

Senator Chuck Schumer
322 Hart Senate Building
Washington, DC 20510

July 15, 2014

Dear Senator Schumer:

We, the New York Immigration Coalition and the New York Chapter of the American Immigration Lawyers Association, urge you to oppose the White House's plan to expedite the deportation of Central American children to the dangers they escaped in their home countries, or lessen the important protections included in the TVPRA. At a time when we are confronted with a major humanitarian crisis, our nation cannot compromise on fundamental principles of compassion, fairness, and due process, nor on our international refugee protection obligations.

The United Nations High Commissioner for Refugees (UNHCR) has found that almost 60 percent of children fleeing to the United States from Central America are asylum seekers.ⁱ The United States is not alone in seeing higher than normal migration flows – according to UNHCR, other countries in the region have experienced a sharp increase in the number of asylum applications filed by Salvadorans, Guatemalans, and Hondurans since 2008. From 2008 to 2013, the number of such applications filed in Mexico, Panama, Nicaragua, Costa Rica, and Belize increased by 712 percent.

We are deeply concerned that the administration will circumvent the protections of the bipartisan Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 and remove the children apprehended at the border through a non-judicial process Congress gave consideration to the unique circumstances of children when it enacted the TVPRA - providing these children with proper screening for trafficking and persecution, the facilitation of counsel and the appointment of child advocates, as well as the opportunity to receive fair and full consideration of their legal claims before an immigration judge - important protections that help ensure that unaccompanied children from non-contiguous countries receive proper care, and that their requests for asylum and other legal relief are processed fairly. Any effort to circumvent these protections or alter them legislatively would be a tragic mistake; simply providing them cursory, inadequate screeningsⁱⁱ and then deporting these children, without access to legal counsel, would doom many of these children with potentially valid claims to dangerous situations and death.

Now is the time for America to demonstrate its leadership and commitment to refugee protection and due process. We oppose any plan to amend the TVPRA to weaken the protections afforded to children, and we urge you to ensure that the rights and safety of these children are guaranteed.

Sincerely,

New York Immigration Coalition

New York Chapter of the American Immigration
Lawyers Association

ⁱ UN High Commissioner for Refugees (UNHCR), *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, 13 March 2014, available at: <http://www.refworld.org/docid/532180c24.html>

ⁱⁱ See, e.g. Betsy Cavendish and Maru Cortazar, Appleseed, *Children at the Border: the Screening, Protection and Repatriation of Unaccompanied Mexican Minors* (2011), available at <http://appleseednetwork.org/wp-content/uploads/2012/05/Children-At-The-Border1.pdf>.