



Welcoming Unaccompanied Alien Children to the United States

Family reunification disguised as refugee resettlement

By Nayla Rush

Summary

The constant flows of unaccompanied minors from Central America illegally crossing the border from Mexico to the United States have been met with rather welcoming measures by this administration. After trying to fit them under the trafficking umbrella, the U.S. government opted to treat these children as potential refugees. Given the limited scope of the Central American Minors (CAM) Refugee/Parole Program, new mechanisms are being developed with the help of the United Nations High Commissioner for Refugees (UNHCR) to process these children in the region and then fly them directly to the United States. The question remains: Why bring these “child refugees” here since UNHCR, among others, stresses family reunion or placement in a family from the child’s own culture? Unless, of course, family members are already in the United States and this entire process is nothing but a disguised vehicle for family reunification.

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A recurring immigration topic is the southern “border crisis” and its constant flows of unaccompanied children from Central America coming into the United States illegally.¹ The influx of children reached peak levels during the summer of 2014. From 8,000 in FY 2008, the number of apprehended unaccompanied alien children (UACs) grew to 69,000 in FY 2014. After a slowdown last year (around 40,000 apprehended), border officials are expecting significant increases throughout FY 2016 and into FY 2017 (up to 75,000, if not more). According to DHS, the number of UACs coming across the border almost doubled in FY 2016 compared to the same period in FY 2015.² (See Figure 1.)

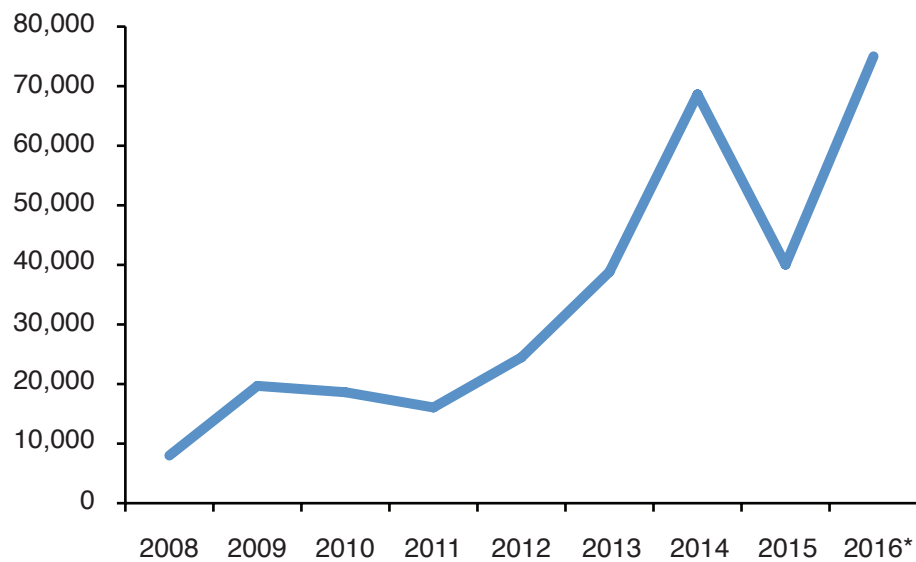
Trafficked or Smuggled?

The initial response of the Obama administration to the surge in 2014 was to present these minors as victims of human trafficking, covered by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, signed by President Bush and reauthorized during the Obama administration in 2013. TVPRA requires the screening of unaccompanied children as potential victims of human trafficking. The attempt, however, was quickly dropped and the case for smuggling upheld instead. It is true that the vast majority of UACs who are illegally entering the United States are smuggled and not trafficked. (Cases such as those forced to work on egg farms in and around Marion, Ohio, remain the exception.³)

Let us look at the difference between human trafficking and smuggling. “Human trafficking” is the transportation of persons by means of coercion (whether through force, deception, or abuse of power) into exploitative and slavery-like conditions. There are three basic components to human trafficking, according to the “Protocol to Prevent, Suppress and Punish Trafficking in Persons.”⁴ The first refers to the *action* of recruiting, transporting, or harboring people. The second defines the *means* by which this is carried out: threat or use of force, coercion, or deception. Last, behind every trafficking act lies the *purpose* of exploitation.

