

The Refugee Crisis at the U.S. Border: Separating Fact from Fiction

The Growing Influx

Between Fiscal Years (FY) 2004-2011, approximately 6,800 unaccompanied immigrant children were apprehended. This number doubled to more than 13,000 children in FY2012 and then more than doubled again to more than 24,000 in FY2013. This year, as many as 90,000 unaccompanied immigrant children are expected to enter the United States.

Immigrant Children in Removal Proceedings

Immigrant children detained at the border are placed in immigration court removal proceedings. They have a right to counsel only if they can pay an attorney or find pro bono counsel. While their status is being determined, U.S. law requires that children be placed in the least restrictive setting possible. A majority of unaccompanied immigrant children **are eligible** for some protection under U.S. law.

Why are Unaccompanied Immigrant Children Fleeing to the United States Now?

- The current enormous influx of unaccompanied immigrant children is a **humanitarian crisis**: the majority are fleeing gang and gender violence in El Salvador, Guatemala and Honduras; some of the poorest countries in the region.
- The populations of these countries suffer from high crime rates; Honduras has the highest murder rate in the world. Some areas are under the control of criminal gangs; fear of forced gang recruitment is a leading cause for boys to migrate, and threatened or actual sexual assault is a leading cause for girls to migrate. Local police are often corrupt and governments are unable to protect civilians.
- Rumors of broken borders or a lax U.S. immigration policy are **not** the primary cause for the current influx. The United Nations High Commissioner for Refugees has documented a 435% increase in asylum applicants from El Salvador, Honduras, and Guatemala arriving throughout the region, not only in the United States. There has been no comparable increase in migrants from other Central or South American countries. If a perceived change in immigration policy was fueling migration, one would expect comparable numbers of immigrant children from other regional countries and migration would be directed solely at the United States.
- Comprehensive immigration reform has been delayed for nearly a decade since the last serious attempt to pass a bill in 2006. Many parents residing in the United States have become desperate to reunite with their children while they are still children. Families simply can no longer endure separation and have lost hope that legal channels will open to allow for family reunification.

Recommendations

- Ensure child's welfare and safety in all practices and procedures;
- Create a national legal program including *pro bono* attorneys to conduct legal rights presentations and individual legal assessments for all immigrant children;
- Create a national hotline staffed by experienced immigration law experts to connect immigrant children to legal counsel;
- Appoint counsel for children in immigration proceedings to ensure due process protections;
- Allocate more resources to allow for the fair and orderly adjudication of cases, create additional children's dockets and substantive training for immigration judges regarding child-friendly practices;
- Consider other forms of relief for children based on humanitarian concerns, such as prosecutorial discretion, deferred action, and temporary protected status.
- Develop regional and national partnerships with NGOs, faith-based organizations, legal advocates and governments to ensure safe return options for unaccompanied immigrant children, and opportunities for education and employment in sending countries.