



Young Center for Immigrant Children's Rights

Statement of Olivia Pena, Staff Attorney

Immigration Roundtable with Congressman Gonzalez and Democratic Leader Pelosi

March 11, 2017

My name is Olivia Pena and I'm staff attorney at the Young Center for Immigrant Children's Rights. We serve as Child Advocate for the most vulnerable unaccompanied children in the immigration system—our role is like a guardian *ad litem* in state courts. We are appointed as Child Advocate by the federal government, under the Trafficking Victims Protection Act. We work with the most vulnerable children: children trafficked for sex or labor; infants, toddlers and very young children; pregnant or parenting teens; and children with physical disabilities or mental illness.

Our team of bilingual staff and volunteers meets with children every week while they are in custody to build trust and learn their stories, so that we can identify and advocate for decisions that will help them to be safe and help them to find a permanent stable home, whether in the U.S. or in their home country. Our staff of attorneys and social workers submit detailed best interests recommendations to every agency of government responsible for making decisions about these children.

The immigration system is the only court system in the U.S. to treat children almost exactly the same as adults. In state courts, judges and others must consider a child's best interests, but not so in the immigration system. Despite that, the Young Center was created to advocate for the best interests of these children. This was an important step in creating an appropriate system for making decisions about immigrant children. We have eight offices around the country, but our office here in the Rio Grande Valley serves more children than any of our other offices. We serve 20 shelters (from Brownsville to McAllen & Raymondville), where there are approximately 3,600 children in federal custody. Our Harlingen office sees some of the very youngest children—including, most recently, children taken from their parents while in DHS custody.

The new administration has issued three executive orders and two DHS directives that directly affect the children we serve and the work that we do. These policies fail to recognize children as uniquely vulnerable; they suggest that all immigrants are criminals; and they fail to acknowledge the reasons parents and children flee their countries or their rights when they seek protection in the United States.

We want to highlight **three concerns** with changes in agency policy. **First**, the administration has indicated that it **will change how it treats unaccompanied children, and apply the legal definition much more narrowly**. This means that many **more children will be deported without a fair opportunity to ask for protection**—no chance to meet with a lawyer, no consideration of their best interests, no chance to even see a judge. Or, they may be placed in adult detention facilities, which is simply unacceptable.

Second, the administration is attempting to scare parents from stepping forward to sponsor their children out of federal custody by signaling that it will apprehend parents when they do, or might initiate criminal proceedings against them. There is no justification for this interference in the child-parent relationship. Children should not have to choose between their family and their legal case.

And **third**, we find the administration's suggestion that it would forcibly separate children from their parents at the border to deter other families from seeking protection in the U.S. to be unconscionable. This would be impermissible and unlawful in any family court in the United States. Although laws vary state by state, the foundational principle is family unity: keeping children with their parents, where they are loved and feel safe.

You don't use children to send a message.

For more information, visit www.theyoungcenter.org or call 956-230-1850 or 773-702-9560.

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