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Figure 1. UAC Apprehensions at the Southwest Border, FY 2008 - FY 2016



Source: William A. Kandel and Lisa Seghetti, “Unaccompanied Alien Children: An Overview”, Congressional Research Service, August 18, 2015.

* Projected.

Human trafficking as such is the intersection of these three components (action, means, and motivation); should one end of the chain go missing, trafficking does not take place.

One condition is crucial here: Trafficking refers to the recruitment and transport of people with the *intent* to subject them to exploitation. Exploitation alone does not constitute a trafficking crime. It is the combination of transport (by force or deception) *and* a coerced end practice (usually forced labor and sexual exploitation) that do. Simply put, all who are trafficked are exploited, but not all who are exploited are trafficked.

Smuggling, on the other hand, as defined by the “Protocol Against The Smuggling of Migrants By Land, Sea and Air”⁵ “shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.” The migrant is totally aware and willing to move to a particular destination. The smuggling action ends with the migrants’ arrival at the destination, whereas for trafficked migrants, the exploitation begins. With smuggling, the focus is on illegal movements across borders, while for trafficking the emphasis is on coercion and exploitation. Moreover, smuggling is always transnational and always illegal, whereas transport in trafficking can take place within state borders and can be legal.

Moreover, “initial consent” is not incompatible with trafficking. A person can willingly agree to migrate (and even pay a smuggler) to go work for an employer and still be the victim of trafficking. This consent is rendered meaningless as soon as the person revokes it and is forced in one way or another to carry on with the job. The fact, therefore, that one paid to be smuggled into a country does not exempt him/her from being deceived into trafficking. Again, trafficking is not about how one crossed the border, it is about what happens next and the connection between these two; a trafficked person is moved in order to be exploited.

In the particular case of unaccompanied children from Central America entering the United States illegally, it is clear that they are not trafficked.⁶ Most are not exploited once in the United States; actually, they are cared for and allowed access to numerous benefits such as education, health care, etc. Sadly, as mentioned above, there is often an exception to the rule; recently, the FBI released eight minors from the hands of human traffickers who subjected them to inhumane forced labor at an egg farm in Ohio.

Therefore, and going back to the summer of 2014, the Obama administration dropped the trafficking lead for the simple reason that it could not be upheld. Department of Homeland Security Secretary Jeh Johnson concluded about UACs: “It’s our observation and our experience that almost all of them are smuggled.”⁷ With the exception of specific cases of trafficking, another umbrella has yet to be found for Central American children who want to come to the United States.

In-Country Refugee/Parole Program

In July 2014, President Obama expressed his desire to set up a refugee/parole program in Central America.⁸ What the president suggested was screening children in their home countries to determine whether or not they qualify as refugee applicants, then flying those who do directly to the United States. These in-country screening programs are not common and were used as exceptional humanitarian recourses by the United States following, for instance, the Vietnam War and the 1990 Haiti earthquake.

The Central American Minors (CAM) Refugee/Parole Program was established in December 2014 to offer minors a safe alternative to a risky crossing of the border. Basically, this program allows parents who are legally present in the United States to ask for their children to come and join them, should they qualify. According to USCIS, “each qualified child must be unmarried, under the age of 21, and residing in El Salvador, Guatemala or Honduras.”⁹ The child must also meet the definition of refugee or be eligible for parole.

The Migration Policy Institute (MPI) underlined the program’s modest participation numbers: By mid-August 2015, only 3,344 applications were submitted.¹⁰ It is true that this program could be dissuasive for some in view of the numerous conditions and costs involved. First, as mentioned, the parents (age 18 or above) must be lawfully present in the United States. Second, children (under 21) must qualify for refugee status (or be eligible for a humanitarian parole after they demonstrate risk of harm). Parents of a minors work with a refugee resettlement agency in the United States and a petition is then filed with the State Department. A DNA test (paid for by the applicants themselves) is also required to prove kinship. If the petition is accepted and the DNA test is positive, the International Organization for Migration (in collaboration with the State Department) prepares the child for an interview, in the child’s country of residence, with a USCIS refugee officer. The child is interviewed and granted (or not) refugee status. Background checks and medical clearance are also required. Finally, the child is resettled in the United States and can apply for a green card one year after arrival.

