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Unaccompanied Migrant Children: Understanding the Issue

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Institute for the Study of Societal Issues

Berkeley
UNIVERSITY OF CALIFORNIA

Unaccompanied Migrant Children in the US

Historical Background



In 2014, there was a sharp increase in the number of unaccompanied minors from Central America fleeing their home countries to seek refuge in the US. An unaccompanied migrant child (UMC) is a child (age 0-17) who has entered the US without a guardian. Unaccompanied minors are fleeing their native countries due to high rates of crime and gang violence. In addition, unaccompanied minors leave their countries because of family violence, parental abandonment, labor and sexual exploitation, and forced marriage and sex trafficking by gangs. Extreme poverty also drives UMCs to make the arduous journey. To a lesser extent, UMCs are also fleeing to the US to join parents and family members who are now settled in the US.

These children primarily come from El Salvador, Honduras and Guatemala, where homicide rates and gang related violence are high. According to the United Nations Office on Drugs and Crime, in 2012 Honduras had a homicide rate of 90.4 per 100,000 people. El Salvador and Guatemala had homicide rates of 41.2 and 39.9, respectively. UMCs are often subject to forced recruitment by gangs, have witnessed gang homicides in their own communities, and have lost family members to gang violence.



In many Central American neighborhoods, law enforcement either works with organized gangs or doesn't have a strong enough infrastructure to control gang violence. In some cases, Central American children are abused by law enforcement for being misidentified as a gang member or associate.

The high rates of violence and gang persecution are lasting effects of the civil wars of the 1980's in Central America that destabilized and devastated the countries socially, politically and economically. El Salvador, Guatemala, and Honduras have been subject to US imperial intervention and have had US neo-liberal policies imposed on their economies, weakening the countries' economies and generating a gap between the powerful elite and the majority poor working class population.





QUICK FACTS

Number of UMCs apprehended at the US-Mexico border in 2014 Fiscal Year: 68,541

Number of UMCs released to sponsors in 2014 Fiscal Year: 53,518

Children from Mexico can be deported right away if they are caught at the border (since Mexico is adjacent to the U.S.), but children from other countries have a right to a hearing first.

If a child is determined to be a UMC, they are taken into the custody of the Office of Refugee and Resettlement (ORR) within 72 hours and are placed in shelters until they can be placed with sponsors under the ORR's family reunification process.

Under current US Immigration Law, UMCs are not provided government appointed counsel for immigration deportation proceedings. They are expected to find an attorney on their own to represent them. The majority of children appear in immigration court alone and are at risk for getting sent back to their country of origin, even if they have legal standing for remaining in the US. UMCs are represented by an attorney in only about one-third (32%) of 63,721 cases pending in Immigration Court as of October 31, 2014.

In about three out of four (73%) of the cases in which the child was represented by an attorney, the court allowed the child to remain in the United States.

The Obama administration has prioritized UMC cases in immigration court in order to speed up deportation proceedings. Under these expedited deportation proceedings known as "rocket dockets," children and families are given only 21 days from the time that they are released from ICE custody to appear before an immigration judge. In normal immigration proceedings an individual has 4-6 months.

