

PROTECTING UNACCOMPANIED CHILDREN

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PROTECTING UNACCOMPANIED CHILDREN

ISSUE: Approximately 6,200 children reach our country every year, unaccompanied by a parent or legal guardian. These children include asylum seekers and children who have been smuggled into the country and who may be forced into sweatshop labor or sexual servitude. Lacking legal representation and the assistance of a guardian ad litem to help them through their immigration proceedings, these children are shuffled through a system that is nothing short of Kafkaesque. Exacerbating the trauma created by their often terrifying journeys, once in the U.S. in the care and custody of the Office of Refugee Resettlement (ORR), immigration enforcement officials obstruct and undermine the care provided to these children by: refusing to consent to children's placement in juvenile dependency proceedings and foster care; misclassifying children as adults and holding them in adult facilities; and under expanded expedited removal, severing parents from their own children, assigning the children to ORR and barring ORR from releasing the children to other sponsoring relatives. Such policies clearly violate domestic and internationally accepted norms of child treatment.

Bipartisan legislation introduced in the 109th Congress would provide guidelines for the detention, care, and placement of unaccompanied children, providing much needed relief for the most vulnerable newcomers to our country.

BACKGROUND: Children around the world increasingly are the targets of forced military recruitment, gender-related violence, torture, and exploitation. Children also are vulnerable to forms of persecution specific to their age, including child trafficking, bonded labor, child prostitution, and child pornography. It is from these harrowing origins that roughly 6,200 unaccompanied children reach our shores each year.

To address the inappropriate treatment these children face upon arrival in the United States, Senator Dianne Feinstein (D-CA) introduced the bipartisan Unaccompanied Alien Child Protection Act (UACPA) of 2005 (S. 119) on January 24th. In the House, Representatives Zoe Lofgren (D-CA), Chris Smith (R-NJ), and Chris Cannon (R-UT) introduced companion legislation (H.R. 1172) on March 8th. The UACPA builds on provisions of the Homeland Security Act of 2002, which transferred the care and custody of these children to the ORR within the Department of Health and Human Services. The UACPA seeks to address many of the holes in our immigration system's treatment of unaccompanied children by providing:

- Access to Guardians Ad Litem: In other areas of U.S. law, children who are confronting the legal system are appointed a guardian to assist them. U.S. asylum law, however, fails to provide unaccompanied children with child welfare professionals to ensure the children's best interests are addressed when decisions are made about their future. These children face severe psychological trauma related to their separation from family, disorientation in their new environment, and the legal process itself. It is imperative that these children have guardians ad litem with the training to act as their supporters and advisors during this lonely and confusing process. The UACPA would provide ORR with the discretion to appoint guardians ad litem when appropriate and would require implementation of a guardian ad litem pilot program.
- Access to counsel: Children, even more than adults, have immense difficulty tackling the complexities of the asylum system without the assistance of counsel. Despite this reality, over fifty percent of children in Department of Homeland Security (DHS) detention are unrepresented. This, even though studies show that the chance of a positive ruling on immigration claims increases dramatically with proper representation. The status quo clearly and unnecessarily drives children with legitimate legal claims back to face the perils from which they

originally fled. The UACPA would require the ORR to develop an infrastructure to facilitate and encourage *pro bono* representation of these children. This is an important first step in ensuring all unaccompanied children the access to counsel that international standards demand.

A recent Department of Justice evaluation of the Board of Immigration Appeals *pro bono* project demonstrates the effectiveness of such a program. The three-year study concluded that not only did the project increase the overall number of respondents with qualified *pro bono* counsel, but the respondents with *pro bono* counsel were three-to-four times more likely to win favorable decisions than those who represented themselves. Considering this study involved adult respondents, one would expect the favorable to unfavorable ratio for represented children to equal or surpass this rate. The study also found that the legal briefs prepared by the *pro bono* counsel aided the overall adjudicatory process, thus helping to ease the backlog in caseloads. Practitioners focused on representing children also are able to investigate and research alternate forms of relief which neither the immigration judges nor government employees have the duty to explore.