As for humanitarian parole, parents in the United States need to prove they are able to financially support their child. The parolees are granted work authorization for two years (renewable).

The reason for this initiative’s lack of success is rather simple, as we are reminded by MPI: “The United States is home to an estimated 1.3 million Salvadoran, 902,000 Guatemalan, and 534,000 Honduran immigrants. A majority of these immigrants are unauthorized and unlawfully present and therefore could not meet the program’s lawful presence requirements for parents.” MPI also notes that under existing U.S. laws those parents legally present in the United States can (and probably already did) sponsor their children for immigrant visas instead of going through burdensome processes.

Expanding the Program

Therefore, and in view of the CAM Refugee/Parole Program’s limited results, an alternative path was found. How about a refugee resettlement program specially crafted for these children?

Let us fast forward to winter 2016 to listen to U.S. Secretary of State John Kerry: “I am pleased to announce that we have plans to expand the U.S. Refugee Admissions Program in order to help vulnerable families and individuals from El Salvador, Guatemala and Honduras and offer them a safe and legal alternative to the dangerous journey that many are tempted to begin, making them at that instant easy prey for human smugglers who have no interest but their own profits.”^{11, 12}

This would mean, as DHS Secretary Jeh Johnson explained, developing “new mechanisms to process and screen Central American refugees in the region. ... These new refugee processing mechanisms will build upon the existing Central American Minors Program, which is already providing an in-country refugee processing option for certain children with parents lawfully in the United States.”¹³

For this program expansion, the U.S. government is going to rely on (as well as fund) the United Nations High Commissioner for Refugees (UNHCR) — just as it does for the resettlement of Syrian refugees from the Middle East. We explained in a previous report the role of UNHCR in the selection and pre-screening process of Syrian refugees eligible for resettlement in the United States.¹⁴ For Central American migrants, the scenario should not be different. The United States is working with UNHCR to create processing centers in Latin American countries. Negotiations are still underway as to which countries will host these centers, but Belize, Costa Rica, and Mexico are on the list of options.¹⁵

Once those centers are set in motion, UNHCR will start interviewing migrants from El Salvador, Guatemala, and Honduras who seek protection, grant them refugee status (or not), and refer those who qualify as “refugees” to the United States for resettlement. The United States will then send its officers to further screen those given refugee status by UNHCR, while initiating multiple security and medical checks to decide who and how many will get to come to the United States. Under this program, up to 9,000 people might be resettled in the United States this year.¹⁶

Despite the fact that this new addition to the existing (and somewhat unpopular) CAM Refugee/Parole Program was mainly designed in response to the increasing number of unaccompanied children crossing into the United States illegally, this new setting could benefit every person — adults included (“vulnerable families and individuals”) — from El Salvador, Guatemala, and Honduras who seeks asylum. The government’s primary concern, however, is still focused on providing children from Central America with a safe alternative to crossing the border on their own. We will, therefore, concentrate here on processes relating to minors seeking refugee status.

Are They Really Refugees?

Let us then ask the decisive question: Do Central American children qualify as “refugees”?

The definition of a “refugee” (which is the same for children and adults) is quite clear and its legal implications are not to be taken lightly. A child “refugee”, according to UNHCR, is someone under the age of 18 “who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Even if the definition of refugee is the same for children and adults, the UNHCR acknowledges children’s needs for special care and assistance since they are vulnerable, dependent, and still developing.¹⁷

The 1951 Refugee Convention and the 1967 Protocol (pertaining to the Status of Refugees) set standards that apply to children in the same way as they do to adults. Therefore:¹⁸

- A child “refugee” is someone who is unable or unwilling to return to his or her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.
- A child who holds refugee status cannot be forced to return to the country of origin (the principle of non-refoulement).
- No distinction is made between children and adults in social welfare and legal rights.

Also, countries that welcome refugees are bound by responsibilities:¹⁹

Countries should ensure that refugees benefit from economic and social rights, at least to the same degree as other foreign residents of the country of asylum. For humanitarian reasons, states should allow a spouse or dependent children to join persons to whom temporary refuge or asylum has been granted. Finally, states have an obligation to cooperate with UNHCR.

The definition and rights of a refugee are clear. Whether Central American children meet the definition of refugees, however, raises serious doubts.

