

Statement of the U.S. Committee for Refugees and Immigrants
Submitted to
Senate Appropriations Committee
Hearing on
“Review of the President’s Emergency Supplemental Request for Unaccompanied Children
and Related Matters”
July 10, 2014

Ms. Chairwoman, and Members of the Committee, USCRI urges the Senate Appropriations Committee to pass the President’s emergency supplemental funding proposal and implement policy solutions that are humanitarian focused and maintain the U.S. core value and tradition of due process. USCRI also urges you fully fund the Office of Refugee Resettlement (ORR) to assure unaccompanied immigrant children receive adequate food, shelter, clothing, and medical care while they are in custody while still maintaining refugee programs.

USCRI sees the direct impact of ORR programs and the vulnerable communities it serves. USCRI is a national non-profit organization that for the past 100 years has helped shape our nation’s history. The mission of USCRI is to address the needs and rights of persons in forced or voluntary migration worldwide by advancing fair and humane public policy, facilitating and providing direct professional services, and promoting the full participation of migrants in community life. As part of this mission since 2005 USCRI’s Immigrant Children’s Legal Program has provided unaccompanied immigrant children pro bono legal representation to over 7,500 children in their immigration proceedings. USCRI has also provided in-home social services and linkages to education, legal, health, and mental health providers to over 1,000 children.

A Refugee Crisis

The increasing number of unaccompanied immigrant children arriving in the US is due to the violence in Central America. Honduras leads the world in homicide rates¹, with El Salvador and Guatemala not far behind. The increase in violence is the result of many factors, poverty, corruption and impunity.² There has also been an increase in the political and social power of organized crime and other armed actors. These criminal actors have increased their control and reach throughout the region. They control communities through fear, kidnapping, threats, extortion, rape and murder.

Various reports by civil society organizations and the UNCHR have found that law enforcement in these Central American countries often cannot provide protection to its citizens.³ The U.S.

¹ In 2012, Honduras' homicide rate was 90.4 per 100,000 population. See the United Office on Drugs and Crime (UNODC), 2013 Global Study on Homicide. Available at: http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

² The Organization of American States, The Drug Problem in the Americas, (2013) available at http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf

³ Gonzalez, Rosmery Austria deniega permiso de venta de armas a gobierno de Otto Pérez, El Periodico, (May 2, 2014) available at <http://elperiodico.com.gt/es/20140502/pais/246662/>

State department has recognized that “crime has exploded in northern Central America and Honduras now has the world's highest murder rate outside of war zones.”⁴ In Guatemala and Honduras, there is sometimes collaboration between organized criminal groups and members of the military and police, and police and military involvement in serious crimes, which leads to distrust of authorities. This distrust makes reporting of crimes and seeking protection more unlikely and potentially dangerous.⁵

Another important factor is the forced recruitment of children by organized crime and local gangs. In Honduras, more than 90% of violence experienced by minors goes unreported to the police, reflecting the limited capacity on the part of law enforcement to investigate cases.⁶

USCRI Data on Unaccompanied Immigrant Children

USCRI conducted an analysis of our database of unaccompanied immigrant children matched with volunteer attorneys in our pro bono network from January 2010 through April 9, 2014. During this time the overwhelming majority of our clients migrated from Central America. In the analysis we identified primary and secondary reasons for migration. 36% identified violence or direct threats of violence from gangs or other violent entities as the primary reason they migrated. Child abuse is the second most frequently cited primary reason at 26%. While unaccompanied immigrant children often come to meet family in the U.S., it wasn't until children had suffered violence or child abuse that they decided to migrate.

Emergency Funding Needs

The Office of Refugee Resettlement (ORR) is responsible for serving refugees fleeing persecution and other vulnerable migrant populations, including unaccompanied immigrant children. In 2002 the Homeland Security Act of 2002 (HSA) granted the care and placement of unaccompanied immigrant children to the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). ORR's refugee programs have been underfunded for many years, but now with the increase of unaccompanied immigrant children, the already weak budget is exhausted.

