

United States Senate

WASHINGTON, DC 20510

July 9, 2014

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear Mr. President:

We write in response to your June 30, 2014 letter to Congressional leadership outlining your proposals to address the crisis regarding the drastic influx of unaccompanied children entering our country on the Southwest border.

We appreciate your Administration's unified response to what you have consistently noted is an urgent humanitarian situation, and we agree that this emergency must be addressed in an appropriate and coordinated manner. We concur that we must do more to dispel the myth that these children can safely reach and then enter our country as they flee their homes. We also recognize the need for stronger efforts to address the root causes of this crisis with our partners in Central America and with the international community.

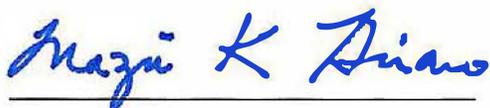
As you work with Congress to refine the proposed strategy outlined in your letter, we are particularly concerned about how we are addressing the humanitarian and legal rights of these unaccompanied children. Advocates estimate that approximately 40% of unaccompanied children arriving on our border are girls, many of whom are under the age of 12. Reports about these children—sometimes victims of trafficking and often at risk in the hands of criminal smugglers—conjure images of children and families displaced by war and other disasters around the world. The devastating gang violence and “join or die” gang recruitment practices of minors in Honduras, Guatemala, and El Salvador are tantamount to forced conscription making such comparisons far from exaggerated. This comparison is reinforced in a recent report from the U.N. High Commissioner for Refugees. The report found that a majority of unaccompanied minors apprehended at the southwest border, with many from the three aforementioned Central American countries, were fleeing instances of extreme violence that suggested they may have a viable claim to refugee protections under international law.

The United States has always been a leader in providing aid and assistance to those in danger and in need, and this humanitarian situation is on our very own doorstep. Your letter requests additional authority and discretion for removal of these unaccompanied children, which is a significant departure from current policy for unaccompanied children from Central America. We are concerned by any proposal that restricts legal and humanitarian protections for unaccompanied children from non-contiguous countries and urge caution in granting the Department of Homeland Security the authority to alter procedures designed to protect these children from trafficking and future violence. Congress unanimously passed the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) on a bipartisan basis, which continued a long history of establishing procedures that fairly and safely repatriate unaccompanied children to their home countries. Enacting a policy of rapidly deporting children who may be fleeing circumstances rendering them eligible for certain protection under our laws—without any meaningful hearing—is contrary to the values overwhelmingly endorsed by Congress and our country.

More resources are clearly necessary to address the situation on the border. While we work together to address the root causes of this crisis, tens of thousands of vulnerable children who need to be treated humanely and fairly are already here in federal custody.

We look forward to working with you to find solutions to this crisis. As you continue working to address these challenges, we ask you to focus resources on protecting these unaccompanied children from harm, upholding their right to due process, and by continuing to work with Congress and our international partners to address the root problems that put these children in danger in their home countries in the first place.

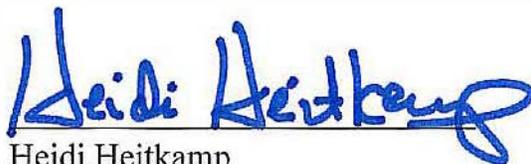
Sincerely,



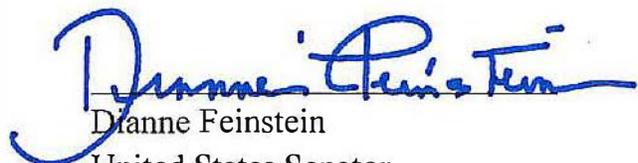
Mazie K. Hirono
United States Senator



Kirsten E. Gillibrand
United States Senator



Heidi Heitkamp
United States Senator



Dianne Feinstein
United States Senator