When asked to give his opinion as to why children from Central America were coming to the United States, Thomas Homan, executive associate director of Enforcement and Removal Operations within U.S. Immigration and Customs Enforcement (ICE), replied, “Based on my experience, I think there are some that are skipping fear, but I think there are many more that are taking advantage of the system.”²⁰

Even the UN Says Most Are Not Refugees

The UNHCR itself could not find grounds for general refugee determinations when, as early as 2008, it voiced concerns about unaccompanied or separated children alongside Mexico’s southern border. In a study carried out by their regional office for Mexico, Cuba, and Central America with the collaboration of Save the Children Sweden, the children’s situation, levels of vulnerability, and need for international protection were assessed.²¹ UNHCR noted:

Although the vast majority of the 75 children interviewed in this study did not meet the criteria to be considered refugees. ... UNHCR found that within this population of separated and unaccompanied migrant children there generally were high levels of vulnerability, which called for closer inter-agency coordination to give these children adequate protection and care. (Emphasis added.)

A more recent UNHCR report published by its Washington, D.C., office, also did not find solid grounds for refugee qualification.²² Of the children interviewed for the report, 58 percent did raise “potential international protection needs”. International protection, it is important to note, does not necessarily mean protection under refugee status. UNHCR explains: “There may be individuals who are found not to meet the refugee definition contained in the 1951 Convention or 1967 Protocol, but are nevertheless in need of international protection due to their lack of safety or security and their inability to receive State protection in their countries of origin.” International tools could be used here, such as the 1989 Convention on the Rights of the Child (CRC) treaty,²³ which is not a refugee treaty. This treaty’s comprehensive standards for children’s rights and near-universal ratification make it a powerful advocacy tool for children.

Along those same lines, a report published last year by the Migration Policy Institute on “In-Country Refugee Processing in Central America” concluded that, despite the fact that many of these Central American children are “threatened by gang violence and have clear protection needs, being forced to join a gang or experiencing violence do not generally qualify as a basis for refugee status or fall readily into one of the refugee definition categories.”²⁴

After all, out of the 50 most dangerous cities in the world in 2015 (excluding those undergoing a war), four are in the United States: St Louis, Detroit, Baltimore, and New Orleans.²⁵ Latin America, it is true, remains far ahead, with 41 cities included in the ranking. But are children who flee gang violence in St. Louis, Baltimore, or the other American cities that made it into the top of the most dangerous cities chart “potential refugees”? No one would even think to make that claim.

So, to summarize, most children from Central America who leave their homes do not do so for fear of persecution. And even if some have valid apprehensions and were to qualify for humanitarian protection, why bring them to the United States, away from their families and cultural backgrounds? Wouldn’t it make more sense to provide them with the care they need away from danger, but in their own country or close to it? Aren’t El Salvador, Guatemala, Honduras, and Mexico responsible states and shouldn’t they abide by UNHCR’s Policy on Refugee Children guidelines that indicate that:

*States are responsible for protecting the human rights of all persons within their territory, including refugee children, and for providing the adults accountable for these children with the support necessary to fulfil their own responsibilities.*²⁶

UN Guidelines for Unaccompanied Children

UNHCR’s guidelines on how to deal with unaccompanied children seeking asylum are clear.²⁷ Let us look at some of them, since the United States is trusting this UN agency with refugee status determinations and resettlement referrals of unaccompanied children seeking asylum in Central America.

On family tracing/reunion:

Family reunion is the first priority and it is essential that unaccompanied children are assisted in locating and communicating with their family members.

On care, accommodation, and long-term placement:

It is preferable that, whenever possible, a child should be placed in a family from his/her own culture.

On resettlement:

When it is considered that resettlement is in the best interest of the child, generally on the ground of family reunification, swift implementation [is recommended].

The same insistence on family reunification and cultural safeguards can be found in UNHCR's policy on refugee children:²⁸

All actions must be planned with the objective of family reunion. Guardians and foster parents must understand this objective.

and

Every effort must be made to place children in foster families or groups of similar ethnic, cultural, linguistic, and religious background.

Family reunification is also advocated by the United States Conference of Catholic Bishops (USCCB), one of the nine agencies working closely with the Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services (HHS). USCCB assists in the care and placement of unaccompanied Central American children entering the United States. In testimony before the House Judiciary Committee in 2014 on "Unaccompanied Children", the Rev. Mark Seitz was clear:²⁹

Family reunification should be a central component of implementing the best interest of the child principle. 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.