- Alternative custody and detention options: Children asylum-seekers are subject to arrest by immigration officials for lack of proper documentation and are placed in ORR care. On any given day, more than 700 children are in ORR's care. This legislation codifies a settlement agreement (*Flores v. Reno*) under which DHS is required to release children to an appropriate caregiver or to house them in the least secure setting possible. In addition, this legislation explicitly rejects the position that DHS has asserted regarding the locus of authority over decisions to place these children in dependency proceedings, which would enable them to be placed in foster care. Advocates nationwide maintain that DHS has all too often failed to consent to the placement in dependency proceedings, leaving abused and abandoned children in detention rather than in appropriate foster care. The UACPA would grant explicit consent authority to ORR, the agency in the best position to make the proper placement decisions for unaccompanied children. The UACPA would also establish minimum standards for those unaccompanied children remaining in detention.
- Improved age determination procedures: To determine the age of an individual who claims to be under the age of 18, DHS relies on dental and bone forensics which have been widely criticized as scientifically fallible, with margins of errors of several years. DHS allows no appeal of an adverse age determination. As a result, teenagers are sometimes placed in adult detention centers, where they are commingled with unrelated adults, some of whom have criminal records. The UACPA would require ORR officials to establish procedures to determine the age of the unaccompanied child, including the need for evidence beyond mere forensics.
- Training for immigration personnel: To be consistent with the new practices of protecting unaccompanied alien children, there is a critical need for training all institutional stakeholders involved in the arrest, care, custody and placement, adjudication and repatriation of children. The UACPA would address this issue by requiring all immigration officers who may have contact with unaccompanied children to undergo special training on the unique needs and characteristics of these children.
- Codifying DHS Children's Asylum Guidelines: Under the leadership of Chief Immigration Judge Michael Creppy, the Executive Office for Immigration Review has issued special guidelines to assist immigration judges in handling children's cases that come before them. The UACPA goes one step further by making the DHS Children's Asylum Guidelines that were issued in 1998 formally binding on immigration judges.

The UACPA is an extremely modest bill that offers no new immigration benefits. In fact, the only changes to existing immigration benefits is the streamlining of the Special Immigrant Juvenile (SIJ) Visa program. While providing age-out protections, this streamlining would create new restrictions

by lowering the age of eligibility from 21 to 18. The bill also addresses any potential claims of chain migration by denying SIJ visa holders the ability to sponsor their parents.

AILA's POSITION: AILA strongly supports the passage of the bipartisan Unaccompanied Alien Child Protection Act of 2005, S. 119/H.R. 1172. This legislation will provide acceptable guidelines for the humane treatment of child asylum seekers and bring our country in line with international standards.

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SUPPORTERS OF THE UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2005 (S. 119)

International Organizations

- UN High Commission on Refugees
- Amnesty International USA

National Religious Organizations

- Church World Service, Immigration Refugee Program
- Episcopal Migration Ministries Program
- Evangelical Lutheran Church in America
- Lutheran Immigration and Refugee Service
- United States Conference of Catholic Bishops
- Jesuit Refugee Service/USA
- Bethany Christian Services
- Hebrew Immigrant Aid Society

National Child Welfare or Medical Organizations

- American Academy of Child and Adolescent Psychiatry
- Physicians for Human Rights

National Legal Organizations

- American Bar Association
- American Immigration Lawyers Association

National Immigrant and Refugee Rights Organizations

- U.S. Committee for Refugees (Immigration and Refugee Services of America)
- International Rescue Committee
- National Immigration Forum
- National Federation of Filipino American Associations

National Civil and Human Rights Organizations

- Human Rights First
- Washington Lawyer's Committee for Civil Rights and Urban Affairs
- World Organization Against Torture USA

Local Organizations

- Lutheran Social Services of Michigan, Refugee Services (MI)
- Lutheran Social Services of the National Capital Area
- Lutheran Community Services of Northwest
- Lutheran Community Services of New England, Unaccompanied Refugee Minors Program
- Illinois Coalition for Immigrant and Refugee Rights
- Exodus World Services (Washington State)
- Children and Family Justice Center, Northwestern University School of Law (IL)
- Illinois Task Force on Unaccompanied Immigrant Children - Chicago Bar Association
- Nationalities Service Center (Philadelphia, PA)

ARTICLES ON UNACCOMPANIED MINORS

3,000-Mile Trip from El Salvador Ends in FIFE Facility

Jail Alternative Safeguards Teen Aliens

The Seattle Post-Intelligencer

December 2, 2004

By Ruth Teichroeb

Tayo's heart is set on seeing his long-lost mom.

He's traveled more than 3,000 miles, crossing three international borders. Hopped buses so crowded he and others were stacked like pancakes. Hitched rides in trucks. Slogged through mud and rain.

The 17-year-old Salvadoran paid a "coyote" \$6,000 to smuggle him across the Mexico-Arizona border and drive him to Los Angeles. His mom, who left El Salvador for the United States when he was just a toddler, paid for the trip with money saved from her job.

