Mission to Central America: The Flight of Unaccompanied Children to the United States

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Report of the Committee on Migration of the United States Conference of Catholic Bishops

TRIP DELEGATION

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INTRODUCTION

From November 16-23, 2013, a delegation from Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB) traveled to southern Mexico and Central America to examine and understand the flight of unaccompanied migrating children and youth from the region. Bishop Mark Seitz, bishop of El Paso, Texas, led the delegation, and was accompanied by Jeanne Atkinson, Executive Director of the Catholic Legal Immigration Network, Inc. (CLINIC), Reverend Daniel Groody, Professor of Theology, University of Notre Dame, and consultant to the USCCB Committee on Migration; Jane Bloom, Director, Washington Office of the International Catholic Migration Commission (ICMC); Kristyn Peck, Associate Director of Children's Services, MRS/USCCB; Ashley Feasley, Immigration Policy Advisor, MRS/USCCB; and Kevin Appleby, Director of Migration Policy and Public Affairs, MRS/USCCB.

Currently, El Salvador, Guatemala, Honduras, and Mexico have the highest numbers of unaccompanied youth arriving at the U.S./Mexico border where they are apprehended by federal immigration enforcement due to their lack of immigration status and placed into the custody and care of the U.S. Department

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of Health and Human Services' Office of Refugee Resettlement (HHS/ORR). According to U.S. Customs and Border Protection (CBP), in fiscal year 2012, 24,120 out of a total of 24,481 unaccompanied children apprehended at the U.S./Mexico border or in the interior were from Mexico, Guatemala, El Salvador and Honduras.[1]

With these figures in mind, the delegation travelled to the Northern Triangle of Central America to hear the stories of child migrants and meet with high-level government officials. The delegation first visited Tapachula, a city in the state of Chiapas Mexico which is the epicenter of the migration flow North and also is the location of one of the children's shelters run by the Mexican government's child welfare agency, DIF (el Desarrollo Integral de la Familia). Subsequently the delegation travelled to Guatemala, Honduras, and El Salvador to collect information and assess the plight of child migrants on the ground. The following report details the delegation's findings and policy recommendations.

OVERVIEW

Since 2011, the United States has seen an unprecedented increase in the number of unaccompanied migrating children arriving to the country, predominately at the U.S./Mexico border. Whereas the number of children apprehended averaged 6,800 between federal fiscal years (FY) (October 1-September 30) 2004 and 2011, the total jumped to over 13,000 children in FY2012[2] and over 24,000 children in FY 2013.[3] HHS/ORR, as well as the Department of Homeland Security (DHS) estimate that more than 60,000 unaccompanied minors could enter the United States during 2014.

Why are so many children making the dangerous journey north? Are there recent developments in these countries that have led to the spike in child migration over previous years? The delegation attempted to find answers to these questions during their mission. In short, there are no simple answers. The delegation found that a series of interrelated factors have contributed to this dramatic increase in migration and that a "perfect storm" of a number of these root causes has coalesced to create this phenomenon. Push factors include the absence of economic opportunity, the lack of quality education and access to education generally and the resulting inability for individuals to financially support themselves and their families in their home countries/local communities. The desire to reunify with family in the United States, in part driven by these forces, also has contributed to this increase in migration.

While these factors were omnipresent, the delegation found that one overriding factor has played a decisive and forceful role in recent years: generalized violence at the state and local levels and a corresponding breakdown of the rule of law have threatened citizen security and created a culture of fear and hopelessness.

To be sure, each country exhibited individual challenges which have added to these push factors. In Guatemala, for example, the demise of the coffee industry in recent years has contributed to the outflow of child migrants.[4] In Honduras, political instability in recent years has led to the absence of good governance and a breakdown in the rule of law. And El Salvador, particularly dependent on remittances from the United States, has been severely affected by the global recession.

Nevertheless, violence and coercion, including extortion, kidnapping, threats, and coercive and forcible recruitment of children into criminal activity are per-

petrated by transnational criminal organizations and gangs have become part of everyday life in all of these countries, exerting control over communities. Transnational criminal organizations, such as the Mexican-based los Zetas cartel, which deals in the smuggling and trafficking of humans, drugs, and weapons, operate in Mexico with impunity, and have expanded their influence throughout Central America by contracting with local gangs, primarily MS-13 and the 18th Street gang.

A. Violence in the Community: Strengthened Gangs and Loosely-Affiliated Imitators

While the violence in these countries is widespread, part of the problem facing children in communities is the increasingly crowded landscape of bad actors operating at the community level. Domestically, individuals face the threat of violence and extortion from both street gangs contracting with transnational criminal organizations and copy-cat or loosely-affiliated low-level perpetrators. According to United Nations Office of Drug and Crime (UNODC), in 2012, there were an estimated 20,000 gang members in El Salvador, 12,000 in Honduras, and 22,000 in Guatemala.[5] The major gangs operating in Central America are the 18th Street gang (also known as Barrio 18) and their main rival, the Mara Salvatrucha (MS-13.)[6] These two particular gangs, or "Maras," have been prevalent in Honduras and El Salvador for years and, until recently, were loosely structured and largely operated at the local street level.[7] In recent years both of these gangs have expanded geographically (moving into some areas of Guatemala in addition to intensified presence in El Salvador and Honduras) and have become more organized and sophisticated both in terms of operation (from low-level robberies and extortions to becoming guards and transporters for large lucrative narcotics shipments) and execution.