Again, since family reunification seems to be a common humanitarian priority, why bring these children to the United States? Unless their parents are already here, of course.

Family Reunification for Illegal Aliens

Migration and Refugee Services, an office within the United States Conference of Catholic Bishops (USCCB/MRS), is responsible for, among other things, ensuring "safe and appropriate family reunifications for unaccompanied, undocumented children who are in immigration proceedings." It noted in a 2014 presentation that 90 percent of the children are released to families in the United States while they undergo immigration proceedings.³⁰

The acting assistant secretary for HHS's Administration for Children and Families (ACF), Mark Greenberg, testified to that effect in a recent hearing on the unaccompanied children crisis:

Our experience right now is, most children do go to their parent. ... That can be a situation where the parent arrived six months ago. It could be a situation where the parent arrived here 15 years ago. ... So when we release a child to a sponsor, then we no longer have legal custody of the child. ... And in the majority of cases, the child is actually going to their parent, and their parent has legal custody.³¹

So, could the main factor driving children out of Guatemala, El Salvador, and Honduras into the United States be family reunion — and not fear of persecution, as we already determined?

There are, of course, the underlying issues of poverty and violence; added to that are rumors of a “de facto admission policy”, with access to U.S. benefits and possibly citizenship. But could the main determinant simply be family reunification?

In a report published in the summer of 2014, MPI elaborates on the reasons behind the “Dramatic Surge in the Arrival of Unaccompanied Children” into the United States.³² While recognizing various push and pull factors — such as stumbling economies, rising crime and gang activity in Central American countries, as well as a growing perceptions among these populations that the U.S. government’s treatment of UACs has softened these past years — what seems to be the main driving factor for these children is family reunification:

Family separation has long been a strong motivation for unaccompanied minors to migrate. Immigration to the United States from Central America and Mexico in high numbers over the last decade has led adults, now settled in the United States, to send for the children they left behind. UNHCR researchers found that 81 percent of the children they interviewed cited joining a family member or pursuing better opportunities as a reason for migrating to the United States.

The UNHCR research MPI is referring to here is the 2014 report published by their Washington office mentioned above. For that report, 404 interviews were conducted with unaccompanied or separated children from Mexico, El Salvador, Guatemala, and Honduras (around 100 each) who arrived in the United States during or after October 2011. On the reasons driving these children to leave their countries of origin, UNHCR concluded that they were “complex and interrelated and can be understood only when examined from a child-sensitive perspective and taken as a whole and in context.” Push and pull factors can be multiple and often intertwined, that’s true. But let’s listen more closely to the responses given by these children to UNHCR interviewers:

- 84 percent of the 100 children from Guatemala shared hopes for family reunification, better opportunities for work or study, or helping their families as a reason for coming to the United States;
- 80 percent of the 104 children from El Salvador mentioned family or opportunity; and
- 82 percent of the 98 children from Honduras mentioned family or opportunity.

There is no doubt, as MPI noted, that family reunification is a key factor here. Other research focuses on family ties being at the core of child migration from Central America.

Katharine M. Donato, a professor of sociology at Vanderbilt University, and social scientist Blake Sisk (PhD in sociology from Vanderbilt University) analyzed the push and pull factors of these unaccompanied minors crossing the border into the United States.³³ They also noted a combination of motives: limited economic and educational opportunities, the violence some face, family reunification, and recent U.S. immigration policies.

More importantly, they found that “the migration of children is closely linked to that of parents, and that a minor child is significantly more likely to go on a first U.S. trip if their parent has U.S. migration experience.” What this infers, in their view, is that child migrants are not independent rational actors; rather, they are incorporated into the migration process through their family ties.

This particular child mobility is not about to cease, according to Donato and Sisk, who underlined the significant increase in the Central American immigrant population in the United States this past decade. These trends suggest, in their words, “a continued growth of Central American immigration in the future, which implies that the linkages between migrant parents and their children in communities of origin will continue to be a part of the Central American migration landscape for years to come.”

These “linkages” come with a high cost to the United States.

