



**Testimony Of**

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**U.S. Conference of Catholic Bishops' Migration and Refugee Services**

**Before the**

**Senate Judiciary Subcommittee on Immigration and the National Interest**

**On**

**The Central American Minors Program**

**226 Dirksen Senate Office Building  
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I am Anastasia Brown, Interim Executive Director and Resettlement Services Director for Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB). Prior to my current service, I worked for the International Catholic Migration Commission as the Deputy Director of the Orderly Departure Program administering an in-country resettlement processing program for Vietnam, similar to the program that is the subject of this hearing.

I am testifying today to give our perspective about the Central American Minors Program (CAM), an in-country resettlement processing program in El Salvador, Honduras, and Guatemala that has been established by the Bureau of Population, Refugees, and Migration of the U.S. Department of State (PRM/DOS). We strongly support this program as one prong of a multi-pronged humanitarian response to the plight of unaccompanied children threatened by the violence in their countries in the northern triangle of Central America. CAM is a viable program consistent with standard U.S. refugee and humanitarian law and practice. Its purpose is to rescue at-risk children in these countries from serious physical harm or death and to provide safe processing, and a safe, regular, authorized pathway so that children do not have to risk flight in the hands of human smugglers and traffickers. This program is being judiciously implemented within the current budget and Presidential refugee determination of PRM/DOS that have been determined by Congress and the President for the U.S. refugee program.

I would like to thank Chairman Sessions (R-AL), and Ranking Member Schumer (D-NY), and all of the members of the Senate Judiciary Subcommittee on Immigration and the National Interest for the opportunity to comment on this crucial protection program for vulnerable children. I note that the protection of migrant children is an especially important issue for the Catholic Church, as one of Jesus' first experiences as an infant was to flee for his life from King Herod with his family to Egypt. Indeed, Jesus Himself was a child refugee fleeing violence just as many of the children from Central America are forced to flee today. I will share with you today our findings, reflections, and recommendations regarding this special population of vulnerable children who are very close to the heart of the church.

Make no mistake about it, Mr. Chairman. While some have portrayed the increased number of children from Central American who have sought to enter the United States as a migration event that is motivated purely by economic or family reunification forces, the fact is that many of these children are either refugees or have other compelling protection needs. Moreover, while some have erroneously tied the increased number of arrivals to the Administration's Deferred Action for Childhood Arrivals (DACA) program, there is, in fact no relationship between the two. The increased number of Central American arrivals began before the announcement of DACA. And other countries in the Latin American region that do not have a DACA-like programs have experienced dramatic increases in the number of Central American children fleeing to them to seek protection within their borders.

In November 2013, a USCCB delegation traveled to southern Mexico, El Salvador, Guatemala, and Honduras to examine and understand the flight of unaccompanied children and youth from the region and to stand in solidarity with these children and their families. In January 2014, we issued our findings from the trip in a report entitled, *USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States* (USCCB Central America

Report 2014).<sup>1</sup> Mr. Chairman, I ask that USCCB Central America Report 2014 be included in the hearing record.

During the mission to Central America, the delegation visited migrant children shelters, heard tearful stories from grandmothers waiting to pick up their recently repatriated grandchildren, and listened to children as young as six years old speak solemnly of trafficking and exploitation that was inflicted upon them along their migration journey. The corresponding report that came out of the mission acknowledged that a new paradigm regarding unaccompanied children is upon us—namely it is clear that unaccompanied children are facing new and increased dangers and insecurity in their home countries and are fleeing in response. As a result, this phenomenon requires a regional and holistic solution rooted in humanitarian and child welfare principles. Since our mission and report issuance, many of the humanitarian challenges facing this vulnerable population have persisted and increased. In my remarks, I will update some of our observations and recommendations from that report, focusing on updates most relevant to the Central American Minors Program (CAM), the focus of this hearing.

