



The Changing Landscape for Children in Immigration Proceedings

A Webinar for Young Center Supporters

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February 10, 2017

Young Center

The mission of the Young Center for Immigrant Children's Rights is to promote the best interests of unaccompanied immigrant children with due regard to the child's expressed wishes, according to the Convention on the Rights of the Child and state and federal law.

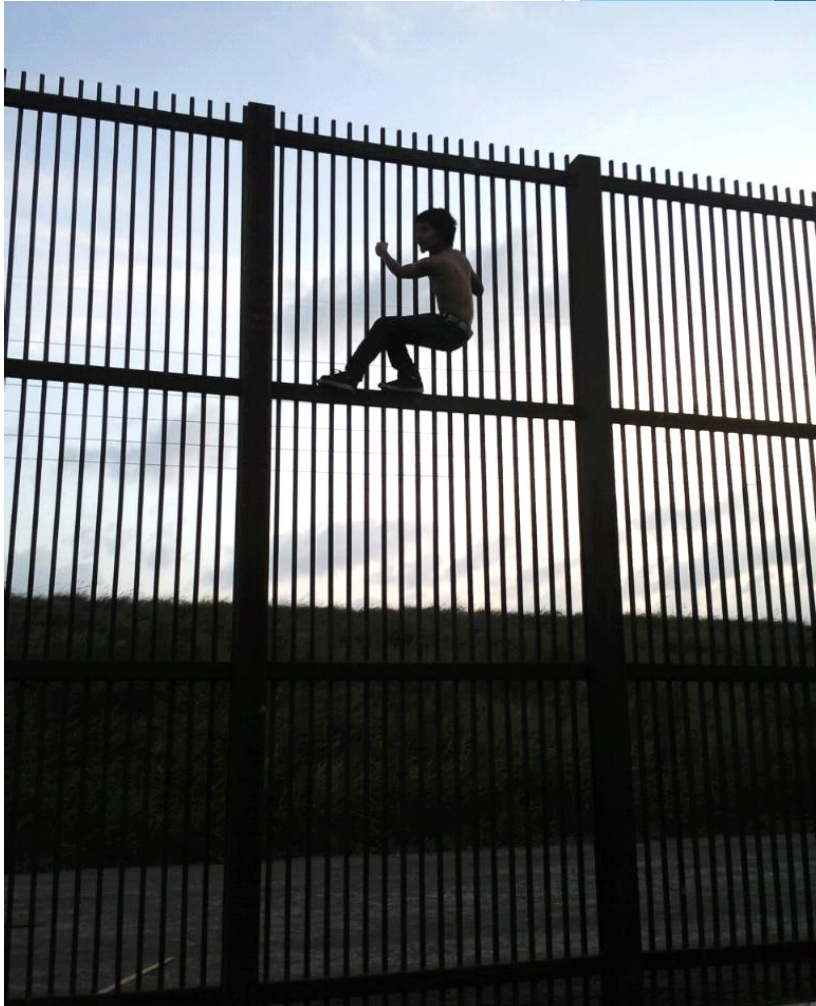


Unaccompanied Children

- ▶ Who are they?
- ▶ How do they come to the United States?
- ▶ What is the journey like?
- ▶ Why do they come?
- ▶ What evidence of their need for protection?
- ▶ How are the demographics changing?



The Journey



Immigration System for Children: Apprehension and Custody

- ▶ Apprehension
- ▶ Federal custody
- ▶ Release to parent or other “sponsor”



Immigration Proceedings for Children: Legal Process

Lack of Protections

- ▶ Like adults, children are the “respondent”—the subject of the government’s action filed against them
- ▶ No right to counsel at government expense (no “public defender”)
- ▶ No special courts, no special judges
- ▶ No requirement that every judge consider a child’s best interests—safety—before making a decision
- ▶ General rule: children are treated as adults-in-miniature



Role of the Independent Child Advocate

- ▶ Advocate for the best interests of the most vulnerable child with immigration judges, asylum officers, federal officials.
- ▶ Pair bilingual volunteers to work with children under the supervision of attorneys



State of Affairs 2017: Protecting an Imperfect System

Prolonged Struggle to Recognize Immigrant Children *as Children*

- ▶ Treatment under “INS” or Immigration & Naturalization Service
- ▶ Federal settlement in *Flores*, which awarded specific protections to children
- ▶ Separation of custody from enforcement in 2001 legislation
- ▶ Modest expansion of child-protective measures in 2008 Trafficking Victims Protection Act (TVPA)

Understanding the Rhetoric around Children & Immigration

It is not illegal to come to the U.S. border and ask for protection.

Every child has a different story. There is no single answer for why children flee their country, why their parents send them away from home, or why parents try to reunify with their children at a particular moment in time.

Children should not be detained while their non-criminal cases are proceeding in immigration court. Prolonged detention and separation from family is harmful for children.

Recent Executive Orders

- ▶ Border Enforcement Executive Order (Jan. 25)
- ▶ Interior Enforcement Executive Order (Jan. 25)
- ▶ Refugee/Muslim Ban Executive Order (Jan. 27)
- ▶ Criminal Trafficking Executive Order (Feb. 9)
- ▶ No Executive Orders Yet
 - ▶ DACA/Dreamers
 - ▶ Revoking access to benefits for immigrants, refugees

Threats to Children's Safety

Threat #1: Denying Children in Court Access to Lawyers and Child Advocates

Threat #2: Discriminating Against Children based on their Country or Religion

Threat #3: Separating Children from Families

Threat #4: Stripping Children from the Protections of being "Unaccompanied"

Threat #5: Denying Children a Fair Day in Court

Threat #6: No Ability to Exercise Favorable Discretion

What the Young Center is Doing

- ▶ Advocating for each child's best interests—their safety and well-being, and giving due regard to the child's wishes
- ▶ Working with government agencies to ensure consideration of a child's best interests in each decision
- ▶ Advocating for laws and policies that recognize children as children
- ▶ "Rapid response" teams for kids in crisis as a result of new policies or actions

What You Can Do

1. Stay informed.
2. Get involved with local immigrants' rights organizations.
3. Become a Young Center Child Advocate: trainings this April, May around the U.S.
4. Counter fear-mongering.
5. Change the narrative.



Mariposa Soñadora*
Butterfly Dreamer

*artwork and quote shared with child's consent

“Aprendí que no hay errores en el arte. Hay que ser valiente en la vida, no solo en el arte.”

I learned that there are no errors in art. We have to be brave in life, not just in art.

~Bety, Age 16,
unaccompanied youth
and artist

For more information:

www.theyoungcenter.org

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