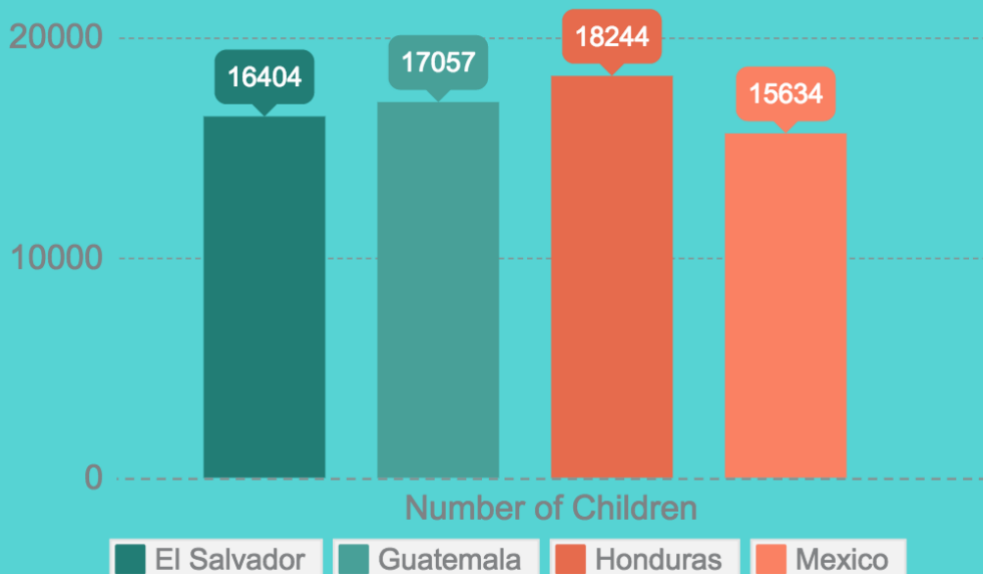
Types of relief UMCs can qualify for in order to stay in the US:

Asylum: Must demonstrate a well-founded fear of persecution based on one of five grounds: race, religion, nationality, political opinion, or membership in a particular social group.

Special Immigrant Juvenile Status: A humanitarian form of relief available to noncitizen minors who enter the child welfare system due to abuse, neglect, or abandonment by one or both parents.

T-Visa: Available to individuals who have been victims of a severe form of trafficking.

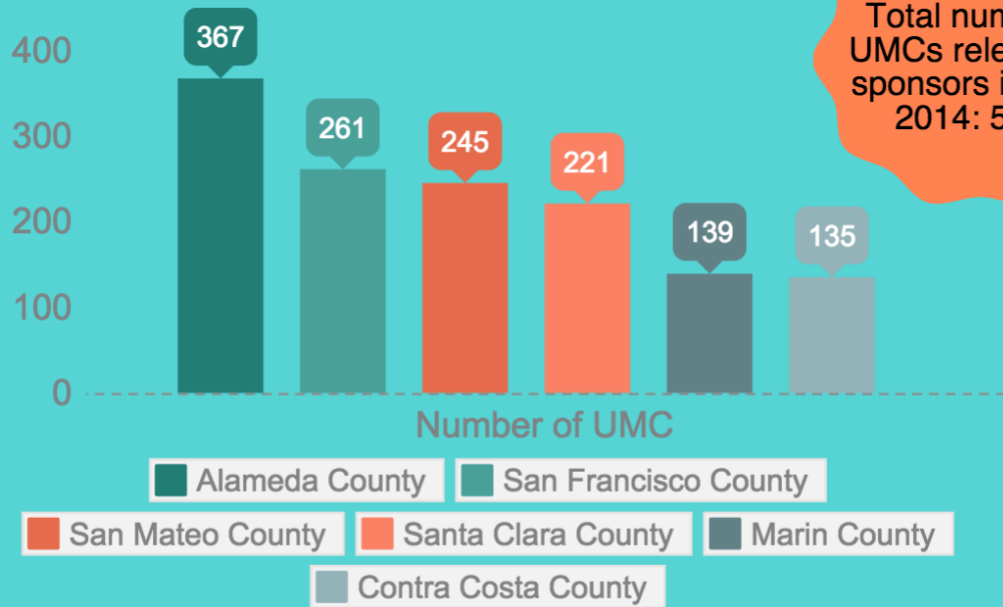
U-Visa: A U visa is available to victims of certain crimes. To be eligible, the person must have suffered substantial physical or mental abuse and have cooperated with law enforcement in the investigation or prosecution of the crime.



Unaccompanied Migrant Children Encountered in 2014 Fiscal Year



QUICK FACTS



Total number of UMCs released to sponsors in CA in 2014: 5,831

Minors Released to Sponsors in 2014 Fiscal Year by County

While additional support is still needed, the Bay Area is a national leader in providing services and advocacy for UMCs.