Some of the reasons behind the consolidation of the transnational gang presence in Central America can be attributed to the expanded reach of Los Zetas (discussed below) and to the lack of individual and coordinated governmental response to the gangs. For example, the El Salvadoran government's decision in recent years to organize prisons according to gang affiliation likely has led to further gang consolidation, resulting in more organized and effective criminal enterprises.[8] The financial potency and transnational danger that these criminal organizations pose to their societies and to entire geographic regions has been increasingly recognized by the international community. To this end, in October 2012 the United States Department of Treasury designated and sanctioned the MS-13 as a significant Transnational Criminal Organization (TCO), the first transnational street gang to receive the designation.[9] In El Salvador, the epicenter of the Mara infiltration, various government-affilated actors organized a gang truce in March 2012 that has led to a significant reduction in the number of murders and kidnappings that occurred in 2012. While the truce halted the murders and kidnappings, it also highlighted the culpability of the gangs for the nation's violence epidemic and the inability of the El Salvadoran government to control them.[10]

The growing power and success of the Maras, particularly MS-13 and 18th Street, has given rise to incidences of gang copy-cats or loosely affiliated operators, who seem to have replaced or at least augmented the actions of the Maras with regard to low-level daily crime and intimidation. The existence of these copy cats or loosely affiliated criminal operators also underscores the growing difficulty in defining and identifying "gang" members within local communities in El Salvador, Honduras and Guatemala. The distinction between members of the MS-13 or 18th Street gangs and copycat or low level criminal actors has become increasingly blurred, leading to increased hopelessness in communities because of the anonymous but increasing threat of violence affecting daily life

This perspective is shared by academics who have documented an increasingly strong but amorphous criminal presence threatening children and pushing them to migrate.[11]

For example, in many instances gangs or low-level imitators require the payment of money ("renta") from families or businesses to ensure that they are "protected" from violence or intimidation. To many families, the renta itself is just an accepted fact of life that comes with living in the community, with many individuals interviewed from El Salvador comparing payment of the renta to life insurance.[12] This growth in community crime and strengthened gang-related violence has become an overwhelming factor for children and families in their decision to migrate.

B. Violence in the Region and on the Journey: Los Zetas and Independent and Gang/Cartel Affiliated Coyotes and Traffickers

Even if children are able to navigate the localized violence within their communities, another more sinister

criminal actor affects their migration: los Zetas.[13] Los Zetas was formed in the late 1990s by an elite band of Mexican anti-drug commandos from the Air-Mobile Special Forces who defected and evolved into a well-financed and heavily armed drug-smuggling force. Despite recent media reports about the weakening of the organization due to the loss of its leader, Miguel Angel Trevino Morales, in July 2013, Los Zetas is rapidly expanding into Central America. Since 2008, the Zetas have moved to claim the northern triangle of Central America as drug shipment territory and, as a result, Honduras, Guatemala, and El Salvador have seen a spike in crime related to drug shipment routes and trafficking. The areas of greatest conflict have been the most traveled trafficking routes: the Guatemala-Honduras border and the northern Caribbean cost of Honduras.[14] In recent months, the US government and international observers have been alarmed by Los Zetas' relationship with the maras, particularly MS-13.

These emerging alliances between transnational crime and drug trafficking organizations and local gangs have increased the efficiency and frequency of violence in the region, in part leading to the increased migration of youth.[15] In addition to expanding their presence into Central America, los Zetas have augmented their operations to include migrant smuggling and trafficking along the major migration routes north in Mexico, particularly along the Gulf of Mexico corridor. The expansion of los Zetas into migrant smuggling and trafficking has resulted in a corresponding rise of violence, extortion, kidnapping, sexual assault, physical assault, trafficking and murder.

In addition to navigating los Zetas controlled migration routes north into Mexico, unaccompanied youth must also contend with coyotes or smugglers who may or may not be affiliated with larger criminal enterprises like los Zetas. Human smugglers and human traffickers also cause havoc to young persons and their families.

For example, the delegation heard about smugglers ("coyotes") promising a family three attempts to take a family member to the United States, at exorbitant costs. In Guatemala specifically, the delegation learned that a new trend is for coyotes to promise three attempts for the price of one, with families taking a mortgage out on their home to cover the cost of the coyote and then the coyote failing in order to gain the deed for the family's land with the coyote taking ownership of the land himself personally, or as part of a criminal enterprise.[16] In all four countries visited there were reports of coyotes either abandoning minors along the journey or encouraging them to report themselves as "adults" if they get apprehended by the Mexican government or CBP, ensuring their deportation. Once returned, the smugglers wait for the children outside the airport or shelter in order to take them north again. When families cannot pay the costs, which can reach $7,000, the coyotes take control of their property, leaving families and children homeless. In Honduras the estimated $5,000-$7,000 cost of the coyote represents 18 months of earnings for an entire

Hope beyond the Gangs

Fernando*, a former client of Catholic Relief Services (CRS) El Salvador's Youth Builders program, said he was aware of the "gang life" before he even started high school. He described the gangs' ubiquitous presence in the community, underscored by his statement that he has known one of the gang leaders since he was six-years-old. Once he started high school, Fernando said it was "a whole other story." Illustrating an atmosphere of intimidation and fear, Fernando recounted stories of the gangs' presence on school property—selling drugs, throwing rocks at the school busses, beating kids on the school bus with belts, or worse, as part of the gang initiation, beating kids with a knife and removing the insignia from their school uniform. Fernando shuddered as he described the fate of high school girls-- drugged at high school parties and gang raped. Fernando depicted a school atmosphere in which the teachers and administrators were completely unable to protect the students as "at least 50 percent are armed." Fernando, who did well in school, was beaten every day on the school bus, and ultimately, "learned to control his environment" through marginalized gang involvement. "I was never a rank and file gang member", said Fernando, although he describes low-level gang activity such as patrolling busses and drinking with gang members. Ultimately, Fernando was motivated to leave the gang life when he had a child, stating, "I don't want my child to grow up like that." Fernando turned to the CRS Youth Builders project which he said, "inspired me to have a better life for myself." He began going to church, and said, "Thanks to God's mercy, now I'm changed."