But then, Los Angeles police raided the house where he slept on the floor and handed him over to immigration officials.

A month after he left home, Tayo landed not in his mother's arms, but behind locked doors in a facility for undocumented youths near Tacoma.

That's where he's been since Aug. 4, mired in the red tape of immigration laws. His real name can't be used, according to federal officials now in charge of his fate.

The Selma R. Carson House, run by the Seattle non-profit Pioneer Human Services on a \$1 million annual federal contract, is a step up from the juvenile jail where Tayo would have been detained in the past.

Carson House is this region's "semi-secure" facility for teenagers who have no adult supervision when they are picked up by immigration officials. It's less restrictive than a jail but still a locked institution.

When it opened a year ago, Carson House was the first semi-secure facility set up by the Administration for Children and Families, which took over custody of undocumented youths from the Department of Homeland Security in March 2003. A 1997 settlement in a lengthy class-action lawsuit forced federal immigration officials to stop jailing so many children.

ACF officials say facilities such as Carson House have helped them reduce the number of children who are jailed to 2 percent of those detained, compared with 30 percent when immigration officials handled custody. Critics dispute the 2 percent figure, saying the numbers are higher than that and should include youths held in locked "semi-secure" facilities as well.

What isn't in dispute is that immigration officials are detaining an increasing number of minors - a 30 percent increase in just a year, from 4,792 in 2003 to 6,200 this year.

The ACF's Office of Refugee Resettlement is scrambling to find enough shelters, group homes and foster homes to place the juveniles, who have numbered between 750 and 900 in recent months.

Given the pressure to find housing, federal officials are shipping detained teenagers to Carson House

from all over the country.

A semi-secure facility is supposed to be for those deemed runaway risks, who need mental health treatment, or have been accused of non-violent crimes such as drug possession.

Some teens end up there because it's the only available bed.

The low-slung, concrete-block building, formerly a residence for teen offenders, is surrounded by a 10-foot wire fence far back from the street in a Fife industrial park. A visitor must buzz an intercom to gain entry to the site.

The locked doors are a deterrent, but escape is as simple as shoving open an alarmed exit. Fifteen of the 120 residents in the last year did just that.

On this particular day, 10 boys and two girls ranging in age from 15 to 17 are there. They are five Mexicans, three Hondurans, two Guatemalans, one Dominican - plus Tayo.

They bunk in small, stark bedrooms with alarmed windows, share meals in a common area, attend a few hours of school in a makeshift classroom and do chores. A volleyball set and a sparsely equipped weight room are among the few diversions.

A mental-health therapist stops in weekly to assess new arrivals and arrange counseling for those who need it.

Staff members closely supervise the teens 24 hours a day. The residential counselors, teacher, case managers and others try to ease the teens' loneliness and boredom as best they can in such an institutional setting.

Winning their trust isn't easy, said Art Tel, the facility's director. "There's lots of fear in dealing with the system," he said.

Sometimes staff members can help track down a youth's relative somewhere in the United States who is willing to take the teen in during immigration proceedings.

Two months ago, David Walding, who works for the year-old Seattle non-profit Volunteer Advocates for Immigrant Justice, began visiting the facility weekly to sort out which teens could most benefit from legal representation.

A few are eligible to apply for asylum, a trafficking visa or a special juvenile visa for abused or abandoned youths. Walding links those teens with pro bono attorneys from Microsoft or one of six local law firms who have offered their services and help fund the project.

But with limited resources, the group can offer legal assistance only to teens with promising claims who plan to stay in this region, he said. Only about 10 percent have qualified so far.

"It's an unfortunate reality that immigration law doesn't give kids many options," Walding said.

Often, teens chafe at being locked up and just want to go home. They appear before an immigration judge, ask for "voluntary departure" and are ushered onto a plane a few days or weeks later.

Accepting voluntary departure does not affect future applications for entry to the United States. A person who is deported must wait a decade before returning to this country or face a possible federal

prison term.

With no attorney, one Guatemalan boy landed in trouble during an October court hearing. The slight, shy, 16-year-old boy was supposed to ask the judge for a continuance so his uncle in Alabama, a U.S. citizen, could arrange for his transfer.

Instead, rattled at being in a courtroom, he agreed to be deported - even though he was eligible for voluntary departure.

"The judge didn't give me time," the boy said through an interpreter during an interview at Carson House.

The oldest of five children, he began his risky journey with the hope of easing the poverty gripping his family.