Mr. Chairman, my testimony today will recommend that Congress:

**1. Address the issue of the recent increase in unaccompanied child migration from Central America as a humanitarian crisis involving forced migration the resolution of which requires cooperation from all branches of the U.S. government.**

**2. Assess root causes driving this forced migration situation, such as violence from non-state actors in countries of origin and a lack of citizen security and adequate child protection mechanisms; and seek and support innovative home country solutions that would enable children to remain and develop safely and with opportunity in their home country.**

**3. Seek and support innovative home and transit country solutions that would enable endangered children who cannot safely remain in their home countries, facilitating safe avenues of migration, including:**

*a. Support for the Central American Minors Program (CAM), the in-country processing program in El Salvador, Honduras, and Guatemala established by the Bureau of Population, Refugees, and Migration of the U.S. Department of State (PRM/USDOS) so that it can provide safe and efficient processing of unaccompanied children in Central America.*

*b. Support for other humanitarian protection efforts in the region, including strengthening the asylum systems and child-welfare systems in El Salvador, Honduras, Guatemala, and Mexico and providing best interest determinations and best interest assessments of unaccompanied children in the region, when appropriate.*

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<sup>1</sup>See USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States available at <http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf>

*c. Support for a PRM/DOS pilot in Mexico, pursuant to Section 104 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 08), which allows for the expeditious processing of human trafficking victims to the United States.*

*d. Fund Central America and Mexico to incorporate access to international protection into their migration management systems whereby child and refugee protection measures are integrated such that the “best interest of the child” and full refugee protection is assured for Central American children transiting through their countries.*

#### **4. Appropriate the necessary funding to effectively respond to the crisis in a holistic and child-protection-focused manner.**

##### **I. Catholic Social Teaching on Migration**

The Catholic Church is an immigrant, refugee church, with more than one-third of Catholics in the United States being of Hispanic origin. It is also made up of more than 58 ethnic groups from throughout the world, including Asia, Africa, the Near East, and Latin America.

The Catholic Church has a long history of involvement in child protection and refugee and asylum protection, both in the advocacy arena and in welcoming and assimilating waves of immigrants, refugees, and asylum seekers who have helped build our nation. Migration and Refugee Services of USCCB (MRS/USCCB) is the largest refugee resettlement agency in the United States, resettling one million of the three million refugees who have come to our country since 1975. MRS/USCCB is also a national leader in caring for unaccompanied migrant and refugee children. We work with over 80 Catholic Charities across the country to welcome refugees and with over 200 Catholic Charities and other local partners to welcome unaccompanied refugee and migrant children into our communities and provide for their care and general well-being. The Catholic Legal Immigration Network, Inc. (CLINIC), a sister agency of USCCB, supports a rapidly growing network of church and community-based immigration legal service programs. CLINIC’s network now consists of over 212 member organizations serving immigrants and their families, including asylum seekers and unaccompanied children, in over 300 offices. Catholic Relief Services (CRS) is the official international humanitarian agency of the Catholic Bishops in the United States. CRS does outreach to over 85 million people in 101 countries on five continents, including extensive outreach in Central America and Mexico.

The Catholic Church’s work in assisting unaccompanied migrant children stems from the belief that every person is created in God’s image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: “So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt” (Deut. 10:17-19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: “I was a stranger and you welcomed me.” (Mt. 25:35). Jesus himself was an itinerant preacher without a home of his own, and as noted above, he was a child migrant fleeing to Egypt to avoid violence, persecution, and death. (Mt. 2:15).

