

July 10, 2014

Mr. Chairman, Members of the Appropriations Committee, thank you for the opportunity to submit a statement on today's hearing on the Review of the President's Emergency Supplemental Request for Unaccompanied Children and Related Matters.

**As the UN Refugee Agency, UNHCR has particular expertise in the area of protecting children displaced by violence and conflict.**

About half of the world's refugees are children, and they are considered by UNHCR to be particularly vulnerable in situations of forced displacement. Because the vulnerability of children is largely the result of their age and dependence on adults, exceptional protection efforts for children are needed. In situations of violence and conflict, children are both indirect and direct targets because of their age. Unaccompanied refugee children are the most vulnerable, as they have no adult who is legally recognized to be responsible for their care. Refugee girls are also more likely than boys to be the subjects of neglect and abuse, including sexual abuse, assault and exploitation.

Drawing from our decades of experience and expertise working with children, UNHCR developed a *Framework for the Protection of Children*. This Framework informs our position on the international protection of children, including those who are unaccompanied, in the context of forced displacement.

UNHCR recognizes the enormous challenges facing the U.S. and other countries as a result of the recent large movement of people. We are witnessing a complex situation in which children are leaving home for a variety of reasons, including poverty, the desire for family reunion, and the growing influence of trafficking networks. For some children, these reasons include violence at the hands of transnational organized criminal groups and powerful local gangs.

**UNHCR recognizes that children are fleeing Central America for a variety of reasons and that not all of them are refugees; however, our interviews and our knowledge of the situation in these countries indicate that a significant number of the kids could potentially face harm if returned home.**

In late 2011, UNHCR and others noted a considerable uptick - the beginning of what is now known as the "surge" - in the number of unaccompanied children coming across the U.S. border. Every year since, the numbers of UACs crossing the border has essentially doubled. These children are primarily from three Central American countries - El Salvador, Guatemala, and Honduras - and from Mexico. Given our mandate to ensure the protection of those fleeing for their lives and freedoms, UNHCR undertook a study to understand the reasons for the increase.

Working closely with the U.S. Government and with child protection experts, UNHCR developed and implemented a sound, fully vetted methodology to learn from the children themselves why they decided to leave. Applying this methodology, UNHCR interviewed 404 children from the four countries, aged 12 to 17, in U.S. federal custody. Launched in March

2014, our report, “Children on the Run: Unaccompanied Children from El Salvador, Guatemala, Honduras and Mexico and the Need for International Protection,”<sup>1</sup> reflects the findings and recommendations of our study.

The children gave multiple reasons for leaving, including violence, family, opportunity and improved living conditions. Shockingly, 58% of the children cited violence in their home countries as at least one key reason for leaving. This number varied by country: El Salvador (72%), Honduras (57%), and Guatemala (38%).<sup>2</sup>

These children shared stories of violence, threats, intimidation and abuse – experiences that, like for so many children in situations of widespread violence and conflict, they should never have to face.

*My grandmother wanted me to leave. She told me: “If you don’t join, the gang will shoot you. If you do join, the rival gang will shoot you—or the cops will shoot you. But if you leave, no one will shoot you.”*

- Kevin, Honduras, Age 17

**Unaccompanied children and families who fear for their lives and freedoms must not be forcibly returned without access to proper asylum procedures. UNHCR calls on all countries in the Americas to uphold their shared responsibility to protect displaced children, families or adults who are in need. This is critical over both the short and long term, as governments implement solutions to address forced displacement and its root causes.**

At the core of refugee protection is the prohibition of returning a refugee to persecution. This prohibition, known as the principle of *non-refoulement*, is the fundamental obligation of States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, and one that is binding on the United States. A critical first step in complying with this obligation is to ensure that asylum-seekers are identified, screened and given full and meaningful access to

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<sup>1</sup> UN High Commissioner for Refugees (UNHCR), *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, 13 March 2014, available at [http://www.unhcrwashington.org/sites/default/files/1\\_UAC\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf)

<sup>2</sup> UNHCR is not alone among UN agencies and other intergovernmental bodies in the region noting the violent roots of this displacement. UNICEF, the UN agency charged with protecting children, recently released a statement saying, “Clear and compelling evidence . . . show distinct ‘push factors’ are at the heart of why these children flee. They are often escaping persecution from gangs and other criminal groups, brutality and violence in their own communities and even in their homes, as well as persistent conditions of poverty and inequality. . . .” *Bernt Aasen, UNICEF Regional Director for Latin America and Caribbean*, “Dramatic increase of unaccompanied children seeking to enter the United States”, 10 June 2014, [http://www.unicef.org/media/media\\_73755.html](http://www.unicef.org/media/media_73755.html).