Two weeks ago, he was deported back to a life of toiling in the tomato, onion and garlic fields of his rural home.

Others are in limbo for months, waiting and wondering whether an immigration judge will order them to leave or grant them a special visa to stay.

Staff members contacted Tayo's mom after he arrived at Carson House. He'd hoped to get permission from an immigration judge to live with her until his status is sorted out. His parents are in the United States legally, but aren't allowed to sponsor their son. His four siblings are also in this country, although their legal status is unclear.

At his second court hearing, Tayo, who speaks only Spanish, got confused. He didn't understand what the judge was saying through the translator. He had no attorney.

"I got my foot stuck in my mouth," Tayo said through an interpreter. "I asked for voluntary departure by mistake."

Now, he's trying to get that decision reversed, with the help of an attorney provided by the Volunteer Advocates group.

No one is quite sure why Tayo ended up at Carson House, since he isn't a runaway risk and has no criminal history.

Like any gregarious teenager, he rebels at some Carson House rules. Not being allowed to touch other teens is especially puzzling to him. He lost some privileges recently after he and his roommate broke the sink in their room while roughhousing.

On his bedroom wall, he's spelled out the name of his girlfriend back home using scrabble letters. He misses the aunt and uncle who raised him and also playing soccer with friends.

And he's not the least bit embarrassed about the brown teddy bear sitting on his bunk, a gift from a staff member.

Asked what he likes about the United States, Tayo can't think of a single thing.

He's here for only one reason: reuniting with the mother and father whose faces he knows only through photos.

"If they send me back, I will try again," Tayo vowed.

Bound For Better Life, Deported To Despair

The Denver Post

June 13, 2004

By Bruce Finley

Tecun Uman, Guatemala - Heat beats down on Jared Membreño as he stands by railroad tracks, eyeing northbound boxcars at the Guatemala-Mexico border. Deported from the United States to Honduras at age 16, he again is trying to escape his bleak life selling stolen bananas for \$2 a day. Now 19, Membreño scavenges for food and water, dodges police, and battles gangs that control the rail route.

A whistle wails. He hears the creak of iron wheels, which have killed and maimed many migrants. He spots an empty ladder on a boxcar, runs, leaps.

"I don't think, only pray I don't fall, because if I fall ..."

His fingers curl around a rung, muscles straining, feet flailing for a foothold.

The U.S. government is deporting more and more teenagers like Membreño who are fleeing poverty and lack of opportunity abroad.

Immigration records show deportations of teenagers increased by 38 percent, from 717 in 2001 to 990 last year.

Thousands more were turned back at the southern border without hearings and handed over to Mexican authorities, U.S. Immigration and Customs Enforcement spokeswoman Ernestine Fobbs said. The government can't give precise figures, she said.

Yet tens of thousands still come, mostly from Mexico and Central America.

Many teens travel unaccompanied by adults. There are no estimates for how many make it through to the United States.

What officials do know is that, when teens are turned away, about 40 percent return.

And there isn't enough space in U.S. detention facilities to hold more teens in custody.

U.S. officials are supposed to deport each teen according to a "plan of return" that ensures they are safe, said Wade Horn, assistant secretary of health and human services.

Immigration agents "are not supposed to be sending kids back to their country of origin and just dump them off at the airport," Horn said. "I don't think the United States has the resources or even the obligation to ensure that every child in the world is cared for well. But the kids we have contact with, we do have an obligation to them."

Trouble back home

Central American authorities, however, say teen deportees often suffer.

They face "life in the streets, life with angry parents, prostitution, drug addiction," said Josefina Arellano, a Guatemalan government lawyer charged with protecting children.

"When they are returned and don't have a family, they find gangs," she said. "The gangs become their family. If they try to leave the gangs, they are killed. If this family wants them to steal, they must steal."

Nobody has a solution.

Earlier this year, a Colorado case raised an outcry.

It involved Edgar Chocoy, a soccer-loving 16-year-old who fled gang violence in Guatemala City to join his mother in the United States.

Then he was arrested with a gang. When U.S. authorities in Denver moved to deport him, he begged for asylum, saying gangs would kill him if he was sent home.

A judge deported him anyway. Back in Guatemala he was murdered, shot in the back of the neck.

More often, hopes are crushed quietly.

On his eighth attempt to enter the United States, Franklin Herrera, 16, made it as far as the Rio Grande. His father is dead. His mother in Honduras didn't want him to go but couldn't provide food.

