



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

OPEN LETTER TO THE OBAMA ADMINISTRATION ON THE TREATMENT OF MINORS BY THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF JUSTICE

The undersigned Chapters of the American Immigration Lawyers Association (AILA), the national bar association of more than 13,000 immigration lawyers and law professors, calls for the Obama Administration to immediately review its current detention and removal policies towards children and families with children, which have been widely denounced as both inhumane and unconstitutional, and in violation of our country's legal and moral obligations under the 1951 Refugee Convention.

As a response to the arrival of children and families fleeing violence in Central America, the Administration has directed its agencies to deport children and families as quickly as possible, making them a priority for speedy proceedings. The pressure to rush women and children through the deportation process is resulting in the denial of many legitimate asylum claims—both by asylum officers and by judges—without legal foundation. Hundreds of women and children have been deported on an expedited basis, and murders of child deportees have been reported by the *Los Angeles Times* and *Huffington Post*, among others. These families and children should be treated as what they are: refugees.

In response to the crisis of children and families, without legal representation, being deported, AILA, along with many non-profit organizations are scrambling: setting up makeshift offices in remote detention centers, representing clients pro bono and stepping in where the Administration has pushed the most vulnerable populations for expedited deportation. Issues in representation are highly complex, as children are legally incompetent and require particularized attention. These children range from babies brought by desperate mothers, to young children and teenagers left with no other choice but to flee their countries alone. Our immigration courts now resemble pre-schools rather than courtrooms. Children nap, cry, and draw, as pro bono attorneys try to interview them and inform them of their legal rights. Women with children who are lucky enough to be released are often placed on electronic ankle monitors, even after a determination by an asylum officer of a credible claim to asylum.

Children should be afforded more rather than less protection in legal proceedings, as children are considered to be “legally disabled” and have the right to procedural protections. Although the Administration has been sued for failing to provide due process to children, the speedy proceedings continue. In the courtroom, Immigration Judges are confined by the priorities set by the Administration to give children, the most vulnerable and needy, minimal time to find an attorney or representation. Representation is not easy to find, and those who are able to find an attorney have much less time to prepare evidence and applications. The capacity of non-profits and private pro bono attorneys is simply insufficient to provide the constitutional safeguards and moral standards to which these children and families are entitled.

Every individual facing deportation, regardless of where they came from, deserves basic fairness and humane treatment. The Administration's agenda is being pursued at the expense of women and children fleeing violence and there simply are not enough attorneys to assist them, especially without funding or adequate time to prepare. Accordingly, as immigration attorneys, we call on the Administration to halt and immediately review its policies with regard to the detention and deportation of minors and their families.

Northern California Chapter; New England Chapter; Idaho Chapter; Santa Clara Valley Chapter; Chicago Chapter; Georgia/Alabama Chapter; Nevada Chapter; New York Chapter; San Diego Chapter; Pittsburgh Chapter; Philadelphia Chapter; Texas Chapter (covering Texas, Oklahoma, and New Mexico); Arizona Chapter; Central Florida Chapter; Southern California Chapter; Michigan Chapter; MidSouth Chapter; South Florida Chapter; Bangkok District Chapter; Ohio Chapter; Hawaii Chapter; Carolinas; Washington D.C.; Utah; Washington State; Oregon; Connecticut; Michigan Chapter; Wisconsin Chapter; Indiana Chapter; Arizona Chapter; Iowa/Nebraska Chapter; Minnesota/Dakotas Chapter; Missouri/Kansas Chapter; Upstate New York Chapter; New Jersey Chapter; Colorado Chapter.

AILA National Office

1331 G Street NW, Suite 300, Washington, DC 20005

Phone: 202.507.7600 | Fax: 202.783.7853 | www.aila.org