The Inter-American Commission on Human Rights (IACHR) also released a statement expressing its “deep concern over the situation of unaccompanied children migrants that are arriving to the southern border of the United States of America.” Commissioner Felipe González, the Rapporteur on the Rights of Migrants of the IACHR and country Rapporteur for the United States, went on to highlight, “We are dealing with a humanitarian crisis involving record numbers of migrant children on the southern border of the United States, but also in other countries of the region. Through on-site visits and hearings, we have seen that our children are dying or being victims of several forms of violence in many parts of the region, and in this context there are some children who have been able to flee from these forms of violence, both inside and outside of their countries. . . .” [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/067.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/067.asp)

asylum. This is particularly critical for children, whose age and comprehension capacity limits their ability to engage protection systems on their own.

With the knowledge that nearly 60% of the unaccompanied children from El Salvador, Guatemala and Honduras have potential claims for international protection, it is critical that they be identified, screened and given access to the U.S. asylum system. Strengthening identification procedures in the U.S. and all other neighboring countries is the critical first step in a humanitarian response to ensure that those who fear persecution are not turned away.

### **Reception of asylum-seekers must focus on protection and not on deterrence.**

As a global leader in refugee protection, the United States has long led by example in encouraging other countries in the region and around the world to develop and strengthen their own protection systems. As the United States decides what actions to take in responding to the increase in unaccompanied children and families crossing the southern border, a crucial element to that response is ensuring that they are treated with dignity and respect. The solution to the spike in unaccompanied children and families is not to make seeking protection more difficult.

The right to seek asylum is a protected right reflected in U.S. law. Seeking asylum is not a crime, nor is it a prohibited act. Any response to the “surge” should not seek to deter children and families from seeking safety and security. Policies and practices designed to deter those fleeing persecution from seeking safety and protection are contrary to both the letter and the spirit of the 1951 Refugee Convention and its 1967 Protocol as well as other international human rights instruments.

### **This is a regional humanitarian problem that needs a regional humanitarian solution.**

UNHCR calls for regional cooperation to:

- Enhance child protection systems in source/transit countries;
- Enhance the capacity of governments to address the humanitarian consequences of forced displacement through the development of public policies and protection responses;
- Identify solutions that are in the best interests of children, including, where appropriate, return and family reunification;
- Reinforce asylum systems in countries of transit and asylum in Central America and Mexico; and
- Collaborate on violence prevention, citizen security and unaccompanied children issues with relevant agencies in source and transit countries

While the United States receives the vast majority of asylum claims from the Northern Triangle, forced displacement from these three countries is clearly felt elsewhere in the region. At the time that UNHCR published our “Children on the Run” report, available data from 2008 to 2012 showed a 435% increase in the number of asylum applications overall from El Salvador, Guatemala and Honduras filed in Belize, Costa Rica, Mexico, Nicaragua, and Panama. Updating the data to include 2013 figures, the increase from 2008 to 2013 is now 712%.

Moreover, the trends of displacement over the last few years from the Northern Triangle are not out of sync with other situations of forced displacement due to conflict. Individuals and families do not want to flee their homes or their countries if they can avoid it. Many will often displace internally before seeking refuge outside their countries.

**Given the regional nature of this displacement crisis, the United States cannot and should not bear the burden of addressing the situation alone. UNHCR stands ready to support the U.S. and other asylum countries in the region – particularly Mexico and Guatemala – to enhance protection systems throughout the region and to provide protection to those whose lives and freedoms are under threat. The U.S. has been a leader globally and regionally in refugee protection, particularly in protecting unaccompanied children and others of our most vulnerable. UNHCR hopes that the U.S. will continue to lead by example to encourage and support strong protection for children and families throughout Central American and Mexico.**

## **Conclusion**

The increase in arrivals of unaccompanied children and families along the southern border has no doubt placed great pressures on the United States' long-standing commitment to protecting those seeking safe haven in the U.S. Understanding what has propelled these children and families from their homes, providing appropriate reception conditions, and ensuring protection to those who cannot return, is fundamental to meeting U.S. obligations to protect refugees and other vulnerable persons. Perhaps more importantly, it is fundamental to the United States' moral authority and long-standing identity as a beacon of hope to the persecuted. UNHCR stands ready to support the United States and other countries in the region in providing protection to these children—and families—on the run.

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