*Name changed to protect identity.

family.[17]

The presence and activity of these groups have undoubtedly impacted youth, perhaps the most vulnerable of victims. They are squeezed from both ends: pressure from the family to help with economic support and pressure from gangs and drug trafficking networks to become members, at threat to their lives. Often the life-threatening journey north is a more appealing option to these young persons, or is seen as a family strategy to protect their child, as the governments in these countries are unable to fully protect them.

Children from Honduras, El Salvador and Guatemala who have a parent or relative working in the United States are especially vulnerable for two reasons: they lack a stabilizing element within their family structure and they can become targets for extortion from the Maras and other community criminal actors because they are perceived as being wealthier or having the benefits of remittances. In addition, these children experience less supervision because the female head-of-household has to work more for economic stability and is unable to watch over the family, thus creating an opening for the gang to exploit these vulnerable youth. One mother at the return station in San Salvador lamented that she felt helpless in preventing the harassment of her daughter by a gang member because she had to find work outside of the home and could not operate a home business due to the pressure to pay renta to the gang for operating the business in the home/community. Without a stable family to protect them, young men are recruited to join gangs, receiving extreme pressure from within the community and even at schools. Young persons who resist are threatened with violence or even death. Because of a lack of protection from the government or their families, youth are faced with the choice of complying with the demands or fleeing from the region or the country. Combined with an absence of economic or educational opportunities, minors often choose the latter course.

Given the difficult conditions minors must confront in their home countries, the delegation believes that a robust protection regime for children must be implemented in Central America, Mexico, and the United States.

FINDINGS

Violence and bad criminal actors have permeated all aspects of life in Central America and are one of the primary factors driving the migration of children from the region. The delegation found that in each country—particularly Honduras and El Salvador—organized gangs have established themselves as an alternative, if not primary, authority in rural areas and towns and cities outside the capitals. In many cases, the governments are unable to prevent gang violence and intimidation of the general public, especially youth. The delegation heard accounts of gang members infiltrating schools and forcing children to either join their ranks or risk violent retribution to them or their families. Even in prisons, incarcerated gang members are able to order violence against members of the community. The delegation heard reports that law enforcement collaborated with the gangs but also heard extensively that most of these governments do not have the resources to aggressively pursue these types of crimes For example, according to Casa Alianza, 93 percent of crimes perpetrated against youth in Honduras go unpunished.[18]

Youth who do manage to flee the violence are then exposed to extreme danger and criminal mistreatment by actors along the migration journey. The journey north is increasingly dangerous and children find little protection in Mexico. The delegation heard horrific stories of abuse and violence that young persons endured on their journey to the United States. Drug traffickers, human traffickers, and even law enforcement pose stark risks to these children and prey upon their vulnerabilities. Maras, for example,

charge money for children to ride the train north into Mexico, throwing them off when they cannot pay. Girls and young women are at risk of rape and prepare for such an event. Human smugglers often abandon children at the first sign of trouble or mislead them by telling them to pretend they are adults. This does not include the physical and emotional hardships of such a journey. Despite the dangers, minors continue to try to make it to the United States, because, as one official put it, "the lack of hope exceeds the fear."

The delegation also heard reports of human trafficking, where minors begin the journey north, sometimes with friends or even family, and find that the expectations of the type of work they had agreed to do in the U.S. changed, or, that in exchange for their travel, they would be required to work to pay off the debt, or they are instructed to provide sex to "clients" along the way.

Human Trafficking

Dani* had recently turned 18-years-old at the time the delegation interviewed her in the DIF shelter in Tapachula, Mexico. Dani reported that she left her two children— two and nine months— in Honduras with her mother when she left for the United States in search of work to support her family. Dani planned on living with her cousins, one of whom recruited her to work in a cantina. As Dani proceeded on the migration journey, she realized that what she thought was a straightforward waitressing job would in fact require her to do what was necessary to please the male customers, to include sexual activity. In Mexico, Dani was apprehended, and she disclosed to Mexican immigration officials what was expected of her when she reached her destination. With the information she provided, Mexican authorities arrested the traffickers, and Dani was placed in the custody of DIF while she applied for a humanitarian visa, which she was told would be awarded the week that we visited.

*Name changed to protect identity.

Violence and the lack of economic and educational opportunity have led to the family breakdown in poor families, leaving children unprotected. The escalation in violence, combined with the lack of jobs and quality education, has led to a breakdown in the family unit, as male heads of households- or sometimes both parents- have left for the United States, leaving children behind with relatives, often, grandparents. As children enter teenage years, heightening their risk for victimization or recruitment by gangs, it becomes increasingly difficult for their relatives, especially elderly grandparents, to protect them. Children flee, as a strategy to escape the gangs, to help support the family, and to reunify with their parents or other loved ones, from whom they have been separated for years. In an analysis conducted by MRS/USCCB of 140 children from Mexico, Honduras, Guatemala and El Salvador whom MRS/USCCB provided family reunification services to in FY 2011, 74 percent (104) reported migrating to the United States to reunify with a family or friend. Of that number, 46 reported other reasons for migration, such as, escaping violence (41%) or to look for work in order to help financially support their family (36%).[19]

The delegation interviewed a group of women waiting at a center run by the Salvadoran immigration authorities for returned migrants. The women were mothers, grandmothers, and aunts of children who were to be returned that day from Mexico, where they were apprehended on their way to the United States. While awaiting reunification with the children, the staff psychologist provided an orientation on the dangers of the journey as a prevention mechanism. The women listened to the statistics about the number of children who are raped, mugged, beaten, and injured on the journey, and the room was heavy with their grief. When the psychologist exited the room, the women, one by one, shared the motivations for migration of their children, grandchildren, nieces, and nephews. As one mother of a 16 year old girl who had been repeatedly harassed by a neighborhood gang said, "I know it's not the best solution, to send her to the U.S., but what else can we do? We have no place to go." She said when she tried to work from home, cutting hair so she could be with her daughter in the afternoons; the gangs demanded she pay "la renta". Unable to make the payments, she closed her business and began working in a nearby town, leaving her daughter vulnerable to harassment by the gangs while she was away from home. "It's an intolerable situation. I know the journey is dangerous, but it's dangerous here" she said.