Costs to American Taxpayers

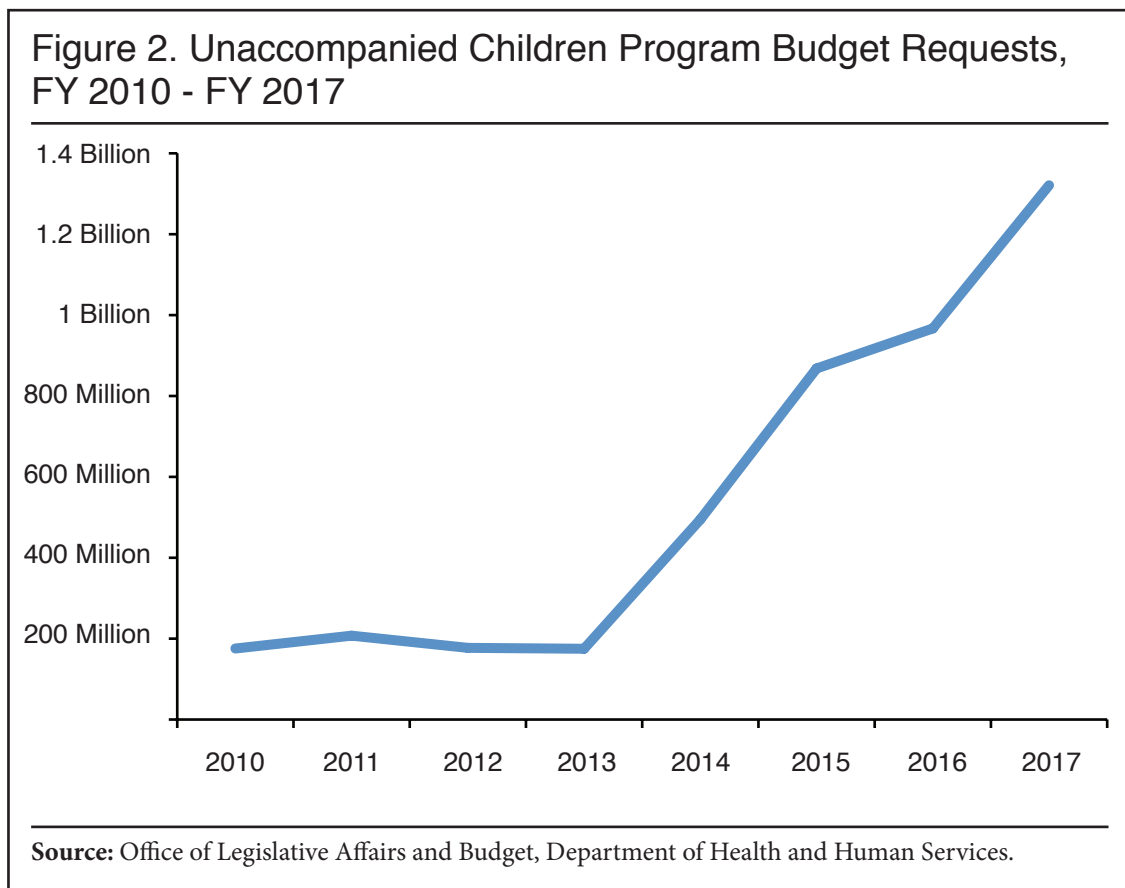
President Obama, in order to meet what he labeled “unexpected urgent refugee and migration needs”, recently directed the expenditure of \$70 million from the U.S. Emergency Refugee and Migration Assistance Fund.³⁴ The presidential determination comes as the administration plans to take in about 10,000 Syrian refugees this fiscal year, but the funding authorization is not specific to Syrian refugees. As reported, “In both size and scope, the presidential declaration was the largest expansion of the program ... in at least 20 years. Obama last tapped the fund in 2014 to provide \$50 million to deal with a refugee crisis in South Sudan.”³⁵

Moreover, the Obama administration released this February its FY 2017 budget request for HHS’s Administration for Children and Families (ACF), which promotes “the economic and social well-being of children, youth, families, and communities, focusing particular attention on vulnerable populations such as children in low-income families, Native Americans, and refugees and other humanitarian entrants.”³⁶ The president’s budget request would support a total of 213,000 humanitarian arrivals in FY 2017, including 100,000 refugees, consistent with the administration’s commitment to admit this many refugees in FY 2017.

