countries.”<sup>18</sup>

## ENDNOTES

- 1 Seung Min Kim, “White House unveils new plan to address immigration crisis,” *Politico*, June 20, 2014.
- 2 Brett Logiurato, “There’s a staggering humanitarian crisis on the US border, and it’s only going to get worse,” *Business Insider*, June 16, 2014.

- 3 Alicia A. Caldwell, “Surge in children crossing border alone strains patrol,” *Associated Press/The New Orleans Advocate*, June 6, 2014.
- 4 *About Unaccompanied Children’s Services*, Office of Refugee Resettlement, at [www.acf.hhs.gov/programs/orr/programs/ucs/about](http://www.acf.hhs.gov/programs/orr/programs/ucs/about). Although the majority of unaccompanied children apprehended by U.S. Border Patrol are from Mexico, most are returned to Mexico within one or two days. Only 3% of children in HHS custody in FY 2013 were from Mexico. Until 2008 virtually all unaccompanied children from Mexico were turned around at the border and returned to Mexico. In December 2008 legislation passed by Congress required that U.S. Customs and Border Protection also screen unaccompanied children from Mexico for protection concerns and vulnerabilities and refer qualifying children to HHS. It is not clear if this policy is being fully implemented. See: *The Time is Now: Understanding and Addressing the Protection of Immigrant Children Who Come to the United States, Kids in Need of Defense*, February, 2012.
- 5 Ibid.
- 6 *Mission to Central America: The Flight of Unaccompanied Children to the United States*, United States Conference of Catholic Bishops, 2014.
- 7 Children are only referred to KIND if they have a potential claim for a form of immigration relief such as a Special Juvenile visa for abandoned or neglected children, a T visa for victims of human trafficking, a U visa for victims of crime in the U.S., or a family reunification visa for children with parents with legal status.
- 8 Op. Cit., Kids in Need of Defense.
- 9 *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, United Nations High Commissioner for Refugees Regional Office for the United States and Caribbean, 2014.
- 10 Anna Lucia D’Emilio, Berenice Cordero, Bertrand Bainvel, Christian Skoog, Debora Comini, Jean Gough, Monica Dias, Rhea Saab, and Teresa Kilbane, *The Impact of International Migration: Children Left Behind in Selected Countries of Latin America and the Caribbean*, UNICEF, May, 2007. Study on impact of migration in Mexico found that when family caregivers migrate to the U.S., the remaining family members in Mexico struggle to meet the family’s needs and children are more vulnerable to educational, emotional, and health problems. See: Jody Heymann, Francisco Flores-Macias, Jeffery Hayes, Malinda Kennedy, Claudia Lahaie, and Alison Earle,

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“The impact of migration on the well-being of transnational families: new data from sending communities in Mexico,” *Community, Work & Family*, Vol. 12, No. 1, February 2009, pp. 91-103.

11 Op. Cit., Kids in Need of Defense.

12 Op. Cit., Office of Refugee Resettlement. Sometimes the adjustment to living again with a parent the child has not seen in years can be very difficult, especially if the parent has remarried and is raising another family. Because deportation is a civil infraction, a government attorney is not provided to represent the children in deportation proceedings.

13 Over half of immigrant children are not represented by a lawyer in their immigration proceedings. Op. Cit., Kids in Need of Defense.

14 Phone interview with Michael Seifert, May 5, 2014.

15 Ibid.

16 Julia Preston, “U.S. Plans to Step Up Detention and Deportation of Migrants,” *The New York Times*, June 20, 2014.

17 See “Statement from Michelle Brané, Director of Migrant Rights & Justice Programs at Women’s Refugee Commission on today’s U.S. government decision to detain and deport migrant families,” June 20, 2014, [www.womensrefugeecommission.org/press-room/2067-wrc-reacts-to-the-us-government-announcement-that-it-will-begin-detaining-and-deporting-immigrant-families](http://www.womensrefugeecommission.org/press-room/2067-wrc-reacts-to-the-us-government-announcement-that-it-will-begin-detaining-and-deporting-immigrant-families)

18 Op. Cit., Kim. It is important to note that this crisis is regional in nature. Asylum requests by Hondurans, Salvadorans, and Guatemalans seeking refuge in Mexico, Panama, Nicaragua, Costa Rica, and Belize increased 712 percent since 2009, according to a U.N. report. See [www.menendez.senate.gov/newsroom/press/sens-menendez-durbin-hirono-and-reps-gutierrez-and-roysbal-allard-discuss-humanitarian-and-refugee-children-crisis-at-the-border](http://www.menendez.senate.gov/newsroom/press/sens-menendez-durbin-hirono-and-reps-gutierrez-and-roysbal-allard-discuss-humanitarian-and-refugee-children-crisis-at-the-border)

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