USCRI is seriously concerned that ORR notified Congress on June 20, 2014 of their intent to reprogram \$94 million in refugee funds to care for unaccompanied children. Without Congressional leadership and intervention America's ability to provide protection for persecuted persons and a chance at a new life will be dramatically diminished. The supplemental funding must be approved immediately otherwise Congress will jeopardize refugees' ability to become self-sufficient and work towards full integration into life in the U.S.

USCRI's Six Policy Solutions

We offer these six policy solutions that will work to stop trafficking, protect children and save money:

⁴ <http://www.state.gov/j/cso/releases/other/2013/205261.htm>

⁵ United Office on Drugs and Crime (UNODC), 2011 Global Study on Homicide

⁶ Casa Alianza Honduras, "Análisis de la situación de Derechos de la Infancia Migrante No Acompañada en el marco de los procedimientos de deportación y retorno a Honduras," June 2012. Available at: <http://casa-alianza.org.hn/images/documentos/Observatorio/migrante12.pdf>.

1. Respect Families

Allow parents or legal guardians from El Salvador or Honduras who reside legally in the U.S. under Temporary Protected Status (TPS) to apply for their minor children to reunite. Their minor children may be residing either in the U.S. or in their country of origin and their status would be linked to their parents. This will immediately reduce immigration court backlogs and apply to an estimated 30-40% of the children surrendering at the borders.

2. Keep the Children Out of the Courtroom

Institute a Children's Corps based on the Asylum Officer Corps model. Children Corps officers would be trained in child-sensitive interview techniques and Best Interest Determination standards. They would determine if a child is eligible for legal relief such as asylum, Special Immigrant Juvenile Status (SIJS), Trafficking Victims Visa (T-Visa) or other forms of legal relief. This would move the adjudication process from an adversarial, judicial process to an administrative process for most children. Those who are not eligible for legal status would be placed in removal proceedings. It is estimated that 40% to 60% may be eligible for legal protection.

3. Help Children Avoid the Dangerous Journey

In-Country Processing allows applicants to apply for refugee status in their home country. The children would have to meet the U.S. refugee definition, be otherwise admissible, and would be resettled in an orderly fashion. In-country processing has been used in the past for the resettlement of Soviet Jews, Vietnamese, and Cubans, so they could avoid life-threatening escapes. Other countries in North or South America may also be willing to accept children for resettlement.

4. Engage the UNHCR

Unaccompanied children and adults can receive international protection from UNHCR after they have fled their home country. Through long established procedures, the UNHCR could then refer their cases for resettlement to a receiving country. The U.S. Department of State coordinates the program, the refugees are interviewed by a USCIS Officer and, if approved for entry, undergo extensive security and medical clearances prior to being moved to the U.S.

5. Forgive the Children

Grant Children's Protected Status (CPS) to all unaccompanied children who have already been brought into custody. As precedent, the Cubans and Haitians who arrived illegally during the Mariel Boatlift in 1980 were given Cuban/Haitian Entrant Status. Simultaneously with the announcement of CPS, the government could announce a cut-off-date for all future arrivals. After the cut-off date, new arrivals would be subject to expedited removal. Granting CPS will relieve the government of the burden and cost of adjudicating the cases of thousands of unaccompanied minors. This will increase capacity for the Department of Homeland Security to handle other immigration cases.

6. Introduce Hope

Create a Regulated Entry Procedure (REP) for 10,000 Unaccompanied Immigrant Children per year per country from Honduras, El Salvador, and Guatemala. As precedent, to end the Mariel Boatlift in 1980, a lottery was established which allows 20,000 Cubans to enter the US every year. The hope of "winning" has kept Cubans from hazarding the ocean for the last 34 years. The Central American Children would be permitted to enter the U.S. legally through a regulated system managed and processed by the U.S. Government.

USCRI urges your immediate intervention to honor America's history of leadership in protecting the most vulnerable. For questions about this statement please contact Stacie Blake, Director of Government and Community Relations at sblake@uscrdc.org or Esmeralda Lopez, Advocacy Officer at elopez@uscrdc.org

Thank you for your consideration in this very important issue.