

*The “Unaccompanied Alien Child” (UAC) Crisis: Push Factors in Central America; The US Government Response; Legal Options and Difficulties for Immigrant Youths*

Presentation Outline

- Situation in Guatemala, Honduras, El Salvador
  - Push factors: gangs, violence, domestic abuse, parental abandonment or neglect, lack of work/educational activities - see UNHCR report
  - For the most part they are not economic migrants; they are fleeing dangerous situations and often present themselves for protection/humanitarian relief
- How they come to US
  - The journey: coyotes or no; cars/buses or on top of trains; what happens when they get to Mexico (held in houses where may be abused/ransom may be demanded);
- What happens to UACs vs. family units:
- UACs apprehended by CBP; go to ORR; released to sponsor
  - CBP: 72 hours
  - What is ORR? Shelters
  - How long does it take to be released?
- What is a sponsor?
  - Usually a family member; sometimes a family friend or someone from the same town in home country
  - Fingerprints/FBI background check
  - Need to sign forms agreeing to care for child, register child in school, bring child to immigration court
  - \*CAN be undocumented - how does this work?
- Family units
  - Men held separately or released
  - “Family detention” for women and children - punitive
  - Discuss: Artesia, now Karnes and Dilley; now run by for-profit corrections corporation; shut down in the past because of sexual abuse of detainees; poor food, health care, no school for kids, etc.;
  - Bond issues - what is the purpose of bond? (to ensure they show up for immigration proceedings; don’t abscond) Past practice: If passed Credible Fear Interview would be released ROR. What happens if family posts bond? High bonds. Recent BIA decision saying that a deterrent effect for others may NOT be a factor considered in determining someone’s bond. Alternative to bond: ankle bracelet/monitoring
- Children's integration into communities; issues
  - Enrolling in school
  - adjusting to life in the US
  - mental health needs
- How different cities, counties, states have reacted to these kids coming
- What happens next with their immigration cases?

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- It is their burden to do change of venue - sometimes helped w/ this when released; sometimes not.
- Will be set for an initial immigration hearing “master calendar hearing”. (This used to be set months out; now it’s supposed to be set within 21 days. Many kids not getting proper notice; being ordered removed in absentia)
- In later hearings, must show that they qualify for some form of immigration status, or they will be ordered removed
- What form of immigration status?
  - The most common and less common ones: SIJS, asylum; could also be U- or T-visa; family petition (e.g. if have USC or LPR stepparent legally married to parent?)
  - Discuss them in depth
  - Asylum (and related forms of relief) - extremely difficult to prove; must be on account of a protected ground; etc.
  - SIJS - commonly available for children who arrive well in advance of 18th birthday and who lack safe and stable two-parent home
  - Briefly discuss others
- What if they don’t show up to immigration court?
  - Will be ordered removed in absentia
- What if they do show up but don’t win their case?
  - Will be ordered removed; may eventually get bag and baggage letter...
- But what about the fact that they are being returned to dangerous situations where they fear for their lives or have no one to care for them?
  - Ans: Used to give Prosecutorial Discretion to many kids; not anymore (Executive Actions; new removal priorities). Per the US Gov’t, basically: “Too bad.”
- What can people do?
  - Family law attorneys are needed to represent kids in the custody part of SIJS cases
  - Immigration lawyers, BIA-accredited representatives and/or Spanish-speakers can volunteer in Dilley or Karnes for a week
  - Spanish-speakers may be able to volunteer at immigration court in Charlotte (or anyone can observe; write about it for church newsletter or other publication)
  - Donate for others to go to Dilley or Karnes (hold fundraisers; consider showing the film “Sin Nombre” - a very accurate representation)
  - Write letters to the editor; show support for these children and families in social media; help spread the word about this situation
  - Contact USCRI, LSSP???
- Further in-depth discussion of SIJS - one common form of relief, whole process typically takes a year and dozens of hours of attorney time with three different legal systems - USCIS, EOIR, and the NC State Courts

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## Secretary of Homeland Security, Jeh Johnson:

*Our message is clear to those who try to illegally cross our borders: you will be sent back home. We have already added resources to expedite the removal, without a hearing before an immigration judge, of adults who come from these three countries without children. We have worked with the governments of these countries to repatriate the adults quicker. (Indeed, while in Guatemala City two days ago, I personally witnessed a flight of repatriated adults returning home.) Within the last several months, we have dramatically reduced the removal time of many of these migrants. Within the law, we are sending this group back, and we are sending them back quicker.*

*Then there are adults who brought their children with them. Again, our message to this group is simple: we will send you back. We are building additional space to detain these groups and hold them until their expedited removal orders are effectuated. Last week we opened a detention facility in Artesia, New Mexico for this purpose, and we are building more detention space quickly. Adults who brought their children here expecting to make it to the nearest bus station in the U.S. were surprised that they were detained at Artesia. They will be sent back quickly, with the sad recognition that the large sum of money they paid a criminal smuggling organization to get them to the U.S will go to waste.*

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For up-to-date information on family detention, see: <http://immigrationpeyton.blogspot.com>