In modern times, popes over the last 100 years have developed the Church's teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.<sup>2</sup>

Pope John Paul II stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."<sup>3</sup> In his pastoral statement, *Ecclesia in America*, John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of non-legal immigration."<sup>4</sup>

Finally, Pope Francis defended the rights of migrants early in his papacy, traveling to Lampedusa, Italy, to call for their protection. Pope Francis decried the "globalization of indifference" and the "throwaway culture" that lead to the disregard of those fleeing persecution or seeking a better life. In *Evangelii Gaudium*, the Holy Father speaks particularly of the importance of work with migrants and notes that it is essential for Catholics "to draw near to new forms of poverty and vulnerability [including migrants and refugees] in which we are called to recognize the suffering of Christ. . ."<sup>5</sup>

In their joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration*, January 23, 2003 (*Strangers No Longer*), the U.S. and Mexican Catholic bishops further define Church teaching on migration, calling for nations to work toward a "globalization of solidarity." In *Strangers No Longer*, the bishops stressed that vulnerable immigrant populations, including unaccompanied minors and refugees, should be afforded protection. To this end, the bishops noted that unaccompanied minors, due to their heightened vulnerability, require special consideration and care.<sup>6</sup> *Strangers No Longer* also addresses the importance of families and notes that humanitarian considerations for families should also be a priority when considering migration issues.<sup>7</sup>

Mr. Chairman, the Catholic Church's work in assisting unaccompanied migrant children stems from the belief that every person has a unique and sacred dignity. This dignity is not bestowed by governments or by laws or based upon their wealth or where they happen to be born. It is inherent within the human being. We seek to be consistent in acknowledging the implications of this, namely that from the time we come to be in our mother's womb until the moment our life comes to an end we are deserving of respect and care. This is true of the unborn child, the person with disabilities, the immigrant, the prisoner, and the sick. The more vulnerable and weak a

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<sup>2</sup>Pope Pius XII, *Exsul Familia* (On the Spiritual Care of Migrants), September, 1952.

<sup>3</sup>Pope John Paul II, *Sollicitudo Rei Socialis*, (On Social Concern), December 30, 1987, No. 39.

<sup>4</sup>Pope John Paul II, *Ecclesia in America* (The Church in America), January 22, 1999, no. 65.

<sup>5</sup>Pope Francis, *Evangelii Gaudium*, The Joy of the Gospel, Apostolic Exhortation, December 2013 at 105.

<sup>6</sup>*Strangers No Longer, Together on the Journey of Hope*, Pastoral Statement Concerning Migration from the US and Mexican Catholic

Bishops, ¶82 January 2003.

<sup>7</sup>*Strangers No Longer Together on The Journey of Hope*, Pastoral Statement Concerning Migration from the US and Mexican Catholic Bishops, January 2003.

person is the more they are deserving of our love. This we understand to be the mark of the Christian and of a healthy society.

For these reasons, while the Catholic Church recognizes governments' sovereign right to control and protect the border, we hold a strong and pervasive pastoral interest in the welfare of migrants, including unaccompanied children, and welcome newcomers from all lands. The current forced migration continuum of unaccompanied children traveling through Mexico and Central America and towards the U.S.-Mexico border, often at the hands of ruthless human smugglers and traffickers, frequently leads to severe traumatization and exploitation of children, violence, family separation, maltreatment and even death and must be closely examined. While briefly describing the need to address the root causes propelling children to migrate alone, the need to implement prevention and alternative to migration programs in the home country and in transit countries, I will conclude by describing the Central American Minors Program (CAM), a U.S. Department of State, in-country resettlement screening program, and explaining the role it plays as part of a comprehensive response to this humanitarian crisis.

## **II. The Catholic Response and Care for Unaccompanied Children**

As I mentioned, Mr. Chairman, USCCB has been a leader in the protection of and advocacy for this vulnerable population and the institutional Catholic Church in the United States has played a critical role in the resettlement of refugees and the care of unaccompanied refugee and at-risk children. By virtue of our mission, organizational structure, and geographical reach, the U.S. Catholic Church early on has assumed a strong leadership role in the treatment and service of refugees and unaccompanied children. In the last four years, we have continued to urge a holistic, child-welfare approach to this regional, humanitarian crisis not only by the United States but also by El Salvador, Honduras, Guatemala, and Mexico.

