



## STATEMENT OF THE AMERICAN IMMIGRATION COUNCIL

SUBMITTED TO THE U.S. SENATE JUDICIARY COMMITTEE

### HEARING ENTITLED “THE UNACCOMPANIED CHILDREN CRISIS: DOES THE ADMINISTRATION HAVE A PLAN TO STOP THE BORDER SURGE AND ADEQUATELY MONITOR THE CHILDREN?”

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The American Immigration Council is a non-profit organization which for over 25 years has been dedicated to increasing public understanding of immigration law and policy and the role of immigration in American society. We write to share our analysis and research regarding the children and families that have fled Central American violence to the United States.

Our report, [A Guide to Children Arriving at the Border: Laws, Policies and Responses](#) (June 2015), provides information about the tens of thousands of children—some traveling with their parents and others alone—who have fled their homes in Central America and arrived at our southern border. It also seeks to explain the basic protections the law affords them, what happens to the children once they are in U.S. custody, and what the government has done in response.

As described in the *Guide*, unaccompanied children and families are still fleeing Central American violence in large numbers. Organized crime, gangs, and violence are driving children, families, women, and men out of their home towns and countries, a situation detailed in the report [Understanding the Central American Refugee Crisis: Why They are Fleeing](#) (February 2016) and the paper [No Childhood Here: Why Central American Children Are Fleeing Their Homes](#) (July 2014). Of more than 300 children interviewed in the first five months of 2014 for *No Childhood Here*, 59 percent of Salvadoran boys and 61 percent of Salvadoran girls cited these factors as a reason for their emigration. Moreover, as described in *Understanding the Central American Refugee Crisis*, a survey of Central Americans considering migration concluded that crime and violence have the most powerful impact on someone’s decision to migrate, and knowing about migration risks had no significant impact on this decision.

Since 2014, El Salvador's murder rate has increased 70%, making the small country the murder capital of the hemisphere.<sup>1</sup> In August 2015 alone, there were 911 murders in El Salvador—a number not seen since the

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<sup>1</sup> Joshua Partlow, “Why El Salvador Became the Hemisphere’s Murder Capital,” *The Washington Post*, January 5, 2016, <https://www.washingtonpost.com/news/worldviews/wp/2016/01/05/why-el-salvador-became-the-hemispheres-murder-capital/>.

country's civil war ended in 1992.<sup>2</sup> Moreover, these children, families, women, and men are encountering a fierce enforcement crackdown in Mexico, which only increases the risks they face in seeking protection.<sup>3</sup>

The country conditions in El Salvador, Honduras, and Guatemala, known as the “Northern Triangle” of Central America, have concerned members of Congress as well as civil, faith, immigrant, labor rights, and legal services organizations. In a letter sent to the President in January, 273 groups requested temporary protected status (TPS) for Central Americans, citing the Northern Triangle’s 2015 death toll of 17,500—a number surpassed only by the war-torn countries of Iraq, Afghanistan, and Syria.<sup>4</sup> In Congress, 22 Senate Democrats and 146 House Democrats also sent letters to the President calling for TPS for Central Americans.<sup>5</sup>

Although recently there has been scrutiny on the Department of Health and Human Services (HHS) and whether the agency is providing adequate care for children, the Department of Homeland Security’s (DHS) enforcement-only approach to a humanitarian crisis continues to raise serious concerns. This starts with the deplorable conditions and prolonged detention in Customs and Border Patrol (CBP) facilities along the U.S.-Mexico border. As documented in the report *Hieleras (Iceboxes) in the Rio Grande Valley Sector*, children and women are subject to traumatic experiences in these detention facilities, and endure further disgraceful treatment in family detention. Following their initial screening, children and families often are forced to proceed on expedited dockets in immigration courts, without being provided an attorney, even though they will face off against a government attorney arguing for their deportation. They will have to navigate a complex set of immigration laws that hold children to the same standards as adults. The current situation demonstrates how essential it is for the United States to uphold its obligations to protect vulnerable populations, beginning the moment someone arrives on U.S. soil.

Many legal protections for children are codified in the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA). Indeed, the influx of children over the past few years shows the need to better implement TVPRA protections. Several proposals to strengthen those protections passed the Senate in 2013 with bipartisan support, including proposals to complement Border Patrol officers with child welfare experts, require Border Patrol to consider the “best interests” of a child, and provide lawyers to unaccompanied children.<sup>6</sup> With respect to adults fleeing these conditions, they must navigate the complex asylum application and credible fear process in the United States, described in the May 2014 report *Mexican and Central American Asylum and Credible Fear Claims: Background and Context*.

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We continue to urge Congress to strengthen protections for vulnerable populations, and to work to comprehensively reform our outdated immigration system, in a way that meets our needs and reflects our proud history as a nation of immigrants.

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<sup>2</sup> “El Salvador Gang Violence Pushes Murder Rate To Postwar Record,” *The Guardian*, September 2, 2015, <http://www.theguardian.com/world/2015/sep/02/el-salvador-gang-violence-murder-rate-record>.

<sup>3</sup> Sonia Nazario, “The Refugees at Our Door,” *The New York Times*, October 10, 2015, [http://www.nytimes.com/2015/10/11/opinion/sunday/the-refugees-at-our-door.html?\\_r=1](http://www.nytimes.com/2015/10/11/opinion/sunday/the-refugees-at-our-door.html?_r=1).

<sup>4</sup> Civil, Faith, Immigrant, Labor Rights, and Legal Services Organizations Request TPS for Northern Triangle, January 25, 2016, <http://immigrantjustice.org/sites/immigrantjustice.org/files/images/Northern-Triangle-TPS-National-Letter-January-25-2016.pdf>.

<sup>5</sup> “146 House Democrats Call for Suspension of Immigration Raids,” January 12, 2016, <https://lofgren.house.gov/news/documentsingle.aspx?DocumentID=398049>; Senators to President Obama on DHS Targeted Enforcement, January 21, 2016, <http://www.menendez.senate.gov/imo/media/doc/1-21-16%20Senators%20to%20Pres%20Obama%20re%20DHS%20targeted%20enforcement%20operations1.pdf>.

<sup>6</sup> American Immigration Council, *A Guide to Children Arriving at the Border: Laws, Policies and Responses*, (Washington, DC: June 2015), <http://immigrationpolicy.org/special-reports/guide-children-arriving-border-laws-policies-and-responses>, pp. 13-14.