



AILA Recommends Senators Vote NO on the Inhofe Amendment to Eliminate Protections for Unaccompanied Children

The Inhofe Amendment would strip away critical protections for children fleeing to the United States alone in search of safety and humanitarian protection. This amendment undermines the 2008 bi-partisan Trafficking Victims Protection Reauthorization Act (TVPRA) by subjecting all unaccompanied children to the inadequate and ineffectual screening currently used primarily for Mexican children. The Inhofe amendment would result in child victims being sent back into danger – literally back into the hands of traffickers.

- **This amendment trades the safety of children for expediency.** Vulnerable children will be forced back to the dangerous conditions they fled without proper screening for asylum or trafficking.
- **This amendment will silence victims who have suffered trafficking, gang violence and persecution.** Children need a safe space to talk about violence and abuse, and victims suffer further traumatization when questioned by uniformed, typically armed Border Patrol agents untrained in sexual assault interviewing techniques.
- **This amendment would subject children to a flawed, unfair process.** The United Nations High Commissioner for Refugees has demonstrated that no meaningful screening is being conducted of Mexican children by Customs and Border Protection (CBP) as currently required by the TVPRA.
- **America should protect all children, not place them in harm's way.** Children deserve protection, and Congress should be focused on strengthening protections rather than weakening them.

The screening proposed by the Inhofe amendment is ineffective and harmful. UNHCR has concluded that this screening mechanism--as is currently applied to Mexican children--is ineffective and often results in the return of children to situations of trafficking and persecution.

Currently, the TVPRA requires that unaccompanied children from non-contiguous countries be transferred out of the custody of the Department of Homeland Security (DHS) and into the custody of the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) within 72 hours of identification. ORR screens the children for medical and other immediate needs as well as for vulnerability factors such as trafficking or fear of persecution.

By contrast, under current law Mexican children face nearly automatic repatriation, with limited screening for relief that takes place within 48 hours (but typically 12 hours) of apprehension, and without the advice of counsel. Their deportation decisions are not made by immigration judges, but by CBP officers and agents. No matter their country of origin, traumatized children cannot be expected to express to CBP officers the details of their trafficking experiences within hours of apprehension. For any unaccompanied child, CBP facilities are not a suitable environment for interviewing minors, nor are CBP officers and agents the best officials to conduct interviews about sensitive topics such as persecution, trafficking, and other possible trauma.

The Inhofe amendment is exactly the wrong way to address concerns about human trafficking. It will result in children who are eligible for, and desperately need, humanitarian protection in the United States being sent back to the violence they escaped. Instead of lowering standards for children from noncontiguous countries, Congress should raise the standards for protection for all unaccompanied children to the current standard the TVPRA already established for children from non-contiguous countries.

The TVPRA is bi-partisan legislation that was unanimously approved in the Senate. The Inhofe amendment would undermine the law's fundamental principles governing the care and protection of unaccompanied children that were developed over the past two decades. The TVPRA's provisions should not be abandoned when our nation has the opportunity to help with this temporary humanitarian crisis.

Link to AILA's analysis of legal protections for unaccompanied children:
<http://www.aila.org/infonet/recommendations-legal-standards-protections-uacs>.