



The arrival of unaccompanied minors from Central America to the U.S. border

IRC Field Visit to Texas and Arizona: *Key findings & recommendations to policy makers*

INTRODUCTION

The movement of unaccompanied children along perilous migratory routes from Central America's "Northern Triangle" to the United States border is not a new phenomenon. Children have been travelling alone to the U.S for decades, often facing long-time separation from migrant parents or other relatives in the U.S. The decision by a child to travel north to try to reunify with a relative has historically been taken for many reasons including extreme poverty, lack of educational or work opportunities, intra-family violence, and a breakdown in care arrangements in a home country.

But the exponential rise¹ in the flight of children from Honduras, El Salvador and Guatemala which began in 2012 represents a turning point, shining a light on a growing child protection crisis in these countries.

During the height of the surge in arrivals in the spring and early summer of 2014, over 250 unaccompanied children were being apprehended by U.S border patrol agents in the Rio Grande Valley of Texas every day. The alarming spike in arrivals generated intensive media attention and prompted a political backlash across the country.

President Obama called the surge in arrivals an "urgent humanitarian situation" and instructed the Federal Emergency Management Agency (FEMA) to take a lead role in coordinating the response at the border. He also unsuccessfully asked the U.S. Congress to provide an additional \$3.7 billion in funding to manage the response.

Despite mounting evidence that the majority of the young children crossing the border might well qualify as refugees fleeing gang-related and other forms of violence,² the message put out by the Obama Administration and many members of Congress led many to see the situation as a "border crisis" precipitated by "illegal immigration."



Credit: John Moore/Getty

From the beginning, the International Rescue Committee (IRC) has emphasized that asylum seekers seeking sanctuary from violence are *not* illegal immigrants. And while the surge in arrivals undoubtedly poses a very significant logistical, financial, and human challenge to the border states and to the federal government, the real crisis is not at the U.S. border. Rather it is rooted in the violence afflicting Honduras, El Salvador and Guatemala and the forced displacement of children and families, internally and across international borders.

The IRC has not historically worked with unaccompanied children from Central America. However in the summer of 2014 the

IRC began to explore how it might tap its global child protection expertise and its experience resettling refugees in 21 cities across the U.S.ⁱⁱⁱ to help Central American children fleeing violence.

The IRC began by engaging with Executive Branch officials and Congressional staffers to discuss the evolving situation. To inform these conversations with policy makers, an IRC researcher visited Texas and Arizona to conduct an on-the-ground field assessment. The purpose of the assessment was to better understand the root causes of the flight of so many children to the U.S., their needs, and the problems that have hampered the U.S. government's response.

This report provides a summary of the findings and recommendations that arose out of the field assessment which are aimed to help policy makers improve the current and future response to the arrival of unaccompanied children from Central America.

METHODOLOGY

In July and August 2014, an IRC researcher^{iv} visited Texas and Arizona to better understand the mixed migration^v emergency involving Central American children, including the emerging trends and demographic shifts behind the current wave of flight. The IRC also sought to identify the most urgent protection needs of children after their arrival to the U.S.

The IRC chose to gather contextual information exclusively from stakeholders working with Central American children, without interviewing any children directly. This methodology was chosen out of a desire to do no harm, e.g. to avoid asking already-traumatized children to tell their story to an unfamiliar actor during a time of tremendous confusion and stress.

The IRC's researcher visited four locations in Texas (McAllen, Harlingen, San Antonio and Houston) and two locations in Arizona (Tucson and Phoenix), interviewing 32 practitioners (social workers, child welfare specialists and immigration attorneys) from 8 national organizations and 11 local or community-based organizations all operating on the ground. The researcher also interviewed several city and county officials and a consular official from Honduras.

Most of the practitioners and experts interviewed have long experience working directly with, or on behalf of, unaccompanied children from Central America. Through contact with these practitioners, the IRC was able to learn from the experience of a group of individuals who, collectively, have come into direct contact with many thousands of children. The views of the stakeholders interviewed revealed a wide range of experiences but a remarkable consistency in relation to long-term trends, which are detailed in the key findings below.

SUMMARY OF KEY FINDINGS

Experiences of violence in home countries and causes of flight

Six trends were identified in relation to causes of the flight and violence experienced by children from Honduras, El Salvador and Guatemala:

1. **Children are targets.** Children's testimony point to experiences of violence that are individualized and targeted, not generalized or incidental. Children often report being the specific and principal target of gangs. Many children said they were motivated to leave home in order to reduce the risk to other members of their family or household who might be targeted as a result of the presence of a child or youth who is evading or refusing to cooperate with gang members. Children reported being targeted in and around their home,

on the way to school and on school premises, when riding on public transportation, and in the streets. Children reported feeling that there was no place in their community where they could be safe.