An elderly grandmother of two boys, 14 and 16, both

who fled harassment and recruitment by gang members at school, said although she wanted to welcome her grandchildren home with open arms, she was terrified of what would happen to them once she took them back home. She recalled moving several times already to escape the gangs and said, "There's nowhere else to go." Without a male parent, minors are often unprotected against gang members or other criminal elements. Children, mostly males, can be sent to the fields or other areas by the remaining parent to work and provide for the family. Young girls can also be subject to harassment and sexual violence, as gang members recruit them to become "girlfriends" of gang members.

Another symptom of the pressures on the family is the rise in domestic violence cases. The delegation heard reports of young boys and girls escaping domestic violence, either targeted at them or another member of the family. In some cases, children were escaping sexual abuse form a parent or an older sibling.

Tragically, the delegation found that children do not find the protection they need once they arrive in Mexico, even those who are eligible for asylum. UNHCR and MRS/USCCB are working with government authorities to provide training to law enforcement and protection officers on identifying and screening vulnerable children, and continued capacity building efforts should be supported. MRS/USCCB, in response to a request from UNCHR Mexico, developed and presented three on-site trainings for UNCHR staff, government officials, and NGO partners in Mexico City and Tapachula, Mexico from November 13th-15th, 2013. The goal of this training was to support the implementation of UNHCR's Child Protection Strategy in Mexico by strengthening institutional capacity of UNHCR Mexico staff, direct care providers, and government officials working with migrating children.

An inherent weakness regarding the current system in Mexico that the delegation encountered is the fact that once apprehended in Mexico, foreign national children often are placed in detention with adults. There is only one children's shelter in southern Mexico and one in Mexico City run by the Desarrollo Integral de la Familia (DIF), the Mexican government's division of child welfare. Children who request asylum usually remain in detention for months longer and there is little in the way of legal services to help them navigate the Mexican legal system. Once a child receives asylee status, he or she resides in a child shelter in Mexico City until age 18, as there is no foster care system in

A Rise in Domestic Violence

The delegation interviewed 12-year-old Cristina*in the DIF shelter in Tapachula. Cristina reported that she left the home of her grandmother and aunt with whom she lived in Honduras for Mexico to reunify with her mother whom she hadn't seen in years. Cristina reported suffering abuse at her mother's hands, and when asked about the abuse, she did not elaborate. Cristina had a broken arm at the time of the interview, and when asked how she broke it she stated, "I don't remember." With help from a church, Cristina ran away from her mother's home. She was placed in the DIF shelter and will return to her father in Honduras. When asked what life would be like when she returned to Honduras, Cristina looked down at her lap, and avoided the question.

* Name changed to protect child's identity.

place for these children. Because of the challenges in gaining asylum in Mexico and the absence of an effective child welfare system, children often choose deportation back home so they can try to migrate again.

Countries of origin lack the capacity to protect children adequately. The delegation found that Guatemala, Honduras, and El Salvador lack the capacity to protect children in their law enforcement, child and social welfare, and educational systems. As mentioned, gangs and other criminal elements are active in many communities and schools, and the government is unable to curb their influence because of corruption, lack of political will, or lack of resources. Law enforcement personnel, low-paid and low-skilled, are compromised by these criminal elements. National educational systems are inadequately funded, with many children only advancing to 6th or 7th grade. Child welfare services are virtually non-existent, as are foster-care and family reunification and reintegration services.

A significant number of migrants, particularly youth, have valid asylum claims. While the popular perception of many in the United States is that migrants come here for economic reasons, the delegation found that a growing number are fleeing violence in their homelands. The increased number of those requesting asylum shows a more complex picture, with many children, for example, entering the United States to join family members in search of security. Denying them asylum and sending them back to the gangs and drug traffickers persecuting them could ensure their demise.

RECOMMENDATIONS

In light of the findings of the mission, the delegation recommends the following policy changes:

I.

The United States should strengthen protections for unaccompanied, migrating children, whom U.S. law refers to as Unaccompanied Alien Children (UAC).[20] UAC possess legal rights which should be honored. Often children are scared and are unable to articulate their fears and do not understand what rights they have under U.S. law. We recommend the following:

a. The best interest of the child standard should be applied in legal proceedings involving UAC.
The U.S. government should adopt a transnational family approach in deciding on durable solutions in the best interest of UAC. This should include family tracing, assessment of all family members for potential reunification, and involvement of all family members in the decision-making process, regardless of geography. Currently, decisions about the welfare of UAC are made separately from the existing U.S. child welfare infrastructure, meaning that court decisions on the welfare of UAC are based on their eligibility for immigration relief alone rather than involving a comprehensive assessment of the best interest of the child.

b. UAC should be afforded legal counsel to represent them throughout the course of their immigration proceedings. Many UAC are eligible for immigration relief, once they arrive in the United States. Legal status designations that have been statutorily created to protect vulnerable populations include: asylum, which was designed to protect vulnerable immigrants who are fleeing persecution; Special Immigrant Juvenile Status, which protects children who have been abused, abandoned, or neglected; T-visa for victims of human

trafficking; and U-visa for victims of certain recognized crimes. Applying for immigration relief is a complex process, which often involves research on the situation in the client's country of origin, documentation of abuses, family history documentation, and articulating a comprehensive fact pattern of events. It is simply not possible for a child, in particular, a child with limited to no English speaking skills, to file for immigration relief alone. All UAC should have the benefit of representation by an attorney to ensure all available relief is afforded to them.

