

America Must Uphold Its Obligations to Protect Children and Families Fleeing Persecution

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Washington D.C. - As the numbers of unaccompanied minors and mothers with children crossing our southern border grows, the U.S. government faces a critical test of its historic commitment to protect those fleeing violence and persecution. How we respond will signal to the world whether our commitment to due process and the protection of refugees is real or illusory, and it could have a profound effect on how other countries around the world respond to our call to deal fairly and humanely to refugee crises in places like Syria and the Sudan.

Unfortunately, the initial response by the Administration has been more focused on appeasing its critics with get-tough political messages that prioritize streamlined enforcement over due process and humane treatment. Most recently, the White House has sent a [request](#) [1] to Congress asking, among other things, for the authority to process minor children from Central America more expeditiously, and media reports have indicated that their goal is to deport mothers with children as quickly as possible (some reports indicate a goal of 15 days) in order to send a message to the sending countries. This emphasis on speedy removals rather than on determining whether these children and families have a legitimate fear of persecution, and whether or where they may be safely returned to avoid further abuse or exploitation is an abandonment of fundamental principles of due process and fairness - principles that define our judicial system - and undermines the moral authority of our voice in the international community.

Our response must be built on the recognition that many of these children and families can and should be safely returned, but many deserve and have the right to the protections that our laws afford to those who are fleeing violence and persecution. The answer must be to focus our resources on determining what the facts behind these cases are, and to create environments and processes where children are safe from harm and are treated humanely while their cases are reviewed. The deterrent effect, if any, will be no less if we invest in creating a process that takes months instead of days, but the quality of the decisions will be dramatically different. If the process has real integrity and involves a real examination of the safety and well-being of the kids then we can all stand behind any decision that is made, whether it is to return the child or allow them to stay.

There is universal agreement that the immigration court system - which has long been starved of funding by Congress - can and should function more efficiently. That system must be given the resources it needs to respond, not replaced by a streamlined process that prioritizes speed over accuracy. Finding ways to remove children and mothers quickly without giving sufficient consideration to the circumstances behind why they have fled and what the consequences would be if they were quickly returned to some of the most dangerous places in the world would be disastrous. Any type of action that bypasses the laws put in place by Congress to protect these children and families and to screen them to see if they have an immigration benefit available, cannot be tolerated. A rush to deport children would be unprecedented and would demote the U.S. and its reputation around the world as a leader in protecting refugees.

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