



Talking Points on Proposals to Roll Back TVPRA Protections for Unaccompanied Children

Several recently-introduced proposals would put vulnerable children in harm's way by stripping away critical protections in the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 for children from El Salvador, Guatemala and Honduras. The proposals would subject these children instead to the lower, inadequate standard of protection currently used primarily on Mexican children.

In most cases, Customs and Border Protection (CBP) will do a cursory screening for persecution and trafficking within 48 hours and then quickly repatriate the children. However, CBP lacks the necessary training on how to effectively screen children. Few children will ever go before an immigration judge or have any opportunity to talk to a lawyer. Most will be immediately sent back to their country of origin.

These proposals trade the safety of children for expediency. It would be a "round-'em up and ship-'em back" approach, as Senator Harkin said in opposition to such an approach.

- The Northern Triangle of Central America is one of the most violent regions in the world. The 2014 U.N. Office on Drugs and Crime's Global Study on Homicide, concluded that Honduras is the murder capital of the world, with El Salvador and Guatemala ranked #4 and #5. The Central American children fleeing these countries are escaping sexual violence and forced gang recruitment. Deporting these children could very well mean returning them to further violence, abuse, and even death.
- Vulnerable children will be forced back to the same dangerous conditions from which they just fled without proper screening for asylum or trafficking. Many will end up in the hands of traffickers or the gangs from which they fled.
- Victims may be further traumatized when questioned by officials who lack training in sexual assault interviewing techniques.
- Victims' memories of the violence that they suffered might be triggered by the overcrowded conditions that they are being housed in, which will cause additional anxiety, fear and anguish.
- Unaccompanied children will be detained for longer periods of time in Border Patrol stations or jail-like detention centers that do not have adequate food, shelter or beds. The proposal denies Central American children adequate care and protection provided by the Office of Refugee Resettlement.
- The proposals put unaccompanied children at risk of abuse or sexual assault by strangers because they will be held for longer periods in CBP stations or detention centers. In June, advocacy groups filed a complaint with over one hundred cases of abuse and maltreatment while in CBP custody.

These proposals will silence victims who have suffered trafficking, gang violence and persecution.

- With the screening process currently in use for unaccompanied children from Mexico, CBP typically interviews children about persecution or trafficking within 12 hours of apprehension. That's not nearly enough time for a victimized child to be physically and psychologically ready to talk about sensitive traumatic events. Rape, sexual assault and child abuse victims often take weeks, months or longer before they can speak about such crimes.

- Unaccompanied children need a safe space to talk about violence and abuse. A jail-like Border Patrol station is no place for an interview to happen, especially while they are still recovering from a harrowing journey and are likely hungry, cold, and scared. Victims may be further traumatized when questioned by officials who lack training in sexual assault interviewing techniques.
- Children will be denied proper medical care, including expert forensic care, if they are subject to a streamlined deportation process rather than the appropriate care and screening required for victims of sexual and other forms of violence.
- If a child is unable to make her case in short order to a CBP agent, she can be returned almost immediately to unsafe conditions.

These proposals would subject Central American children to a flawed, unfair process that should not be used on Mexican children.

- “No meaningful screening is being conducted” of Mexican children by CBP as required by the TVPRA, according to the Appleseed Foundation 2011 report.
- The screening process in place for Mexican unaccompanied children is wholly inadequate for all children, but especially for those children who face high likelihood of violence, exploitation, and even death upon return.
- CBP lacks the resources and expertise to interview children. Border Patrol agents lack the necessary training on child welfare, trauma, abuse, and sexual assault to conduct the appropriate screenings, putting children who may be eligible for relief at risk of falling through the cracks and being returned to dangerous situations.
- Border Patrol has a track record of abuse and lethal use of force.
- Border Patrol cannot even screen *adults* properly for fear of return. In 2005, the bipartisan United States Commission on International Religious Freedom (USCIRF) found that Border Patrol was not following proper procedures in screening and referring adults for “credible fear” interviews. DHS Office of Civil Rights and Civil Liberties is now investigating 19 cases in which agents never asked about fear of return in the first place or ignored statements of fear.

America should protect all children, not place them in harm’s way.

- The best interest of the child should be paramount in addressing this humanitarian crisis. Child safety should not be compromised for the sake of expediency.
- Subjecting Central American children to the failed Mexican screening process would be a retreat from America's commitment as a humanitarian leader and undermine our American values of putting children first and protecting them from harm.
- All children deserve protection, and Congress should be focused on strengthening protections rather than weakening them. There is no valid reason for treating vulnerable unaccompanied children differently based on their country of origin. But we should ensure that Mexican children are better protected instead of watering down the protection afforded Central Americans.

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