2. **Violence is spreading beyond urban communities.** Children fleeing violence are coming from increasingly diverse geographic areas as compared to prior years, pointing to the spread of gang presence and organized crime beyond major urban centers to urban outskirts, smaller towns and even rural areas.
3. **Children feel unprotected by local authorities who are seen as increasingly complicit in organized crime.** Children are increasingly reporting threats by local authorities and/or greater levels of mistrust in local police in their home communities, citing the infiltration of organized crime into local police and government structures. Children frequently report inaction by local authorities when they or their families report threats.
4. **Girls are increasingly targeted.** A significantly higher number of girls (in total and as a percentage of the whole) cited threats of forcible gang recruitment as the main reason for their flight. In the past, girls often expressed fears of sexual violence by gangs, including the threat of being forcibly recruited to play the role of a “girlfriend.” Today, more girls report being targeted for forcible recruitment to become a gang member.
5. **Younger children are increasingly targeted.** Gangs are harassing and targeting younger and younger children, particularly in Honduras where many practitioners report having seen repeated instances of pre-teen children (as young as 7 years old) targeted by gangs. The targeting of younger children may help to explain why more groups of siblings are fleeing; whereas threatened teenagers might have left on their own in the past, today they often travel with a younger sibling who has also been harassed or threatened by gang member.
6. **Parental absence due to migration increases vulnerability.** Children are increasingly reporting the lack of parental protection in the home as a risk factor for violence. The absence of a parent in the home (due principally to migration) was cited by practitioners as an increasingly important enabling factor for gang targeting as well as an enabling factor for intra-family violence (for example, sexual abuse at the hands of an extended family member or other individual present in the home).

These trends point to a growing child protection crisis as well as a growing crisis of sexual and gender-based violence in the countries of origin which are fueling flight.

These findings also help to contextualize the need for refugee protection or other forms of protection available under U.S. law for a growing number of the unaccompanied children arriving in the U.S. They are consistent with the findings of the UNHCR study showing that at least 58% of unaccompanied children were likely to qualify for international protection.^{vi} And they might also help to explain why an increasing percentage of children in immigration procedures in the U.S. are being allowed to stay by an immigration judge.^{vii} So while it is clear that not *all* Central American children are fleeing violence and not *all* will qualify for legal status in the U.S., the presence of a substantial number of refugee children within the wider flow of undocumented migrants clearly points to the need for careful protection screening and enhanced asylum safeguards.

Child protection issues in the U.S.

Once an unaccompanied child is transferred from DHS to HHS, the system of custody and care is supposed to keep children safe, meet their basic needs, and ensure their transfer to the least restrictive environment (preferably with a parent, relative or other community sponsor) as soon as possible. This system was severely challenged by the spike in arrivals during 2014.

The IRC's assessment did not set out to document systemic breakdowns of the pre-existing system during the surge of arrivals, many of which were, it is to be hoped, temporary. However, there were a number of policy changes made in a crisis environment that were flagged by practitioners as especially detrimental to the welfare of children. Many of these related to the acceleration of releases to sponsors to free up bed-space.

The consequences of fast-track releases included: placements with sponsors without full background checks; movement of children between multiple facilities, creating (among other problems) less opportunity for sustained and meaningful interaction between children and caseworkers/clinicians; far fewer children able to access legal representation; and a far-reduced percentage of children able to receive post-release services and monitoring after arrival to the hosting communities.

Child protection problems that arose (and are still arising) as a consequence are:

1. **Risks to physical wellbeing within sponsorship arrangement:** Short-cuts in family reunification procedures, including release to sponsors without the same standards for background checks, creates the possibility that some children may have been released to risky situations. These include release to sponsors who were not verified family members or sponsors with a prior history of child abuse, neglect or other criminal history. Some practitioners expressed concern that the extreme case could even include the release to a human trafficker or other opportunist motivated to exploit the child.
2. **Risks of family breakdown within sponsorship arrangement:** The vast majority of sponsors are presumed to be well-meaning relatives who will care for children in a loving environment. Family unity in the vast majority of cases is in the best interests of the child and provides the most protective and nurturing environment. However, practitioners emphasized that prolonged family separation carries risks of family breakdown, especially in the case of teenagers who have experienced separation from their parent since pre-adolescence and in the case of children placed with distant relatives who have never served as their caregiver. Practitioners expressed concern over the potential for increased incidence of intra-family conflict. Immigration attorneys in particular emphasized that, in the absence of post-release social services, oftentimes an attorney is the only link that the child has to potential support. Some attorneys expressed frustration at the lack of resources to cope with difficult intra-family situations, for example, the difficulties to find appropriate youth shelters for clients who had become homeless after a failed placement with a non-parent. Practitioners expressed worry that this situation could become more prevalent due to the increase in number of youth living with distant relatives or family friends.
3. **Unmet medical, psycho-social or reproductive health needs:** In addition to the violence experienced in their home countries, unaccompanied children frequently experience extreme forms of physical and gender-based violence during their journey to the U.S. Practitioners reported that children were frequently beaten or otherwise physically attacked while riding on top of cargo trains and that most girls and some boys report experiencing sexual violence. Girls sometimes arrived in the U.S. pregnant after being raped in their

