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July 11, 2014

Dear Mr. President and Members of Congress,

Our faith traditions challenge us to welcome the immigrant through scriptures such as Leviticus 19:34, "*The foreigner residing among you must be treated as your native-born.*" Many of our organizations are living out this command by working tirelessly in bus stations and shelters to assist vulnerable children and families coming from Honduras, Guatemala and El Salvador and in ministries dedicated to human rights and sustainable development in the Northern Triangle.<sup>1</sup>

While we appreciate the U.S. government's attention to the humanitarian crisis faced by migrants from Central America, we strongly object to proposals to detain families with children and to any move to roll back the Trafficking Victims Protection Reauthorization Act (TVPRA) in order to effect expeditious deportations. Forcibly and hurriedly returning people in need of international protection back to the dangerous situations they fled without adequate due process would undermine our obligations under international law and our position as a global humanitarian leader and would be a moral disgrace.

As we read through the Administration's supplemental appropriations request, we are pleased to see an increase in funding for the Office of Refugee Resettlement (ORR), as increased funding is needed so that ORR can adequately serve both unaccompanied children and refugees. However, we urge Congress to provide more funds in the supplemental to increase legal services for unaccompanied children in the United States and enhance programs to reduce violence in sending countries so that individuals, particularly children and families, are not forced to undertake dangerous journeys in the first place. We are also deeply concerned about language in the supplemental request that would discourage persecuted individuals in Central America from seeking asylum and protection, and that would expand the detention of children and families without addressing the unacceptable conditions of these facilities. Additionally, we oppose any proposals that would restrict these children's access to life-saving protection or return them to unsafe situations in which they could be further exploited.

**This is a regional humanitarian crisis, not a U.S. immigration enforcement problem.** Since 2009 asylum requests by Hondurans, Salvadorans and Guatemalans seeking refuge in Mexico, Panama, Nicaragua, Costa Rica and Belize have increased sharply. In fact, compared to 2008, UNHCR registered a 712% increase in the number of asylum applications in the region in 2013.<sup>2</sup> Many of the Central Americans arriving in the United States today are people primarily fleeing violence. The current crisis thus demands both a humanitarian response in the short-term and, in the long-term, policies to address complex root causes.

The message to parents not to let their children make this dangerous journey fails to account for the truly desperate situations facing many children and families. No parent sends their child into danger unless they feel they have no choice. The U.S. State Department currently has travel advisories in effect for Honduras and El Salvador, warning that the level of crime and violence remains critically high and noting that, "criminals operate with a high degree of impunity throughout Honduras."<sup>3</sup>

Our country regularly pleads with governments of countries in other parts of the world to keep their borders, hospitals, and schools accessible for refugees fleeing violence and persecution.<sup>4</sup> Thus far this fiscal year, unaccompanied children represent less than 0.02 percent of our population (by comparison, refugees from Syria now make up 20 percent of the population in Lebanon). When the U.S. is faced with a mixed migration flow that includes many refugees and others in need of humanitarian relief, we must not renege on our moral and legal obligations to protect those fleeing for their lives.

**We respectfully ask that you consider the steps below to address the needs of Central Americans fleeing harm in a just, effective, compassionate, and comprehensive manner:**

**Strengthen the humanitarian response in the United States.** The U.S. must embrace its moral and legal obligations to asylum-seekers, many of which are women and children, who have arrived at our borders seeking protection. A policy of "sealing" borders

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<sup>1</sup> El Salvador, Guatemala, and Honduras

<sup>2</sup> United Nations High Commissioner for Refugees, "*Children on the Run*" [unhcrwashington.org/children](http://unhcrwashington.org/children), July 2, 2014

<sup>3</sup> U.S. Department of State, Bureau of Consular Affairs, Travel Warnings, July 2014. [travel.state.gov/content/passports/english/alertswarnings.html](http://travel.state.gov/content/passports/english/alertswarnings.html)

<sup>4</sup> Anne C. Richard, Assistant Secretary, Bureau of Population, Refugees, and Migration, U.S. Department of State. Statement to the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, January 2014. [www.state.gov/j/prm/releases/remarks/2014/219388.htm](http://www.state.gov/j/prm/releases/remarks/2014/219388.htm).

and housing vulnerable people in jail-like conditions will not dissuade people who are fleeing for their lives and seeking safety. These policies instead risk driving desperate people into even more dangerous circumstances and inflicting more pain upon those already suffering.

