

CHN's Q&A on the Child Refugee Crisis

Q: Why are these children coming?

A: A great many are fleeing violence in Central American countries. A [recent report](#) by the United Nations High Commissioner for Refugees (UNHRC), the UN refugee agency, found that 48% of the 404 unaccompanied or separated children they interviewed said they had been “personally affected by the augmented violence in the region by organized armed criminal actors, include drug cartel and gags or by State actors.”

Q: Are they coming because of US enforcement policies or the Deferred Action for Childhood Arrivals (DACA)?

A: In short, no. From our friends at the [National Immigration Law Center](#), “On June 15, 2012, President Barack Obama announced that the U.S. Department of Homeland Security (DHS) would not deport certain undocumented youth who had come to the United States as children. Under a directive from the secretary of DHS, these youth may be granted a type of temporary permission to stay in the U.S. called “deferred action.” The Obama administration called this program Deferred Action for Childhood Arrivals, or DACA. Deferred action granted under DACA is valid for two years and can be renewed for an additional two years.” However, to be eligible for deferred action under the DACA program, you must have continuously lived in the U.S. since June 15, 2007.

In addition, the number of requests for asylum has increased in many countries other than the US. The [UNHCR](#) has documented a 712% increase in the number of asylum applications from citizens of El Salvador, Honduras and Guatemala in Mexico, Panama, Nicaragua, Costa Rica and Belize, combined, from 2008 to 2013.

Q: What kind of protections do they get under current law? What would happen if those protections were eliminated?

A: As [the American Immigration Council](#) reports, the Trafficking Victims Protection Act was signed into law in 2000 to address human trafficking concerns and has been reauthorized several times since then. Provisions added to the law in 2008 required that all unaccompanied alien children be screened as potential victims of human trafficking. While children from Mexico and Canada could be sent back quickly after being screened by US Customs and Border Protection (CBP) agents if no signs of trafficking were reported, children from non-contiguous countries must be transferred to the care of the Department of Health and Human Services within 72 hours, with judicial proceedings initiated to evaluate claims that the children are escaping from violence. As [CHN's Human Needs Report article](#) states, “Children are housed temporarily in a group location, and then transferred as soon as possible to stay with families (either their own relatives or others) until their request to stay in the U.S. is heard. “To the greatest extent practicable,” the law requires that unaccompanied children have counsel, both to represent them in legal proceedings but also to protect them in cases of mistreatment or exploitation. However, the law does not require the federal government to pay for counsel,” and [Kids in Need of](#)

Defense (KIND) reports that “a large gap remains in resources for legal counsel, so that most children appearing before immigration judges are still unrepresented.”

If these protections are eliminated, children from non-contiguous countries could be treated like those from Canada and Mexico are currently. Each child from these two contiguous countries is screened by CBP officers to determine if the child is a victim of trafficking or fears persecution in his or her home country, or if the child is unable to make independent decisions. If none of these things apply, the child is immediately sent back to his or her home country. Many advocates believe that CBP is not the agency best equipped to screen children for signs of persecution and trauma, and that these refugees deserve to have a fair determination of whether they meet the legal standards for staying in the US rather than being immediately sent back to a life-threatening situation.

Child advocates have opposed reducing the protections now afforded to the children entering from Honduras, El Salvador, and Guatemala. In fact, the organization [First Focus](#) has explicitly called for broadening the protections for children from Mexico, rather than speeding the deportation of this new influx of children. If border officers can send them back to their country of origin without access to counsel or adequate investigation, children whose lives would be threatened if they return will be placed at high risk. CHN opposes legislation or amendments that include policy changes that deny protections available under current law.

Q: What is the money needed for and when is it needed?

The majority of the money should go to U.S. Department of Health and Human Services programs for temporary housing and services to provide for basic needs and protection for these vulnerable children. Additional funds are needed for more judges and legal teams to process cases, to transfer children to more appropriate family settings, and to seek better international solutions. CHN believes it is of the utmost importance to ensure that refugee children are protected. The Senate bill, S. 2648, providing \$2.7 billion in emergency funding, with \$1.2 billion to the Department of Health and Human Services, is by far the best alternative now before Congress.

Homeland Security Secretary Jeh Johnson [told Congress](#) that funds will start to dry up in mid-August. Without additional funds, thousands of child refugees are likely to remain in holding facilities not intended to house them for any length of time, without needed services, and without enough judges to hear their asylum claims. While Congress should enact the funding before they leave for August recess, they are not likely to; action may not be finalized until they return in September.

Q: Does the public want these child migrants to be quickly deported?

No. A new poll by the [Public Religion Research Institute](#) finds that 70 percent say the U.S. should “offer shelter and support while beginning a process to determine whether they should be deported or allowed to stay in the U.S.” Only 26 percent want them to be deported immediately back to their home

countries. Similarly, 69 percent believe that “The children arriving from Central America should be treated as refugees and should be allowed to stay in the U.S. if authorities determine it is NOT safe for them to return to their home country.” Only 27 percent agree that “The children arriving from Central America should be treated as illegal immigrants and should be deported back to their home countries.”

Despite the press coverage of some people displaying ugly hostility, the vast majority of Americans do not share these views. They do not want wide-open borders but they want to provide refuge and protection for those “facing serious danger in their home country.”

Q: Why is more border security not the answer here?

In many cases, the unaccompanied children coming to the US are turning themselves in to CBP agents upon arrival. Most of the others are apprehended. It is not the case that large numbers of refugees are slipping through our existing border control. According to the American Immigration Council, the annual Border Patrol budget is \$3.5 billion, and there were 18,611 Border Patrol agents along the southwest border in FY 2013 – representing already significant resources.

Some additional resources:

[“Child Migrants Fleeing Central America Seek Safety in U.S.”](#), from the Coalition on Human Needs’ July 22 *Human Needs Report*

[*Children on the Run: Unaccompanied children Leaving Central America and Mexico and the Need for International Protection*](#), by the United Nations High Commissioner for Refugees (UNHRC). Includes stats on children from each of the four countries highlighted: El Salvador, Honduras, Guatemala, and Mexico.

[“FAQ about Deferred Action for Childhood Arrivals \(DACA\)”](#), by the National Immigration Law Center

[*Children in Danger: A Guide to the Humanitarian Challenge at the Border*](#), by the American Immigration Council. Includes a good Q&A.

[*A Treacherous Journey: Child Migrants Navigating the US Immigration System*](#), by Kids in Need of Defense (KIND)

[“Q & A on Crisis of Children from Central America”](#), by the National Alliance of Latin American and Caribbean Communities

[Religion & Politics Tracking Survey](#), July 23- July 27, 2014, Public Religion Research Institute