Oakland, Berkeley, and San Francisco are “sanctuary cities” where there is institutional and community support for undocumented immigrants. Local police in sanctuary cities will not cooperate with Immigration and Customs Enforcement in identifying or detaining those without legal status.

SF allocated \$2.1 million to providing legal services to UMCs over the next two years.



Oakland allocated \$2.5 million to legal organizations and school districts for legal services and resources to support UMCs.

4,100 cases involving UMCs were pending in SF Immigration Court by the end of 2014. UMCs were represented by an attorney in 1,423 cases.

Approximately 300 UMCs are enrolled in Oakland Unified School District, with enrollment expected to increase in 2015.



San Francisco Unified School District has enrolled approximately 400 UMCs. About 60% of newly arrived Latino students at SFUSD are UMCs.

Both SF and Oakland school districts have expanded their newcomer and multilingual school programs and hired specialized staff to support UMCs in connecting them to legal services and tracking their immigration cases.



Attorneys are facing time constraints in preparing declaration forms due to UMCs expedited proceedings. UMC cases typically last 3-4 weeks.

Given the high levels of trauma experienced by UMCs, they need more time to become comfortable telling their stories to lawyers, who need accurate accounts for their immigration cases.

Rural areas, such as California's Central Valley, have few legal resources and attorneys to represent UMCs, so they must journey to urban centers to receive legal assistance.



Even after UMCs are granted asylum or other legal status, they need greater social service support and follow up.

Without a case worker, UMCs are left to string together resources from a loosely connected network, making it difficult for UMCs to actually receive the services they need.

Many UMCs feel isolated in their communities. In addition to school, UMCs need greater social support networks that are community based. After school programs for UMCs such as youth soccer groups provide a sense of community for them.



UMCs and their sponsoring families experience housing instability and live in sub-standard housing conditions, with multiple families often living under one roof.

UMCs often live in temporary housing situations like shelters, are on the verge of homelessness, or are living with sponsors who cannot secure affordable housing, many fearing eviction.



Although resilient, many UMCs have intense levels of trauma from their journey to the US, and sometimes from their experiences in their home countries. Once in the US, they also encounter traumatic experiences, either from being detained, navigating the immigration system, having stress from the uncertainty of their immigration case, and/or having to assimilate into the US, a culture that is completely new to them.

Families also experience generational trauma from the civil wars, gang violence and forced migration to the US, which affects the well being of UMCs.

There is a need for more low cost mental health providers who can provide long term, continual mental health services to UMCs.

Language barriers can pose a challenge for mental health providers, as not all UMCs speak Spanish. Many UMCs speak various different dialects and languages, such as Mam Mayan.

The US mental health system is a model that is unfamiliar to many UMCs, who require culturally sensitive mental health services and language to destigmatize mental health services.



UMCs experience high financial stress and insecurity. Sponsoring families are often immigrants themselves, are low income, and deeply impacted by poverty. UMCs often face pressures and expectations to start working to assist their sponsoring families financially.



In the process of family reunification, issues around parenting, anger, resentment and attachment come up. Most UMCs haven't seen their family in many years, which leaves children vulnerable to risk taking behavior.

Most sponsors of UMCs, especially older UMCs, are distant relatives, family friends or someone who has some relation to their parents from their home country, which has created some tension between UMCs and sponsors.

Sponsors are also in need of government financial support, as sponsoring a UMC comes with much responsibility and is a huge time commitment.



Many UMCs have had their formal education interrupted or had little to no formal education in their home countries. UMCs require extra school support, as English-language acquisition and reintegration into school is a challenge for them and for school staff and families to support them.