home country or during migration. Children arrived highly traumatized by these experiences. Virtually all practitioners expressed great concern about gaps and/or lack of coordination to ensure the access of all children to medical, psychological and reproductive health care as well as specialized trauma and recovery services after release into communities in the U.S. Children who do not receive post-release services may face permanent barriers to such care.

4. **Risks within the community:** Practitioners working with children after their release reported growing concerns about bullying in schools and the risks of children developing negative peer-to-peer relationships without the proper services within welcoming communities. The media narrative of “illegal immigration” and an insecure border during the summer’s surge in arrivals did not contribute to a welcoming environment in some locations, and practitioners expressed concern that isolated incidents of xenophobia against unaccompanied children could become more commonplace. Practitioners pointed to the need for more concerted coordination between federal, state and local authorities and civil society organizations to ensure a safe and welcoming environment for children.
5. **Identification of international protection needs, lack of legal representation and fast-track immigration hearings:** The surge response brought with it the rapid expansion of placement sites, the frequent movement of children between sites, expedited release procedures, and the mobilization of “rocket dockets” to fast-track immigration hearings and deportations of children. In this context, systems for delivery of “Know Your Rights” presentations and individualized screening for protection needs broke down. Reduced time in HHS care afforded fewer opportunities for sustained interaction between children and a clinician or caseworker. Combined with other factors such as the age and maturity of the child, past violence experienced, and the precariousness of the child’s immediate situation while in a custodial environment, it would have been extremely difficult for most children to develop the confidence to disclose their fears or past experiences of persecution. This in turn reduced the likelihood of identification of children who should be prioritized for referral to an immigration attorney. Without individualized screenings by qualified social workers, systematic referral to legal representation, and child-friendly immigration proceedings, it is difficult to envision how children released under fast-track procedures could be assured the right to file claims to asylum and other forms of protective status available to them under U.S. law.^{viii} Consequently, there is a significant risk that children who have a well-founded fear of persecution or an unsafe family situation in their home country could be returned to harm.

“The underlying causes of the flight of Central American children have not subsided. So long as children are targets of violence and feel unsafe in their homes, schools and communities, they will continue to try to reach safety in the U.S. There are legal obligations at stake but there is also a strong moral imperative: We must not send children fleeing violence back into harm’s way.”

David Miliband, IRC President

In the light of these findings, the IRC is extremely concerned about the situation of the tens of thousands of children who arrived to the U.S. in 2014 and are now living in communities around the country, most of them without post release services. It is essential that they do not become invisible and do not fall through the cracks.

RECOMMENDATIONS TO U.S. POLICY MAKERS

- ✓ **Do not chip away at due process and the right to seek asylum.** The legislative framework in the U.S. which transfers children to HHS custody and allows for access to various forms of protective status (asylum, Special Immigrant Juvenile Status, trafficking visas, etc.) to unaccompanied children from Central America reflects the complexity of the protection needs of this population. Rolling back these protections through changes in law, or by practices which deny or reduce due process protection, will result in sending children back into harm's way. This is contrary to American values. Pushing the problem back across the border by expedited deportations of children without legal representation will not solve the problem. It will only make it worse and cost more money in the long run. The Obama Administration and Congress must stand firm in its commitment to preserve the integrity of the U.S. asylum system. The government must resist the temptation to reduce access for certain populations simply because it is politically inconvenient or too expensive, especially for Central American children for whom there should be a presumption of potential risk.
- ✓ **Expand monitoring and services for children released into communities in the U.S.** All children need post-release services and monitoring to ensure their safety, access to services, sustainability of family placements, and health relationships in the community regardless of how long they might live there. In the current budgetary climate, the IRC recognizes that government funding cannot possibly meet all needs. However we believe the Obama Administration must allocate more funding for post-release services and other activities which are designed to enhance the protection and wellbeing of unaccompanied children. It should also enhance transparency and cooperation with non-governmental and community-based initiatives and encourage public-private partnerships which are capable of mobilizing additional resources.
- ✓ **Listen to practitioners and apply lessons learned.** Social workers, clinicians, child protection workers and immigration attorneys have been at the heart of the U.S. response to unaccompanied children from Central America for years. Their knowledge and experience can be a vital resource to the Obama Administration and to lawmakers as they seek to understand the causes of the flight of unaccompanied children and how to best support them in the U.S. Dialogue with these experts has been scant, disjointed and opaque. Creating transparent channels of communication, information-exchange and joint analysis is a prerequisite for improving the treatment and care of these children and those who may come in the future. The federal government and state and local government officials would benefit from conducting a "lessons-learned exercise" with national and local non-governmental and social service organizations. This could form an important basis for future cooperation.
- ✓ **Change the message and mobilize the support of the American people.** The Obama Administration and members of Congress must stop defaulting to a narrative of "illegal immigration" to talk about the arrival of unaccompanied children. Allowing children to seek asylum along the U.S. border is not facilitating or turning a blind eye to "illegal immigration." It is an appropriate and legitimate use of existing safeguards to immigration and border controls established under U.S. immigration law, and it is consistent with this country's international obligations and democratic values. President Obama should explain to the American people the plight of these children and why they need and deserve our