"I told her, 'I want to help you,'" Herrera said. "And she said, 'OK. Go try. God bless you.'"

He was wading ankle-deep in the river on his way to Texas - thinking of the house and little church he would build for his mother, he said, when a border guard caught him.

"I could see Los Angeles, I think," he said.

Membreño is one of those who did make it through.

Before he was deported, he earned \$6.50 an hour taking care of turkeys in Texas at a giant turkey farm - easy money compared with selling bananas stolen from a U.S.-owned corporate plantation in Honduras.

He sent home hundreds of dollars a month. It was all working out, until police responded to a fight between his uncle and aunt - and checked everybody's immigration status.

He spent two months in a juvenile detention facility. Then a magistrate ordered him deported, and he was moved to an adult facility for two months.

"You find murderers, robbers. Mexicans were fighting against Chicanos," he said.

When he was flown back to Honduras, U.S. escorts handed him over to local officials. That's standard procedure in formal deportations. The locals contacted Membreño's family in their village

near San Pedro Sula and released him.

Money he sent home had helped buy land for a small patch of beans.

"But I saw my family suffering."

His father earned \$1.50 a day when he could find construction work.

And the boy couldn't find anything legal. Again, he was stuck.

"My father said, 'If you want, go away.' I didn't think twice."

Reforms unlikely to pass

Legislation in Congress, the Unaccompanied Alien Child Protection Act, would improve conditions for migrant teens held in U.S. custody. It would require legal representation, appropriate facilities, appointment of guardians, and careful questioning of detainees to determine whether they faced persecution. Pushed by Sen. Dianne Feinstein, D-Calif., it is not expected to pass this year.

But the broader international problem looms: what happens when governments increasingly turn away teens without detaining them - and yet more keep fleeing for help.

"We don't want to do bad things. Our intent is to find a job and make money," said Jose Mendes, 16, deported from Texas to Guatemala, waiting for a northbound train at Hidalgo, Mexico.

"We make such a long trip. We almost get there. We just have to make another step. And they say, 'No.' They don't know how we feel. It's so hard, because you didn't reach what you wanted."

If deportees stay home, they face helter-skelter streets and often are worse off than when they first left.

In the stench of Guatemala City's central dump, Carlos Giovanne, 15, who was turned back from the United States last year, now picks through trash collecting cardboard, metal, anything that might be resold.

Around him, street children scavenge for tortillas and chicken, sniffing 75-cent bottles of solvent. Giovanne labors to pay off \$187 that his mother, Alma, borrowed to fund his failed journey.

"I lost all my money," Giovanne said.

Some find protection with gangs branching out from U.S. cities. Governments estimate that across Central America there are more than 60,000 gang members. Authorities see them as potential allies for narcotics traffickers and terrorists.

Teens fleeing to the United States sometimes "are trying to leave the gangs. And they face threats" if turned back, said Marta Altolaquirre, vice minister of foreign affairs in Guatemala's newly elected government.

U.S. authorities should "maybe make exceptions on the deportation of these kids, at least until this government has a chance to provide a secure environment for the kids to be taken care of properly," she said.

Warning cries went unheeded

Edgar Chocoy wanted to be an exception.

He was raised by his grandparents in the gang-plagued barrio Villa Nueva, on the south side of Guatemala City. His father had abandoned him, and his mother left him as an infant to work in Los Angeles.

Chocoy loved playing goalie in sandlot soccer games, but sometimes sniffed glue, said Virgilia Rodriguez, an aunt. He joined a gang at age 12, court records show.

At 14, when he tried to leave the gang, members threatened him, Chocoy testified later. He set out by bus to join his mother in Los Angeles.

And with the gang there, he was caught with guns. Immigration agents moved him to a lockdown center in Alamosa and pressed to kick him out of the country.

Deport me, Chocoy told immigration Judge James Vandello in Denver, and gang members will kill me.

Vandello rejected his case for asylum. On March 10, federal agents escorted him on an evening flight to Guatemala City, where local officials released him to the custody of an aunt, Hortencia Guzman, 54.

He stayed indoors, she said, and wore long-sleeve shirts to hide the "18" on his forearms - a symbol for the 18th Street gang he'd joined in Los Angeles, rivals of the Mara Salvatrucha gang active in Villa Nueva. His grandmother died while he was there.

After 17 days, Chocoy asked permission to go out for a soft drink and to watch Villa Nueva's Holy Week parade.

While he was parked on his bicycle watching, a gunman approached, witnesses told the family. Chocoy threw the bike at his feet, saying, "Take it." He turned and ran.

