



July 18, 2014

The Honorable Harry Reid
Majority Leader
522 Hart Senate Office Building
Washington , DC 20510

The Honorable Mitch McConnell
Minority Leader
317 Russell Senate Office Building
Washington, DC 20510

Dear Majority Leader Reid and Minority Leader McConnell:

Refugee and Immigrant Center for Education and Legal Services (RAICES) is a non-profit organization whose primary mission is to assist vulnerable members of the immigrant community, including asylum seekers, unaccompanied minors, immigration detainees, and survivors of crime. Our largest program provides free legal information and direct representation to unaccompanied children in the custody of the Department of Health and Human Services (HHS).

For the last six weeks, RAICES has been the only provider of “Know Your Rights” presentations and confidential legal screenings to nearly 1,200 unaccompanied children currently in HHS custody at Lackland Air Force Base in San Antonio, TX. We have carefully peer-reviewed the intakes of 925 children so far, and our assessment is that 63 percent of these 925 children are likely to be found eligible for relief by a U.S. Immigration Judge. In RAICES’ twenty years of experiences, the cases that our staff screens and determines to be eligible for relief ultimately have a success rate of 98 percent in proceedings before immigration judges. Thus RAICES’ preliminary legal determinations are supported by hundreds of favorable adjudications on behalf of our unaccompanied minor clients.

The children we serve at Lackland are fleeing unspeakable violence. The vast majority are from Honduras, El Salvador, and Guatemala. Our interviews confirm that many of these children are victims of sexual assault, trafficking, domestic abuse, gang intimidation, persecution, and torture. RAICES’ staff and volunteers have met with girls as young as 12 years old who fled criminal gangs attempting to force them into sexual exploitation. The phenomenon occurring in these

countries can be described as a “war on children,” where local gangs target boys and girls as young as 8 or 9 to transport drugs, coerce them to join through death threats, and intimidate them into participating in the new normalized criminal activity that is rampant and wide-spread. The children and their families who have faced such violence and difficult conditions have made a conscious decision to seek refuge in the United States because they fear their very lives are at stake.

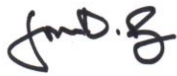
It is very difficult for traumatized children to speak about the abuse or violence they have endured. They need time to articulate their fears, and it requires interviewers with special skills and training to help them do this. RAICES offers culturally-competent and trauma-informed services that encourage the child’s meaningful participation in the legal process. Following the presentation, we typically spend a minimum of forty-five minutes to one hour with each child, carefully asking difficult questions about their lives, their families, and their journey to the U.S. In many cases, follow-up interviews are necessary. We go through all the different forms of relief that may be available. The primary forms of relief identified include asylum, “U visas” for victims of serious crimes, and “T” visas for victims of trafficking. We then help them find pro bono attorneys across the country.

The screening that RAICES and other organizations provide to unaccompanied children is essential. It is often the only opportunity these children will have to articulate their claims, talk with an attorney, and to access the protections that our laws provide. It may also be the only opportunity to be assessed for vulnerability to future trafficking. Without this screening, the 63 percent of children who likely qualify for relief might never have been identified. We are aware of proposals to amend the 2008 Trafficking Victims Protection Reauthorization Act to truncate the screening and adjudications process for these children and thereby speed up their deportations. Given the vulnerability of children and the risk that improper screening would further endanger these children if the process is rushed or handled by inadequately trained adjudicators, I urge you to resist any proposals to change the law and ensure that every child receives adequate due process and the required humanitarian protection.

But in addition to screening, children also need legal representation. The importance of counsel to help a child prepare and present a claim cannot be understated. Yet many if not most children face removal proceedings alone. Even children who have survived trauma or persecution or who live in fear of return are often left to navigate removal laws on their own and present their claims without any legal assistance. Having legal representation has been shown to be the single most important factor in determining the outcome of asylum claims. We should not be a country that allows children seeking protection to stand in court alone. I urge you to provide additional resources to ensure that every child receives a legal orientation presentation and has legal counsel to represent him or her through this process.

How we respond to the current regional humanitarian crisis, in which children are fleeing and in need of safe haven, says a lot about our country and ourselves. RAICES has been providing legal services to unaccompanied children for more than two decades. We know first-hand that affording these children proper screening for trafficking and persecution, as well as the opportunity to be represented by counsel and receive fair and full consideration of their legal claims before an immigration judge, could well be the difference between life and death. We urge you to prioritize the protection of these children and ensure that they receive full due process.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Ryan". The signature is stylized with a large, looped "J" and a cursive "D".

Jonathan D. Ryan
Executive Director
RAICES