Centro Legal de La Raza (Oakland) provides direct legal services to immigrant communities. Centro represents unaccompanied minors in deportation proceedings.
www.centrolegal.org

East Bay Sanctuary Covenant (Berkeley) provides refugees and immigrants with a variety of low cost or free legal services. EBSC also provides assistance with other types of immigration assistance: help renewing work permits, applying for travel documents, adjusting status (from asylum seeker, to resident, to citizen).
www.eastbaysanctuary.org

Social Justice Collaborative (Oakland) provides direct legal services and representation to unaccompanied minors.
www.socialjusticecollaborative.org

The Alero Project (San Francisco) provides holistic mental health services to UMCs at no cost through one on one counseling. The project also provides psychological screenings and evaluations for immigration hearings, and connects UMCs to outside medical and social services.
<http://aleroproject.tumblr.com/>

Pangea Legal Services (San Francisco) provides low bono and pro bono legal services to newcomers and long-time immigrants in the United States. Specifically, legal services include representation in affirmative and defensive asylum, cancellation of removal, DACA, U-visa, family based petitions, consular processing, and other immigration services.
www.pangealegal.org

Legal Services for Children (San Francisco) provides legal screening, know-your-rights and other short-term advocacy to immigrant children and represents immigrant children in claims for legal relief that allow them to stay in the country with legal status.
www.lsc-sf.org

CARECEN (San Francisco) provides immigration legal services, helps youth leave behind violent pasts and become self-sufficient adults, empowers community members with health knowledge, supports families in crisis and develops parents' civic leadership skills, and promotes community development through organizing, leadership training, and advocacy.
www.carecensf.org

Interfaith Coalition for Immigrant Rights (Bay Area) engages faith communities in organizing and educational efforts to promote the rights of immigrants; organizes public prayers and advocacy for immigrants in front of detention centers and immigration courts; and provides support and accompaniment to those facing deportation proceedings.
www.icir-clue.blogspot.com



Based on their experiences working with unaccompanied minors, Bay Area organizations have suggested and advocated for the following policies:



Stop/halt expedited removal proceedings that have prioritized UMC cases under the Obama Administration.

End deportations of all undocumented immigrants.



Reform and expand asylum law to include fear of persecution from gang violence as a grounds for claiming asylum.

Change guardianship rules so that youth ages 19-21 can qualify for Special Immigrant Juvenile Status, as UMCs over 18 cannot apply for SIJS.

Implement a legal pathway or legal amnesty for undocumented parents of UMCs, with a focus on family reunification.



Treat UMCs as refugees under the law, which would provide them the same benefits and legal claims refugees currently receive.



Enroll UMCs in healthcare and temporary public benefits while they are in immigration proceedings and while they wait to receive residency once they get legal status.



Increase and continue funding for community, legal, mental health, and educational programs to meet the needs of UMCs.



An overview of the deportation system for minors:
<http://www.ilrc.org/resources/map-deportation-system-for-minors>

Resources for advocates working with UMCs:
<http://www.ilrc.org/resources/unaccompanied-immigrant-children-resources>

UN Report on UMCs:
<http://unhcrwashington.org/children>

Office of Refugee Resettlement Statistics:
State by State: <http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>

UMCs released to sponsors by county: <http://www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county>

Center for American Progress article on UMCs:
<https://www.americanprogress.org/issues/immigration/news/2014/06/18/92056/5-things-you-need-to-know-about-the-unaccompanied-minors-crisis/>

UC Hastings Report on UMCs:
<http://cgrs.uchastings.edu/sites/default/files/Treacherous%20Journey%20Executive%20Summary.pdf>

Statistics on Representation of UMCs in Immigration Court:
<http://trac.syr.edu/immigration/reports/371/>

NCCIJ Report on Representation of Detained Immigrants in Northern California:
<https://media.law.stanford.edu/organizations/clinics/immigrant-rights-clinic/11-4-14-Access-to-Justice-Report-FINAL.pdf>

Migration Policy Institute article on UMCs:
<http://www.migrationpolicy.org/article/unaccompanied-minors-crisis-has-receded-headlines-major-issues-remain>

Article on SF Board of Supervisors approving legal aid to UMCs:
<http://sanfrancisco.cbslocal.com/2014/09/16/san-francisco-allocates-2-1m-to-legal-aid-for-unaccompanied-minors-families-facing-deportation-david-campos-central-america-el-salvador-guatemala-honduras-mexico-undocumented/>



Thank you to the staff members of Bay Area organizations I interviewed for sharing their expertise.