c. DHS should conduct child-appropriate credible fear screenings that include questions related to gang related activity. DHS should consult with NGOs with legal and child welfare expertise to develop a thorough screening tool and protocol given that trauma and developmental stage impacts children's ability to disclose information.

d. The Department of State should pilot Section 104 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 08) in Mexico. Sec. 104 of the Trafficking Victims Protection Reauthorization Act of 2008 amends Sec. 107 (a) of the Trafficking and Violence Protection Act (TVPA 2000) to require the "Secretary of State and the Administrator of the United States Agency for international development" to "establish and carry out initiatives in foreign countries"[21] "in cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations… for--'(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and '(ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement."[22] The delegation interviewed several Central American child victims of trafficking in the DIF shelter in Tapachula, Mexico whom would benefit from a best interest determination (BID) which would result in a recommendation for a durable solution to ensure their protection and permanency. Currently, there is no systemic way in Mexico to identify children who have been trafficked or are at risk of being

trafficked, and without a BID, the fate of children who were trafficked or at risk of being trafficked consists of repatriation to their country of origin, often sending them back into the hands of the traffickers, or, if they receive refugee status in Mexico, remaining in a shelter until they turn 18 years old, leaving them vulnerable to exploitation within the shelter and lacking appropriate services to address their trauma and developmental needs.

e. The United States should adopt international principles for repatriation that focus on the best interest of the child and safe return to better ensure child protection. This would include ensuring that relevant partners on both sides of the border establish systems for the reception, monitoring, and reintegration of repatriated unaccompanied children. The US government should coordinate the relevant agencies to develop long term plans for UAC emancipation, family reunification, or other option for safe and sustainable integration in the US or their home country.

f. Child welfare experts should assist the Customs and Border Protection (CBP) in screening UAC who arrive at the US/Mexico border. CBP should solicit the services of independent consultants with child welfare expertise to assist in the development and implementation of trauma-informed and developmentally appropriate screening mechanisms, which would allow fair and equal access to services for all unaccompanied children in need of protection irrespective of their country of origin. This would ensure that children are able to tell their stories in a safe environment and increase the likelihood that they receive appropriate protection. As a law enforcement entity, CBP agents are trained to interrogate border crossers using a style that is direct and confrontational. This approach is neither effective nor appropriate when the goal of the interview is to identify victims and those at risk for exploitation. This is particularly true in the case of children, who may be unaware of their victimization and believe that the forced sex, forced labor, or other abuse and exploitation they endure during their journey is the cost of their migration. Given their traumatic experiences, children are fearful to tell law enforcement personnel their stories or, as instructed by their smuggler, represent themselves as adults when they are minors. Interviewing child victims of trauma requires specialized interviewing techniques that are child-centered, trauma-informed, and developmentally appropriate. These types of techniques necessitate training and practice. The interviewers themselves should also be trained to comfortably work, interact and interview this particular population of children and teens.

g. Funding to reflect the spike in arriving UAC in the United States should be increased, and Congress should mandate family reunification and legal orientation programs for all unaccompanied youth to help these children integrate into their communities, reunify with their families, and pursue immigration relief. Often, increased funding to ORR, which is responsible for the custody and care of UAC, is directed at the temporary shelters in which unaccompanied children reside while waiting for release to their families. However, the time UAC spend in shelter is less than 50 days, at which point, 90 percent are released to their families.[23] Funding is not available for services for all released UAC, meaning a small percentage receive services once reunified with their families. The lack of funding for services once children are released increases the likelihood of family breakdown, makes it more difficult for children to access public education and community services, and decreases the likelihood that the children will show up to their immigration proceedings. Funding should be directed at increasing the number of home studies provided to UAC prior to their release from custody to assess any potential placement risks, and the protective capacity of the sponsor to ensure the safe reunification of the child. Post-release services should be required for all UAC to assist the family with navigating the complex educational, social service, and legal

systems. Finally, funding should be increased for the Department of Justice's Legal Orientation Program for Custodians (LOPC) which was developed to "inform the children's custodians of their responsibilities in ensuring the child's appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking, as provided under the Trafficking Victims Protection Reauthorization Act of 2008."[24] To give an example of the effectiveness, CLINIC, a former LOPC provider through DOJ/EOIR, found that absentia rates were 9.2% for UAC who attended LOPC (and admitted to ORR custody between FY 2011-FY 2012) whereas the absentia rate was 14.6% for someone who did not attend LOPC.[25]

h. ***Special attention should be given to Mayan youth.*** A significant number of youth migrating from Guatemala are from indigenous Mayan communities and are fleeing domestic violence, organized crime and poverty. Mayan youth speak up to as many as 21 distinct Mayan languages, and are from indigenous and rural settings and therefore require specialized attention, to include interpretation and translation in their language of choice and cultural understanding of Mayan culture and how that may affect the way they disclose information. We encourage DHS to work with non-government organizations to ensure Mayan youth are appropriately screened and assisted. Additionally, we recommend that CBP scale up its translating services to better address the communication needs of this vulnerable population.

II.

