

U.S. Must Ensure Protection of Unaccompanied Children and Adequate Funding for Refugee Resettlement

Church World Service (CWS), a 67-year-old humanitarian organization, urges the U.S. government to address the needs of unaccompanied children seeking safety in the United States by prioritizing their wellbeing and ensuring access to lifesaving protection. To uphold our legal and moral responsibilities, the Administration and Congress must provide an urgent increase in funding for the Office of Refugee Resettlement (ORR) to provide services for these children, a coherent plan to ensure children in need of protection are treated in a manner that reflects their unique needs and vulnerabilities, and a long-term strategy to address the varied and complex root causes of displacement in the region.

The number of unaccompanied children fleeing violence in El Salvador, Guatemala and Honduras has increased substantially over the past three years, from 6,800 in 2011 to an estimated 90,000 in 2014. These children are fleeing drastic increases in violence, conscription into gangs, trafficking, abuse by smugglers and sexual assault. Some of these children are bona fide refugees and asylum seekers, and the majority of them meet criteria for international protection¹. The demographics of these children have changed, and instead of older teenage boys, more of these children are girls, younger children and victims of trauma. It is critical that the United States and international community prioritize their protection, safety and care.

CWS strongly condemns proposals that have focused on expeditiously removing, detaining and denying these children access to life-saving protection, and urges the Administration and Congress to ensure that the assessments of protection needs required by international obligations^{2,3} are conducted and that the services required by U.S. law⁴ are provided to protect these children.

Ensure access to protection for unaccompanied children fleeing violence

It is important to note that unaccompanied children are not breaking the law when they enter the United States. Individuals have the right to seek protection from persecution and violence, both through international^{5,6} and U.S. law⁷. Under current U.S. law, U.S. Customs and Border Protection (CBP) is required to take child migrants into custody, screen them for protection concerns and transfer them to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services. ORR places children in foster care or reunites them with relatives in the United States and CBP places the children into deportation proceedings,

¹ United Nations High Commissioner for Refugees, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection. 2014. <<http://unhcrwashington.org/children>>.

² Articles 2, 3, 6 and 22, The Convention on the Rights of the Child. <www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

³ United Nations High Commissioner for Refugees, A Framework for the Protection of Children. <www.unhcr.org/50f6cf0b9.html>.

⁴ U.S. Code Title 22: Foreign Relations and Intercourse, Chapter 78: Trafficking Victims Protection. <<http://uscode.house.gov>>.

⁵ Article 14, The Universal Declaration of Human Rights. <www.un.org/en/documents/udhr/index.shtml#a14>.

⁶ United Nations General Assembly, Declaration on Territorial Asylum, 14 December 1967, A/RES/2312(XXII). <www.refworld.org/docid/3b00f05a2c.html>.

⁷ U.S. Code Title 8: Aliens and Nationality, Chapter 12: Immigration and Nationality, Section 1158: Asylum. <<http://uscode.house.gov>>.

issuing them a Notice to Appear in immigration court.⁸ Children from Mexico are almost always immediately deported, as they are treated differently under U.S. law. Expedited removal of non-Mexican children is illegal under the Trafficking Victims Protection Reauthorization Act (TVPRA).

CWS is strongly opposed to proposals that would undercut the TVPRA, as these are important standards established by Congress that should not be weakened now just because more children are in need of these protections. Deporting unaccompanied children more quickly, before they are screened for trafficking and protection concerns would only perpetuate a crisis of vulnerable children whose concerns are not being addressed and who are passed along to further exploitation and abuse. Summarily deporting these children would place them back into the hands of smugglers, gangs and dangerous criminal organizations and increase the power these groups hold over children and entire communities. The U.S. is under obligations to both international and U.S. law, as well as a basic moral compass, to safeguard against refoulement^{9,10} (unsafe return) and turning children over to people who will traffic or exploit them. Also, expanding the use of detention for children and families will do nothing to improve the humanitarian crisis faced in Latin America or along the U.S. border. Detention is costly and makes it harder for those fleeing persecution to apply for protection. Rather than detention, community-based alternatives better meet the needs of these vulnerable populations, while keeping costs low and ensuring appearances at immigration court proceedings¹¹. Congress and the Administration should increase resources for immigration courts to maintain the integrity of the U.S. immigration system by ensuring that cases can be resolved in a timely, but not rushed, manner.