### **Process women, children and asylum-seekers humanely**

- **Strengthen community-based alternatives to detention programs, which are cost effective and humane.** We are thankful for the current partnership between FEMA/ORR and faith-based agencies in responding to this humanitarian crisis. We suggest redirecting resources slated for family detention to aid and assist this collaboration. Rather than the 6,000 detention beds called for in the Administration's Supplemental Request, we urge Congress to provide funds to alternatives to detention. We further reject the use of electronic shackles for children.
- **Seek alternatives to a failed policy of family detention.** Unnecessary detention often bars bona fide refugees and others from accessing the few pro bono legal services that are available. The T. Don Hutto detention facility for families was a national embarrassment. Thankfully, the Administration closed this facility in 2009, ending its legacy of inhumane treatment of women and children.<sup>5</sup> There is no guarantee that this renewed effort to incarcerate families will not have the same outcome. While we do not support family detention, we believe that where it exists, you have an obligation to allow community organizations access to facilities to monitor the conditions inside, and to allow religious services and visitation.
- **Leave intact the provisions of the Trafficking Victims Protection Reauthorization Act of 2008 relating to unaccompanied children.** Our organizations are deeply troubled by the implication that the Administration and some members of Congress are considering removing children more quickly and less safely than is required by current law. We have long been concerned about the adequacy of screenings for children from contiguous countries in ensuring that they will not face trafficking, persecution or harm if returned quickly, including children from Mexico who are often summarily returned to harm. Traumatized children, some as young as four years old, often will not divulge complex details of threats and violence during a first meeting with strangers, and are even less likely to do so in the presence of armed strangers in uniform. The U.S. should be working to ensure the best interests and safety of children is paramount rather than curtailing existing protections. No child, including children from Mexico, should be deported without adequate screenings for trafficking and protection needs to ensure they can be returned safely and not placed back into the hands of traffickers and others who will exploit them. Proposals that would roll back protections for children from Central America or treat them as Mexican children are treated currently, should be rejected. Independent child welfare, legal and anti-trafficking experts should have access to unaccompanied children to assist in the identification, screening, and referrals of potential child asylum applicants, trafficking victims and potential child-trafficking victims. For the short time children are in CBP custody, they should receive adequate nutrition, housing, and medical treatment.
- **Provide counsel to all unaccompanied children.** In addition to the legal protections provided to children in current law, each child should be provided with legal counsel and guaranteed that his/her case will be evaluated in-person by an immigration judge with sufficient time for a determination of the best interest of the child and his/her eligibility for relief under current U.S. law. While the Administration's request includes some funds for legal orientation programs and an increased number of immigration judges, it does not go far enough. We urge Congress to provide additional funds to ensure these children have access to legal assistance and a chance to have their stories heard in a timely manner.
- **Improve oversight of the asylum screening process** to ensure that all individuals are asked if they fear return to their country of origin and are referred to the asylum process if needed. In particular, unaccompanied children from Mexico are entitled to less due process in asylum screening than adults or other unaccompanied children. They, too, should be screened for asylum protections by a child welfare and asylum expert.
- **Provide unaccompanied children with adequate services, while maintaining services for other groups under the care of the Office of Refugee Resettlement.** The Office of Refugee Resettlement (ORR), the agency responsible for the care of unaccompanied immigrant children, has addressed the budget shortfall resulting from the child migrant emergency by reprogramming money destined for services for resettled refugees. Supplemental funding is needed to adequately address the unexpected child migration crisis while maintaining commitments to rescuing and resettling refugees in distress abroad. In addition to supplemental funds urgently needed this year, ORR will require additional funding in the coming year to respond to this crisis without sacrificing other refugee services. We support the Administration's supplemental request for ORR in Fiscal Year 2014, and urge Congress to provide these important funds.