Mexico, with assistance from the United States government and child welfare organizations, must build the capacity of the Mexican child welfare system to adequately protect migrating youth. This includes training for direct care providers and government officials to employ child-appropriate techniques when interviewing and serving migrating children as well as the development of protocols related to identification of safe placement for children, including, but not limited to, those identified to be eligible for refugee status. It also includes the development of and implementation of standardized tools and methods to screen migrating children for symptoms of trauma and for human trafficking.

a. Develop a continuum of care for unaccompanied children. The Mexican government should establish a continuum of care for unaccompanied children in their custody. Currently, unaccompanied children who are seeking asylum may remain in shelters for as long as six months to years and children who receive asylum remain in shelter until they are 18 years old. Studies have shown that prolonged stays in restrictive settings impact a child's development and well-being. The higher the capacity of the care arrangement, the more restrictive the environment becomes. Consistent with child welfare best practice, unaccompanied children should be placed in the least-restrictive setting, ideally, in community-based care, such as foster care, which allows children freedom of movement and access to community. Furthermore, care settings should be constructed to ensure minors are not commingled with gangs or other criminals, who often infiltrate these facilities.

b. Conduct Best interest determinations (BIDS) for children in custody in Mexico. Rather than immediately deport them back to Central America, Mexico should allow UNHCR to employ a BID system for unaccompanied and separated children in detention to ensure they are protected from criminal elements in Mexico and Central America. This would include the possibility of reuniting them with their families in the United States, particularly if they are victims of trafficking or asylum seekers.

c. The U.S. government should consider child refugee cases for resettlement to the United States through UNHCR or embassy referrals. Cases of children with valid refugee claims who are not able to integrate into Mexico or cannot return safely to their country of origin, especially those with family in the United States, should be considered by the U.S. government for possible resettlement. In many cases, children are neither safe in Mexico nor the country of origin, and resettlement to the United States is there only option for a durable solution.

III.

With assistance from the U.S. government, Central American governments must employ systems to protect children so they are able to remain home in safety and with opportunity.

The long-term solution to the crisis in Central America

is to address the push factors driving minors north. This would include improvements in education, employment, and enforcement as well as improvements in the social service and child protection systems. We recommend the following:

a. The United States should invest in repatriation and re-integration in sending countries. The delegation found that source countries did not employ comprehensive re-integration programs for children returning from the United States and Mexico, programs which would provide follow-up services to children to help them readjust to life in their home country. A program operated by Kids in Need of Defense (KIND) in Guatemala is showing promising results and should be expanded and duplicated.[26]

b. The United States should invest in prevention programs in sending countries.
Other than programs provided by Catholic Relief Services and other NGOs, source countries do not employ programs to encourage youth to remain and not take the journey north. Instead there have been some efforts by the governments of Guatemala and El Salvador along with DHS in the form of media campaigns and videos/talks on the dangers of migration as programs to encourage youth to remain. Programs encouraging children to remain in their local communities would include skill-based training and employment services. Catholic Relief Services operates Youth Builders, which has helped youth remain at home and live productive lives. Of the 53 children served by the program to date, 52 have not migrated north.[27]

c. The current reliance on consular staff to investigate, handle and treat children who are intercepted in Mexico during their migration is inadequate and leaves children vulnerable to coyotes, traffickers and further trauma and exploitation. Currently, in Tapachula, Mexico, the consular officials are responsible for identifying where apprehended unaccompanied children are from, interfacing with the other consulates, collecting information on children's families, and making determinations about their repatriation. The training these individuals receive is on an ad hoc basis sometimes led informally by local NGOs. These government officials are performing the work of child welfare experts and should receive adequate training and staff on site within the consulates to help consult on possible child trafficking, smuggling and exploitation cases.

d. Anti-gang efforts should include stakeholders from government, civil society, private sector, religious institutions and international donors in order to effectively leverage limited resources. These efforts should include job and educational opportunities and training programs. Anti-gang prevention measures should be tackled at regional and local community levels in addition to national levels. Including key local stakeholders and engaging regional governmental bodies and actors is a vital part of prevention efforts. Additionally, prevention efforts must include systematic training and educational programs in order to fully offer meaningful opportunities for former gang members engaging in civilian society once they leave the gang.

COUNTRY-SPECIFIC RECOMMENDATIONS

The United States should assist Guatemala in implementing a child protection strategy, particularly in assessments during the family reunification process and expansion of foster-care. Within the Central American region, Guatemala has diligently worked to increase governmental capacity and develop advanced strategies to protect children. The recent government and media attention given to this issue by the First

Prevention

Through its Youth Builders project, Catholic Relief Services (CRS)—El Salvador and its partners provide at-risk youth with peer support, vocational and entrepreneurial training, job-placement, life skills and leadership development, and community service opportunities. This project targets youth who are at risk of unemployment, of violence—as victims and as perpetrators, and/or of migration. CRS, in partnership with Caritas, strengthens diocesan programs to work with at-risk youth through a network of community and government agencies. Through partnerships with the United Nations Development Program, local governments and the Salvadoran Chamber of Commerce, CRS provides job and income generating opportunities for gang-involved youth. Through these projects, CRS has served more than 2,500 young people.
(SOURCE: http://crs.org/countries/el-salvador)

Lady of Guatemala and her staff has increased awareness and reinvigorated action on this issue from a national and regional perspective and should receive further support in order to encourage implementation and further development.

The United States should consider a designation of Temporary Protected Status (TPS) for Guatemala. Guatemala has requested a designation of Temporary Protected Status (TPS) from the United States based on natural disasters in the country. This would reduce deportations to the country and help stabilize families through remittances.

The United States should expand enforcement assistance to the government of Honduras to control gangs and other criminal organizations. Honduras and El Salvador exhibited the most challenging problems with gang activity, with gangs pervasive in many aspects of society. As mentioned, almost 93 percent of crimes against youth in Honduras—mainly from gangs and loosely affiliated street violence—go unpunished. San Pedro Sula, where many Honduran children are returned, is still the most dangerous city in the world in part due to the increased presence of los Zetas and the fight over drug trafficking territory between criminal actors.[28] The number of Honduran children migrating north has increased dramatically as a result of this endemic violence, intimidation, and extortion.