The U.S. government should not further militarize the U.S. / Mexico border or assist Mexico in militarizing its southern border. Such action would be counterproductive to ensuring access to protection, and would offer no solution to the many children fleeing violence. Any efforts to keep children who are fleeing persecution from finding life-saving access to protection in the United States or elsewhere would fly in the face of the fundamental values upon which this country was founded. The United States already spends more than \$17 billion a year on border enforcement, and should instead prioritize identifying, disrupting and dismantling transnational criminal smuggling networks that prey upon these children. At a time when the United States is encouraging Egypt, Jordan and Lebanon to maintain access to protection for the millions of Syrian refugees, the United States cannot abandon its standards of protection simply because the numbers of unaccompanied children have increased. Especially as the number of children, while meaningful, pales in comparison to the number of Syrian refugees who continue to be welcomed in nearby host countries.

Provide unaccompanied children adequate services, while maintaining services for refugees

As the number of unaccompanied children has exceeded projections, the Office of Refugee Resettlement (ORR), the agency responsible for the care of these children, has addressed its budget shortfall by reprogramming \$94 million from refugee services. These drastic budget cuts are having devastating consequences for refugees and the communities that welcome them. CWS urges the Administration and Congress to increase ORR's budget by at least \$200 million in FY 2014 to meet the needs of unaccompanied children and refugees, asylees, Iraqi and Afghan SIV recipients who served alongside U.S. interests, Cuban and Haitian entrants, and all populations in ORR's care. In addition to supplemental funds urgently needed this year, ORR will require at least \$3.167 billion in FY 2015 to respond to this crisis without sacrificing funds for vital refugee services.

⁸ Providing Comprehensive Services for Unaccompanied Children at Immigration Court. Kids In Need of Defense. <https://supportkind.org/en/about-us/resources/doc_download/70-a-treacherous-journey-child-migrants-navigating-the-u-s-immigration-system-section-3>.

⁹ United Nations High Commissioner for Refugees, Convention and Protocol Relating to the Status of Refugees. <www.unhcr.org/3b66c2aa10.html>.

¹⁰ United Nations High Commissioner for Refugees, Note on Non-Refoulement, 23 August 1977. <www.unhcr.org/3ae68ccd10.html>.

¹¹ Human Rights First, Response to Surge of Unaccompanied Minors and Families at the U.S.-Mexican Border Must Reflect American Ideals. <www.humanrightsfirst.org/press-release/response-surge-unaccompanied-minors-and-families-us-mexican-border-must-reflect>.

Support regional efforts to improve child protection

Asylum requests by Guatemalans, Hondurans and Salvadorans seeking refuge in the neighboring countries of Mexico, Panama, Nicaragua, Costa Rica and Belize have increased by 712 percent since 2009, with even more fleeing to safe havens within their own countries. In Honduras alone, murders of women and girls have increased by 346 percent, and murders of men and boys are up by 292 percent since 2005. The U.S. government should work with El Salvador, Guatemala and Honduras to mitigate the reasons these children have to flee, with an eye to their wellbeing in their home countries and during their journeys.

CWS urges the U.S. government to support the capacity building of well-trained, well-resourced and accountable asylum, humanitarian admissions, anti-trafficking, and child protection systems in Central America and Mexico. The United States should also increase financial assistance and encourage other international donors to fund the United Nations High Commissioner for Refugees (UNHCR) to expand their presence in the region to assist countries of origin in preventing displacement, conduct Best Interest Determinations (BIDS) for children, establish refugee resettlement processing, and protect and assist internally displaced persons and asylum seekers.

The current humanitarian crisis will only be solved when violence is reduced, trafficking is not feasible, and children can find security in their home countries. CWS urges the Administration and Congress to support programs that help children enroll and remain in school and gain jobs skills training, which can help secure children's futures and prevent displacement. These solutions, implemented together, are far preferable and more effective than walls that keep children in need out.

For more information on CWS's work and policy positions, and to get be involved in helping these children, email Jen Smyers, Associate Director for Immigration and Refugee Policy, at jsmyers@cwsglobal.org.