compassion. He must defend the principle of due process. Finally, he should explain that even children who ultimately may not qualify for asylum are *children first*, who have suffered great trauma and deserve understanding and care while they are in the U.S., regardless of the outcome of their immigration process. Change the message and the Administration will be better placed to mobilize the common sense and the compassionate support of the American public.

Although political and media attention has faded, this problem is not going away. Children in Honduras, Guatemala and El Salvador will continue to flee to this country so long as they are the target of violence in their own communities.

It's time to work together to fix the response.

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ENDNOTES

ⁱ Between 2003 and 2011, yearly arrivals of unaccompanied children from Central America averaged 6,775 per year. HHS (ORR) reported the arrival of over 13,600 in 2012 and 25,000 in 2013, while projecting around 60,000 arrivals in 2014. All data is by U.S. fiscal year. Source: <http://www.acf.hhs.gov/programs/orr/programs/ucs/about#overview>

ⁱⁱ A March 2014 report by the United Nations High Commissioner for Refugees (UNHCR) entitled “*Children on the Run*” established what many social workers and legal practitioners working with these children have been saying for years: the reasons that children are leaving Honduras, El Salvador and Guatemala are complex. But for an increasing number of children the reasons relate to targeted violence perpetrated against them by gangs and other criminal actors as well as violence in the home. In fact, UNHCR’s study found that at least 58% of children were likely to be able to establish claims for international protection, e.g. refugee protection or complementary forms of protection from serious harms under international law. UNHCR’s research demonstrated that the percentage of Central American children in need of international protection, by country, was: El Salvador 72%, Honduras 57%, and Guatemala 38%. Source: <http://www.unhcr.org/53206a3d9.html>

ⁱⁱⁱ IRC’s field offices in the United States are located in: Abilene TX, Atlanta GA, Baltimore MD, Boise ID, Charlottesville VA, Dallas TX, Garden City KS, Los Angeles CA, Miami FL, Elizabeth NJ, New York NY, Salt Lake City UT, San Diego CA, Turlock CA, Oakland CA, Sacramento CA, San Jose CA, Seattle WA, Silver Spring MD, Tucson AZ, and Wichita KS.

^{iv} The IRC’s researcher for this assessment, Susan Krehbiel, has over twenty years of experience working with refugees and immigrants in the United States, including extensive experience in the design and implementation of social and legal services for unaccompanied children.

^v For the purposes of this report, the IRC uses the term “mixed migration” to refer to the movement of a population comprised of individuals using common migration routes (often along dangerous land or sea routes) whose individual reasons for movement across international borders vary. Mixed migratory movements may include: labor migrants; migrants moving for educational opportunity; migrants seeking family reunion; refugees fleeing persecution, conflict, or violence; and victims of natural disaster fleeing to safety.

^{vi} See footnote ii above.

^{vii} In a review of data on outcomes for juvenile cases in U.S. immigration courts, one study found that of the 3,797 juvenile cases decided by immigration judges in 2013, 78% of those represented by an attorney were allowed to stay while only 22% were ordered removed or granted voluntary departure. Source: Syracuse University TRAC immigration data report at <http://trac.syr.edu/immigration/reports/359/>

^{viii} In addition to asylum, U.S. immigration law establishes various forms of complementary protection for unaccompanied children facing specific types of harm in their home countries. These include Special Immigrant Juvenile Status (SIJS) as well as other forms of status based on experiences as victims of trafficking and victims of crime.