The gunman caught Chocoy by a soccer court and shot him in the back of his neck, said mechanic Carlos Arriola, 27, who was working across the street. The police never investigated.

An anonymous mound of dirt beyond an unofficial dump covered Chocoy's body.

A shelter amid horrors

Meanwhile, along Guatemala's northern border with Mexico, the Rev. Ademar Barilli is trying to prevent more deaths. Barilli runs the 80-bed Casa de Migrantes shelter. Thousands of teenagers a year come through, typically hoping to join relatives illegally inside the United States, Barilli said. The teens, he said, "are looking for food, work, life."

Tattooed thugs lurk outside the shelter along banks of the Suchiate River between Guatemala and Mexico. Girls face rape if caught, or are forced into prostitution.

Salvadoran maid Mirna Portillo, 18, said she considered prostitution. Instead, on a recent night, she left the shelter, silently crossing the Suchiate on a raft with her half brother Santos Aragon, 34. Their mother in El Salvador was going blind, unable to work, and the family needed help.

Then in Mexico, Portillo and Aragon crept toward the train tracks in Hidalgo, trying to avoid Mexican police. They slept in tall grass, anticipating a sunrise departure. Instead, dawn brought thugs with knives and pistols.

Portillo and Aragon ran, escaping through a market, then back across the river. They pounded on the blue metal doors at Barilli's shelter until someone let them in.

"I was thinking, 'Maybe this is the end,'" Portillo said. "At first I regretted leaving. But then, I think, I have a purpose because there is nobody to help us there in El Salvador. The only ones who could help our family are my brother and me."

For deportees trying to head north again, days are devoted to begging for food and money on dusty market streets and at bus stations.

"People see me on the street, and I am humiliated," said Jayson Hernandez, 19, deported last year by airplane to Tegucigalpa, Honduras.

Denver was among the cities where Hernandez said he worked. He recalled sleeping near the central bus station, where a police officer told him he was too young to smoke. Now in Tecun Uman, he was preparing "to take the train to Tijuana" and hitch to Denver again.

"In 20 days, I will be at the border of the United States. I don't care about sleeping; I don't care about hunger," he said. "I have friends in Denver. The United States is a good country to work in. We must take advantage of it."

"You want to cry"

The worst, migrants say, is getting caught.

Elmer Rodriguez, 15, left La Cruz Morazan, Honduras, sleeping out, enduring mosquitoes, washing in rivers, climbing aboard trains, raiding farm fields for mangos.

After weeks, authorities caught up with him near Tapachula, Mexico, and tossed him into a concrete-floor holding facility.

"You want to cry. You will never reach your dreams. It's so hard to get so far, and then get caught," Rodriguez said.

Slumped beside him, Ever Deras, 15, told of his work on a farm near Copan, Honduras. The owner's granddaughters passed him once and were "happy, friendly. They used to tell me hello. I was nice with them. Then the people who were in charge of me said, 'Go work,' and they made me work until 9 o'clock. I felt very tired to be working so late for a miserable wage."

"We never had anybody help us. I feel that nobody knows me."

In that detention center, there are no beds, let alone books. And some children wait for days while authorities try to locate relatives.

Parents inside the United States illegally, who call for their children to come north, are largely to blame, said Gabriela Coutiño, spokeswoman for the Mexican immigration agency. Then again, those parents often can't support their children at home, she said.

And "there isn't even a conversation" between governments about how to deal with the growing numbers of teens in transit.

Some, such as Guatemalan villager Mauricio Martinez, 17, are maimed by the wheels of trains.

Martinez fell while trying to catch a train in January. The wheels severed his legs.

Now he sits on a bed in a red soccer jersey with other amputee migrants at a house run by a nun in Chiapas, Mexico.

In a notepad, he sketches a woman.

"I want to go on," he said, "but I can't."

...

Clinging to the ladder as his boxcar rolls north from the Guatemala-Mexico border, Membreño figures he has as good a chance as any to make it back into Texas.

He'd eluded U.S. authorities before, hiking through arid borderlands, and the trek seemed less daunting this time around.

He knew the risks. His cousin Danny had fallen from the top of a boxcar and was "killed in four pieces" on his first trip north, Membreño says. "I cried."

Now the challenge is dealing with thugs. He and fellow migrants describe themselves as a family, bonded by the dream of returning to the United States. They had fought off one group of toughs by throwing rocks. They would acquire machetes if necessary, Membreño says.

He tightens his grip and holds on.