



International Rescue Committee

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Written Statement for the Record

**Submitted by Sharon Waxman, Vice President for Public Policy and Advocacy
International Rescue Committee**

**To
Senate Appropriations Committee**

For the Hearing

“Review of the President’s Emergency Supplemental Request for Unaccompanied Children and Related Matters”

July 9, 2014

The International Rescue Committee (IRC) thanks Chairwoman Barbara Mikulski, Ranking Member Richard Shelby, and the Senate Appropriations Committee for holding this important hearing on the funding needs to respond to the surge in arrivals of unaccompanied children from Central America to the United States border. The IRC shares the Committee’s deep concern about the safety and wellbeing of unaccompanied children at our borders and we are prepared to provide support to the United States Government to respond in the most appropriate way.

The IRC is a global humanitarian organization with a presence in 40 countries worldwide and in 22 cities in the United States. We provide emergency relief and post-conflict development and help refugees and other vulnerable people uprooted by conflict, violence and disaster to find protection and rebuild their lives. Since its inception, the IRC has been involved in virtually every major refugee or other humanitarian crisis and resettlement initiative around the globe.

The IRC is recognized globally as having expertise in child protection in humanitarian emergencies, bringing in capacity in areas such as: child protection systems, child-friendly spaces, registration, family tracing and reunification, best interest determinations, case management and psycho-social services, protection information management and inter-agency coordination. This expertise is specific to our work with children affected by forcible displacement, most often in a transnational or cross-border setting. The IRC currently implements large-scale, multi-sectoral child protection responses in at least eight countries impacted by arrivals of displaced children around the world.

The IRC is also one of the largest voluntary agencies serving resettled refugees in the United States, and has historically served resettled refugee children (and to a lesser extent other immigrant children) through services such as home studies, legal guardianship assistance, case management, family reunification support, specialized psychosocial services, access to health and education, and services to child victims of trafficking. These services have been delivered within a broader framework of IRC’s resettlement support, in public-private partnership with U.S. federal and state government offices, under the umbrella of the US Refugee Admissions Program (USRAP).



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The IRC has not historically extended its child protection services here in the United States to the so-called “unaccompanied alien children” (UAC) population. So if the IRC is speaking out today on behalf of the protection needs of the unaccompanied children arriving in the recent surge, it is because we firmly believe that there is now sufficient and compelling evidence to suggest that violence is a predominant factor in what has become a forced displacement situation. This means that no less than the integrity of the United States and its proud historical record of championing the protection of asylum seekers and refugees is at stake.

The IRC recognizes that the nature of the migration flow of the UACs from the three principal source countries of Honduras, El Salvador and Guatemala is “mixed” in nature. Mixed migration is by its very nature characterized by the melding of people on the move, some of whose predominant motivation may be economic or family-reunification related in nature while others are fleeing targeted or generalized violence or persecution. The IRC believes that the current flows of unaccompanied children is a complex mixture of: *bona fide* refugees; others who may qualify for other forms of immigration relief; and yet others who will not qualify for protective status here. This complex reality requires that the most scrupulous of due process safeguards be put into place to preserve the right of all children to seek asylum (and a sub-set to be recognized with asylee status or other immigrant status as appropriate to their individual circumstances). It also requires that *all* of the children enjoy, at a minimum, the full range of special protections they deserve given their special status and unique vulnerabilities as children while they are on U.S. soil.

With this in mind, the IRC urges the Committee to consider five main imperatives when reviewing the President’s emergency supplemental request:

1. Preserve the right to seek asylum for unaccompanied children and improve conditions for children while in Department of Homeland Security (DHS) custody.

The IRC clearly recognizes that enforcement has a place in any response to any mass migration or refugee emergency along our borders. Yet, measures of deterrence that are intended to -- or have the effect of -- denying vulnerable children the right to reach a safehaven have no place in a humanitarian response. “Stemming the flow” in an emergency situation, where a substantial percentage of children may have international protection needs, should not be the principal policy objective. Children who flee violence and are desperate to reach safety with a relative in the U.S. will not be deterred from trying, and enforcement measures intended principally for deterrence will force these children underground, raising the “transaction costs” and making them even more vulnerable to smugglers and traffickers. The IRC is also concerned that the enforcement approach announced by the Administration may expand the detention of children in DHS-run facilities without systematically addressing reports of unacceptable conditions in these facilities.

2. Ensure that due process is scrupulously observed, as per our laws and fundamental American values.

The IRC supports the Administration’s announced intention to deploy more resources to expediting immigration procedures and expand legal representation services, in principle. However, much



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more information about plans is needed. Any expedited procedures put into place must strictly observe due process standards that are age-appropriate and trauma sensitive. And in such processes, all children need and deserve competent legal counsel to be able to articulate their fears and understand their rights and responsibilities. The funding levels requested for the Department of Justice (DOJ) which specifically relate to these intentions would not appear to go nearly far enough to ensure this imperative.