Included under ACF is the Refugee and Entrant Assistance Account, which covers the cost for “maintaining current law and service requirements for additional refugees and other Entrants and unaccompanied children and for expanding assistance to domestic victims of trafficking.” The FY 2017 requested budget for the Refugee and Entrant Assistance programs is \$2,184,860,000 (\$510 million more than the FY 2016 budget of \$1,628,612,000, and \$625 million more than the FY 2015 budget of \$1,559,884,000).

The Unaccompanied Children (UC) program FY 2017 request is \$1.226 billion in funding, which is an increase of \$278 million from the FY 2016 enacted level of \$948 million. (See Figure 2.)

Also included in this FY 2017 Unaccompanied Children program budget request is a contingency fund triggering additional funds not to exceed \$400 million. It is expected \$95 million will be used from this contingency fund in FY 2017.



Therefore, the total FY 2017 request for the UC program is \$1.321 billion (\$1.226 billion in base funding plus \$95 million in contingency funds). For comparison, the total FY 2016 request for the UC program was \$967 million (\$948 million in base funding plus \$19 million in contingency funds).³⁷

So, if our calculations are right, with a total FY 2017 budget request of \$1.321 billion to assist an expected number of 75,000 unaccompanied alien children that year, the cost for one UAC in FY2017 will be \$17,613, more than double the cost from FY 2010 of \$8,217 per UAC.

That fund, it is important to note, is distinct from the \$750 million in aid for Central America included in recently enacted omnibus spending bill Congress passed.

Conclusion

Individuals from El Salvador, Guatemala, or Honduras come to the United States illegally. Then children (probably their own children) follow on their own, also illegally. They are, for the most part, welcomed, assisted, and reunited with their families here.

New data provided by the Department of Health and Human Services, in response to a Freedom of Information Act request, shows that 80 percent of the 71,000 Central American children placed between February 2014 and September 2015 were released to sponsors who are in the United States illegally. Parents were more than half of the cases; many others were siblings, aunts, and uncles.³⁸

Attentive to the numerous risks these children face as they cross the border alone, the Obama administration established the CAM Refugee/Parole Program, which was met with limited enthusiasm since parents needed to be legally present in the United States to sponsor their children. That did not seem to discourage the U.S. government. DHS Secretary Jeh Johnson, in a statement this January on southwest border security, was adamant: “We *must* offer alternatives to those who are fleeing the poverty and violence in Central America.”³⁹ (Emphasis added.)

Hence this new refugee resettlement program that sets up refugee processing centers in Central America in coordination with UNHCR. Children will be able to qualify for refugee status and then be flown to the United States. As a reminder, refugees receive automatic legal status and are required to apply for a green card within their first year following arrival. They can apply for citizenship five years from the date of entry.

Since parents from Central America illegally present in the United States could not benefit from the CAM program and sponsor their children, perhaps the reverse can take place with children admitted under this new version of the refugee program. Children, acquiring legal status followed by naturalization by the time they reach adulthood, could indeed sponsor their parents. According to DHS, UACs are for the most part 16 or 17 years old and more than three-quarters are male.⁴⁰

This administration’s tenacious will to bring these children/soon-to-be adults to the United States at any cost (or status) can be perceived as extreme. Many, on the other hand, support measures that allow Central American children to reunite with their family and get access to legal immigration. The United States Conference of Catholic Bishops highlighted its goal of providing these children with “a path to permanency through family reunification.”⁴¹

The two social scientists mentioned above, Donato and Sisk, who linked the rising number of children from Central America “to widespread migration networks and a long-standing reliance on immigrant workers in the United States,” were also clear:

*It is time to recognize that these children need protections in the form of permanent legal status to reunify with their families. If the United States cannot pass comprehensive immigration reform, at minimum it should provide for the children of immigrants it readily employs.*⁴² (Emphasis added.)

In other words, in lieu of legalization for illegal-immigrant parents, at least bring their children here as “refugees”.

We can empathize with children wishing to reunite with family members who make it to the United States before them. We also appreciate UNHCR's guiding principle, which is first and foremost "the best interest of the child".