**The U.S. response to the current crisis must also address root causes.** Too often we settle for quick and at times harmful "fixes," treating the proverbial symptoms rather than the underlying causes. There are several steps U.S. policymakers can take to improve conditions for would-be migrants in Central America, making it possible for people to find safety and prosperity in their

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<sup>5</sup> *Landmark Settlement Announced in Federal Lawsuit Challenging Conditions at Immigrant Detention Center in Texas*, ACLU, August 2007. [www.aclu.org/immigrants-rights-prisoners-rights/landmark-settlement-announced-federal-lawsuit-challenging](http://www.aclu.org/immigrants-rights-prisoners-rights/landmark-settlement-announced-federal-lawsuit-challenging).

home communities. However, these efforts must be adequately resourced; we were disappointed to see that only 8% of the Administration's supplemental request is directed toward addressing root causes.

#### **Address poverty and lack of opportunity in Central America**

- **Increase investments in sustainable development**, such as education, job training, job creation, cooperative businesses, small-scale agriculture, and environmental care, such as planting trees and community gardens.
- **Adjust trade agreements** (both enacted and proposed) to better ensure respect for human and labor rights as well as environmental standards. Modify or revoke agreements that negatively impact livelihoods and rural economies and lead to increased poverty and migration.<sup>6</sup>

#### **Address violence and child and crime victim protection systems**

- **Increase investment in community-based youth violence prevention programs.** Programs such as Cure Violence<sup>7</sup> and the Paso y Paso social education program in Honduras, the Puente Belice Program in Guatemala, and Youth Builders<sup>8</sup> in El Salvador can effectively address the culture of violence in cities struggling with some of the highest levels of violence in the world.<sup>9</sup> Investment should include nonviolent conflict intervention programs and employ restorative justice models. For instance, taking a public health approach to violence is helpful for reducing rather than merely displacing violence.
- **Reduce reliance on militarized and armed approaches to the prevention of violence.** A militarized approach to gangs, border security, and drug policy often contributes to violence and distrust in communities and leads to egregious human rights violations. Instead, the U.S. should focus on strengthening judicial independence, the capacity of prosecutors to independently investigate police and military abuses, and the ability of civil society to hold government actors accountable for corruption and abuse.
- **Provide resources and technical assistance for shelters, particularly for girls and women fleeing violence, and for effective witness protection programs.** These investments will allow witnesses and crime victims to participate in justice processes while staying in their countries of origin and can help reduce impunity over time.
- **Support well-trained, well-resourced and accountable child protection systems in El Salvador, Guatemala, and Honduras.** The three countries currently have inadequate or not-yet-functioning (in the case of Honduras) child welfare systems. It is critical to have accountable and adequately staffed and resourced child protection systems to protect children at risk of violence and abuse and *these agencies must be in place and prepared to receive returned children before any child is removed.* For those children deemed ineligible for humanitarian relief and only after child welfare systems are adequate to the task of receiving such individuals, the U.S. should invest in strengthening return and reintegration programs for deported children. Such programs should be implemented in all cases in which a child is being returned to his/her home country to ensure that the placement is safe, permanent and in the child's best interests. Follow-up social services and monitoring should be provided in countries of origin by civil society social service providers when an unaccompanied child is repatriated, with outcomes that are tracked. This approach should both facilitate safe and healthy reintegration, and strengthen accountability for the welfare of deported children.

As faith based organizations, we are called to "love the stranger" and "welcome the stranger". We urgently appeal to all people of faith, to our leaders in Congress, and to you, President Obama, to respond to this humanitarian crisis with mercy, compassion, love and hospitality.

Sincerely,

CC: Jeh Johnson, Secretary, U.S. Department of Homeland Security  
John Kerry, Secretary, U.S. Department of State

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<sup>6</sup> *Illegal Immigration and NAFTA*, Dustin Ensinger, February 2011. [economyincrisis.org/content/illegal-immigration-and-nafta](http://economyincrisis.org/content/illegal-immigration-and-nafta).

<sup>7</sup> Cure the Violence. [www.cureviolence.org](http://www.cureviolence.org). They focus on directly reducing shootings and homicides.

<sup>8</sup> *El Salvador*, Catholic Relief Services. [crs.org/countries/el-salvador](http://crs.org/countries/el-salvador).

<sup>9</sup> Evaluations show declines in homicides and gang crimes in Los Angeles over four years. Santa Tecla, El Salvador, where a program started in 2003, now has a 40% lower homicide rate compared with surrounding communities.