- 3. Ensure that the Administration has the funding that it needs to mount an appropriate humanitarian response, and encourage the Administration to strengthen collaborative partnerships with non-governmental and community-based organizations to improve protection and care services.**

The IRC is pleased to see the Administration requests a very substantial amount of funding for the Department of Health and Human Services (HHS) to care for unaccompanied children. The IRC hopes that these funds will not only be used to expand shelter capacity but will also be deployed towards improving the existing care and services model to better correspond with the current volume of children. We also urge that these funds prioritize post-release services so that children released to sponsors are safe and well-cared for in our communities and their sponsors are in a better position to help children comply with immigration processes. Finally, we urge Congress to request that HHS review its partnership model and enhance its transparency with non-governmental and community-based organizations, to ensure that voluntary organizations that are ready and able to provide needed forms of material aid and protection services to children in custody and post-release are able to contribute to the national response. At present, agencies that are not a shelter-manager have virtually no entry point for assisting HHS to meet its challenges.

- 4. Ensure that sufficient funding is made available, in a timely fashion, to avoid the consequences of HHS's announced re-programming of \$94 million from the US Refugee Admissions Program (USRAP) to meet the needs of the UAC population.**

The IRC believes that the needs of extremely vulnerable unaccompanied children should not be pitted against the equally compelling needs of refugees who have arrived or are waiting to travel to the U.S. under the USRAP. The USRAP is an important instrument of U.S. foreign policy which is designed to contribute to the global effort to respond to multiple humanitarian crises around the world simultaneously. Cuts to USRAP will negatively impact the integration of refugee men, women and children as well as the American communities that welcome them. And cuts could have a devastating impact on thousands of refugees from countries such as Iraq, Afghanistan, Burma, and the Democratic Republic of the Congo if the admissions program is taken off course by an unrelated crisis within our own borders. The unaccompanied minors' humanitarian needs are no less deserving, and must have their needs met through separate funding. Dismantled state refugee assistance programs will be costly to re-build. A timely "fix" to the announced re-programming of USRAP funds is required, *before* states and voluntary agencies are forced to discontinue services.

- 5. Ensure the proposed foreign policy response is appropriate to the needs and the situation in the home countries of the children, and is based on programs proven to**



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be effective.

The IRC welcomes the Administration's intent to strengthen emergency aid and development assistance to the home and transit countries. However, the funding requirements are grossly insufficient and the overall orientation of the foreign policy approach must be carefully examined to ensure that it is both appropriate and based on methodologies that are proven to be effective. Congress should be vigilant of any technical assistance to source countries which entrench *mano dura* policies, which effectively criminalize "being a poor child" and make innocent children targets of the police, and will only provoke more displacement beyond borders. Any efforts to "push back the border," leaving unaccompanied children at the mercy of transit countries who have neither the capacity to shelter and protect them nor to fairly process their asylum claims is fundamentally wrong. The strengthening of child protection systems and asylum systems in countries of transit requires a massive investment and a very long-term view – and there is no low-cost, short-term investment or "quick fix" that will allow the United States to effectively close its borders and leave our southern neighbors to try to cope. In such a scenario, children *will* be returned to serious harms, tantamount to indirect *refoulement* by the U.S. government. There is also *no* evidence that "information campaigns" of the type designed to dissuade desperate persons from leaving their country are effective; in fact, such approaches when targeted towards persons fleeing violence are *highly inappropriate* and contrary to international law and the right to seek asylum. Indeed, such approaches would be soundly rejected by the U.S. Government if practiced by other, far less well-resourced Governments bordering conflict, violence- or disaster-impacted countries. Such attempts at a "quick fix" to stem flows will simply divert precious financial resources from programming that is proven to enhance protections, such as funding NGO shelters along migration routes (who have the required competence to share information with migrants and asylum seekers about risks of migration). Return and reintegration programs must also be holistic and sustainable in approach, relying on the expertise of national and international NGOs with a proven track record in this area.

In closing, allow me to paraphrase the words of a young Central American mother who recently fled to our borders with her young child: "*Thank God the U.S. border control caught us, now my child is am safe.*" For the IRC, these simple words represent two realities:

First, this population is not generally a threat to our country and is not coming here for the principal purpose of disappearing into the shadows to work without papers. Undocumented economic migrants or foreign nationals who wish to do our nation harm do not thank God they were caught. The children currently in our Government's care are announcing themselves at the border and, by doing so, they are effectively requesting protection. This is the way a proper border security system with appropriate asylum safeguards is *supposed* to work. The large numbers may present a very real challenge to systems and budgets, but this great democracy *can* meet this challenge.

Second, this young mother's words suggest that this population is coming to the U.S. because they believe this is a country of laws, where people fleeing terrible dangers will be safe and where they will be treated with fairness and dignity. Let us uphold that promise and not retreat from our fundamental values.