We can also, however, question this administration's policies and motives and wonder if it is in the best interest of the American people to welcome these children here. We can also wonder about the need for a new refugee program for Central American children who, in general, do not qualify for refugee status.

We might even call this program what it really is: a family reunification program specially crafted for illegal aliens and their children under the cover of refugee resettlement.

End Notes

¹ Following the Homeland Security Act of 2002, an “unaccompanied alien child” is “a child who has no lawful immigration status in the United States, has not attained 18 years of age, and who has no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody.” See [“Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children”](#), U.S. Department of Justice, Executive Office for Immigration review, May 22, 2007.

² [“United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016”](#), U.S. Customs and Border Protection, undated.

³ Holly Zachariah, [“Workers trafficked for Ohio egg farms had little contact, lived in poverty”](#), the *Columbus Dispatch*, July 12, 2015.

⁴ [“United Nations Convention against Transnational Organized Crime and the Protocols Thereto”](#), United Nations Office on Drugs and Crime (UNODC), undated.

⁵ *Ibid.*

⁶ John Feere, [“2008 Trafficking Law Largely Inapplicable to Current Border Crisis”](#), Center for Immigration Studies *Background*, July 2014.

⁷ Penny Star, [“DHS Chief: ‘Almost All’ Unaccompanied Alien Children Are Smuggled – ‘Nobody’s Freelancing’”](#), CNSNews, July 23, 2014.

⁸ Laura Meckler, Kristina Peterson, and Carol E. Lee, [“Obama Says U.S. Could Start Limited Refugee Program in Central America”](#), *Wall Street Journal*, July 25, 2014.

⁹ [“In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala \(Central American Minors – CAM\)”](#), USCIS, last updated June 1, 2015.

¹⁰ Faye Hipsman and Doris Meissner, [“In-Country Processing in Central America: A Piece of the Puzzle”](#), Migration Policy Institute, August, 2015. The number reached 6,000 by January 2016, according to Secretary Jeh Johnson; see his [“Statement on Southwest Border Security”](#), January 4, 2016.

¹¹ John Kerry, [“Remarks on the United States Foreign Policy Agenda for 2016”](#), National Defense University, Washington, D.C., January 13, 2016.

¹² Special rules apply for UACs from contiguous countries (i.e., Mexico and Canada). They can be turned back if they are apprehended at the border as long as they have no credible fear of persecution and no trafficking indicators. Children from El Salvador, Guatemala, and Honduras are to be processed by the Border Patrol and turned over within 72 hours to the Office of Refugee Resettlement (ORR), which is part of the Health and Human Services Department (HHS).

¹³ [“Statement by Secretary Jeh C. Johnson on Southwest Border Security”](#), DHS Press Office, January 4, 2016.

¹⁴ Nayla Rush, [“The UN’s Role in U.S. Refugee Resettlement: A “Benefit of the doubt” Screening Policy”](#), Center for Immigration Studies *Background*, January 2016.

¹⁵ Julia Preston, David M. Herszenhorn, and Michael D. Shear, [“U.N. to Help U.S. Screen Central American Migrants”](#), *The New York Times*, January 12, 2016.

¹⁶ Elise Foley, [“U.S. Will Ramp Up Efforts to Help Central American Refugees”](#), Huffington Post, January 13, 2016.

¹⁷ [“Refugee Children: Guidelines on Protection and Care”](#), UN High Commissioner for refugees (UNHCR), 1994

¹⁸ *Ibid.*

¹⁹ [“Protecting Refugees: Questions and Answers”](#), UN High Commissioner for refugees (UNHCR), February 1, 2002.

²⁰ Thomas Homan, [“The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?”](#), testimony before the United States Senate, Committee on the Judiciary Hearing, February 23, 2016.

²¹ [“The International Protection of Unaccompanied or Separated Children Along the Southern Border of Mexico \(2006-2008\)”](#), UNHCR Regional Office for Mexico, Cuba, and Central America, October 2008.

²² [“Children on the Run: Unaccompanied Children Leaving Central America And Mexico And The Need For International Protection”](#), UN High Commissioner for Refugees (UNHCR)/Regional Office for the United States and the Caribbean, 2014.

²³ [“Convention on the Rights of the Child”](#), Office of the High Commissioner UN Human Rights (OHCHR), November 1989.

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