The United States should assist Honduras in protecting child migrants and victims of trafficking. The Honduran government does not have the capacity to assist and protect children, such as the provision of family reunification services, shelter for children without families, or other necessary benefits. Part of the obstacles facing the Honduran government come from the locations of the governmental shelters and related resources versus the migration flows in and through Honduras. A greater governmental presence is needed in San Pedro Sula and the outlying border areas rather than in the capital, Tegucigalpa. Casa Alianza and the Centro Atencion al Migrante Retorno are two of the limited number of NGOs working within Honduras that are providing services to migrant children.

Re-integration and prevention programs should be introduced in Honduras. Of the countries visited, Honduras was most in need of programs to help re-integrate children into Honduran life and to offer children alternatives to migration through basic skills training, education, and job placement. The U.S. government should consider partnering with NGOs to establish these programs.

Prevention programs should be expanded in El Salvador. The Youth Builder program operated by Catholic Relief Services (CRS) in El Salvador is a model which should be expanded to other parts of the country.

Protocols should be developed by the El Salvadoran government to make assessments during family reunification process. As children are returned to El Salvador, the process for reunifying them with family is ill-defined and the roles of the government agencies are unclear. NGOs with child welfare expertise can assist the government in deploying appropriate family assessment tools and protocols.

Reintegration program should be re-introduced in El Salvador. The International Organization of Migration (IOM) operated a reintegration program in El Salvador in 2011 which successfully re-integrated deported children. However, the U.S. government ended funding for this program after one year, despite its success.

CONCLUSION

The situation of child migration from Central America is a complex one, with no easy answers. It is a result of social and economic insecurity, lack of protection, violence and coercion, and the desire to be with family. It is clear, however, that more must be done to address the root causes of this flight and to protect children and youth in the process. This includes working together to address economic reasons behind family separation, the barriers to family reunification in immigration laws and policies, violence, and other root causes of migration.

Too often we look at child migrants as adult migrants and treat them as such: detaining them and treating them as irregular migrants, thereby, emphasizing enforcement rather than protection priorities. The new 2012 UNHCR Framework for the Protection of Children offers a concrete strategy for refugee and other displaced children, including both accompanied and unaccompanied children. Attention and implementation of this framework needs to be elevated within the international and regional systems, the United States, Mexico, the Central American countries, and implementing NGOs. Implementing Best Interest Determinations (BIDs) and strengthening comprehensive child welfare systems are crucial strategies for the realization of durable solutions.

Anyone who hears the stories of these children would be moved by the injustice and horror they have been exposed to at such early and tender ages. They are in need of protection. The delegation found that these children long not only for security, but also for a sense of belonging—to a family, a community, and a country. They are often unable to find this belonging in their home country.

We ask our elected officials to consider the individual stories of these vulnerable migrants and open their minds and hearts to their plight. We ask them to respond to the needs of these children, not to turn them away or ostracize them. American values include compassion and Americans are a compassionate people.

We look forward to working with Congress, the Administration, and others of good will in pursuing just solutions to the challenge of child migration.

WE WOULD LIKE TO THANK:

Catholic Relief Services Baltimore
Catholic Relief Services Mexico
Catholic Relief Services Guatemala
Catholic Relief Services Honduras
Catholic Relief Services El Salvador
U.S. Embassy, San Salvador, El Salvador
Fray Matias Human Rights Center, Tapachula, Mexico
United Nation’s High Commissioner for Refugees, Tapachula, Mexico
Casa del Migrante, Tecun Uman, Guatemala
Guatemalan Episcopal Conference
Centro de Atencion al Migrante Retornado, Tegucigalpa, Honduras
Casa Alianza, Honduras
Fr. Mauricio Gaborit, Central American University, San Salvador, El Salvador
Episcopal Conference of El Salvador
Fundacion Castillo de Amor, Guatemala
Caritas International Honduras

Endnotes

[1] United States Border Patrol, Unaccompanied Children (Age 0-17) Apprehensions; Fiscal Year 2008 through Fiscal Year 2012 available at http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/appr_uac.ctt/appr_uac.pdf
[2] ORR Year in Review, 2012, HHS website, available at http://www.acf.hhs.gov/programs/orr/resource/orr-year-in-review-2012 (accessed December 12, 2013)
[3] About Unaccompanied Children Services, ORR/HHS website, http://www.acf.hhs.gov/programs/orr/programs/ucs/about (accessed December 10, 2013)
[4] See La Roya del Café: Sus Efectos Directos en la Perdida de Empleo Y Emigracion, Boletin No. 2, Comision Pastoral de Movilidad Humana de la Conferencia Episcopal de Guatemala, Guatemala City, Julio, 2013; Anna Edgerton, Adam Williams and Marvin G. Perez, "Coffee Fungus Spurs Central America Migration Plans: Jobs," Bloomberg News, April 13, 2013 available at http://www.bloomberg.com/news/2013-04-23/coffee-fungus-spurs-central-america-migration-plans-jobs.html
[5] U.N. Office on Drugs and Crime (UNODC), *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment*, at 29 September 2012 available at http://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf
[6] *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011) see also Clare Ribando Seelke, Gangs in Central America, Congressional Research Service, at 4 January 28, 2013 available at http://www.fas.org/sgp/crs/row/RL34112.pdf
[7] Clare Ribando Seelke, *Gangs in Central America*, Congressional Research Service, at 4 January 28, 2013 available at http://www.fas.org/sgp/crs/row/RL34112.pdf
[8] José Miguel Cruz, *Global Gangs in El Salvador: Maras and the Politics of Violence*, Geneva, 2009 available at http://www.academia.edu/1451010/Global_Gangs_in_El_Salvador_Maras_and_the_Politics_of_Violence. Cruz and other scholars have stated that the Mano Dura laws from 2003 and 2004 greatly augmented the number of gang members in prisons and simultaneously strengthened the power base of the gangs
[9] U.S. Department of Treasury, "Treasury Sanctions Latin American Criminal Organization," Executive Order (E.O.) 13581
[10] Seelke; Randal C. Archibald, "Gangs' Truce Buys El Salvador a Tenuous Peace", *New York Times*, August 27, 2013 available at http://www.nytimes.com/2012/08/28/world/americas/in-el-salvador-gang-truce-brings-tenuous-peace.html
[11] Delegation interview with Professor Fr. Mauricio Gaborit at Central American University, San Salvador, El Salvador, November 22, 2013 notes on file with the author. In his work Professor Gaborit has found that youth in El Salvador are not necessarily recruited outright to be in a gang but are pressured to commit low-level crime- such as picking up renta or attending a meeting and then are systematically pressured to do something more violent such as extortion or murder. They often flee/ look to migrate because of this threat but still they are not necessarily considered to be gang members but are certainly afraid of gang members' retaliation
[12] Delegation Interview with UNHCR/COMER Mexico Official, Tapachula, Mexico, November 17, 2013, notes on file with the author
[13] The author acknowledges the existence of other violent cartels in Mexico, particularly the Knights Templar and the media coverage of the cartel's actions towards migrants and local community members, (see e.g. Damien Cave, "A Civil Servant in Mexico Tests U.S. on Asylum," *New York Times*, December 28, 2013 available at http://www.nytimes.com/2013/12/29/world/americas/path-to-asylum-for-mexicans-bearing-letter.html?_r=0; Katherine Corcoran, In Mexico, Locals In Self-Defense Squads Take Fight To Knights Templar Drug Gang And Win, Huffington Post, November 8, 2013 available at http://www.huffingtonpost.com/2013/11/08/mexico-self-defense-squad_n_4242627.html) . However, the Knights Templar were not specifically discussed or mentioned by interviewees as a factor causing migration during the entire delegation nor has their presence been a factor in the case service and family reunification work that USCCB provides domestically. For this reason, the report focuses on the Los Zetas cartel exclusively
[14] Dwight Dywer and Daniel Sachs, "Los Zetas' Spawn: The Long Afterlife of Mexico's Most Ruthless Drug Gang," *Foreign Affairs*, August 5, 2013 available at http://www.foreignaffairs.com/articles/139626/dwight-dyer-and-daniel-sachs/los-zetas-spawn; see also Daniel Sachs, "Los Zetas' Southward Expansion," *Forbes*, August 27, 2013 available at http://www.forbes.com/sites/riskmap/2013/08/27/los-zetas-southward-expansion/
[15] See "Central American migrants flee turf wars and corrupt states for refuge in Mexico," *The Guardian*, December 30, 2013.
[16] Interview with Sylvia Mendez, Fundacion Castillo de Amor, Guatemala City, Guatemala, November 18, 2013, interview

on file with the author

[17] Interview with Father German Calix, Caritas Honduras, Tegucigalpa, Honduras, November 20, 2013 interview is on file with the author

[18] Interview with Casa Alianza (Covenant House) Honduras, Tegucigalpa, Honduras, November 20, 2013 on file with the author

[19] USCCB/MRS, "FY 2011 Family Reunification Analysis," May 2013, information on file with author and available upon request.

[20] "Unaccompanied Alien Child" is defined in the Homeland Security Act of 2002 as a child who a) has no lawful immigration status in the United States; (b) has not yet attained 18 years of age; and (c) with respect whom there (i) is no parent or legal guardian in the United States or (ii) no parent or legal guardian in the United States available to provide care and physical custody. Homeland Security Act of 2002, §462.2, 107th Cong., 2nd Sess. Public Law 107-296 (2002).

[21] William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, 23 Sec. 104, December 2008, available at: http://www.refworld.org/docid/49805ae72.html ; see also Trafficking and Violence Protection Act, 2000 PUBLIC LAW 106–386, Sec. 107(a) OCT. 28, 2000 available at http://www.state.gov/documents/organization/10492.pdf

[22] Ibid

[23] Release From ORR Custody for FY 2012, slide 28, Unaccompanied Alien Children Program Overview, Department of Health and Human Service, Division of Children Services slides, 2012

[24] Office of Legal Programs, US Dept. of Justice, LEGAL ORIENTATION PROGRAM FOR CUSTODIANS OF UNACCOMPANIED ALIEN CHILDREN available http://www.justice.gov/eoir/probono/probono.htm

[25] The Legal Orientation Program for Custodians of Unaccompanied Alien Children: October 2010-May 2012 Final Report, CLINIC, June 2012

[26] The Time is Now: Understanding and Addressing the Protection of Immigrant Children Who Come Alone to the United States KIND February 2013 available at https://www.supportkind.org/en/about-us/fact-sheets/reports; see also Interview with Sylvia Mendez, Fundacion Castillo de Amor, Guatemala City, Guatemala, November 18, 2013, interview on file with the author

[27] Interview with CRS El Salvador, Youth Builders Program Director Erica Dahl-Bredine
and Program Director Kay Andrade , San Salvador, El Salvador, November 23, 2013 interview on file with the author

[28] Jessie Bullock, "Welcome to San Pedro Sulla, the Most Dangerous City in the World," Policy Mic July 22, 2013 available at http://www.policymic.com/articles/55849/welcome-to-san-pedro-sula-the-murder-capital-of-the-world