Since 1994, USCCB has operated the Unaccompanied Alien Children or "Safe Passages" Family Reunification program to serve the needs of unaccompanied children coming to the United States. The Safe Passages Family Reunification program serves undocumented children detained by Department of Homeland Security (DHS) and placed in the custody of the Office of Refugee Resettlement (ORR), which is an office within the Department of Health and Human Services (HHS). The program provides for the family reunification assistance or long-term foster care of unaccompanied children who are in the custody of HHS. Through the program, some post-release services are available that help assure the ongoing safety of the children and also provide their sponsors with guidance and support to help assure children's appearance at hearings. From the beginning of fiscal year 2011 (October 1st, 2010) through June 9, 2014, the USCCB/MRS Safe Passages program has served 3,457 youth who arrived as unaccompanied alien children— 2,266 through its Family Reunification Program and 1,191 through its foster care programs. (For committee members interested in further details about the humanitarian response inside the United States to these unaccompanied children, I have included with the submission of today's testimony, the December 10, 2014, testimony to the House Judiciary Subcommittee on Immigration and Border Security by my colleague Kristyn Peck, Associate Director of Children's Programs, MRS/USCCB. I respectfully request that it might be included as part of the record of today's hearing.)

Catholic Legal Immigration Network (CLINIC) member organizations across the United States provide legal services and representation to many of these at-risk children after their arrival. Some of the children qualify for asylum protection, some for visas as abused, abandoned, and neglected children, and others as victims of trafficking or of serious crimes.

The Catholic Church in the United States has also worked extensively on prevention programs in the countries of origin, most notably El Salvador, through our partner, Catholic Relief Services (CRS). Through its Youth Builders project, CRS (El Salvador) and its partners provide at-risk youth with peer support, vocational and entrepreneurial training, job-placement, life skills and leadership development, and community service opportunities. This project targets youth who are at risk of unemployment, of violence—as victims and as perpetrators—and of forced migration. CRS, in partnership with Caritas International, strengthens diocesan programs to work with at-risk youth through a network of community and government agencies. Through these projects, CRS has served more than 2,500 young people.<sup>8</sup>

Most recently, USCCB and the other eight refugee resettlement agencies in the United States have begun to work with the U.S. Department of State to help make CAM, an in-country U.S. Department of State resettlement processing program in El Salvador, Honduras, and Guatemala a successful refugee and child-protection program. USCCB's work on this is being done in collaboration with Catholic Charities affiliates and CLINIC partners across the country.

### **III. Factors Pushing Unaccompanied Central American Children to Flee their Homes and Countries**

Beginning in fiscal year 2012 (October 1, 2011-September 30, 2012), the United States has seen an unprecedented increase in the number of unaccompanied migrating children arriving at the US/Mexico border.<sup>9</sup> These children come from all over the world but predominately from Guatemala, El Salvador, Honduras and Mexico. Whereas in fiscal years (FY) 2004-2011, the number of unaccompanied children apprehended and referred to the Office of Refugee Resettlement (ORR) by the US government averaged around 7,000-8,000 year, the total jumped to 13,625 in FY 2012, to 24,668 in FY 2013, and to 57,496 in FY2014.<sup>10</sup> Up to 39,000 are expected to be referred to ORR in FY2015.<sup>11</sup>

During the delegation's trip to Central America in November 2013, USCCB focused upon learning more about the push factors driving this migration and possible humane solutions to the

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<sup>8</sup> CRS El Salvador, Civil Society and Governance Programs, CRS El Salvador webpage, available at <http://crs.org/countries/el-salvador>

<sup>9</sup> Unaccompanied alien children or ("UACs") are undocumented migrant children under the age of 18 who come to the United States without their parent or guardian. Homeland Security Act of 2002, Pub. L. 107-296 §462(g), 116 Stat. 2135, 2205 (2002). "A UAC (A) has no lawful status in the US, (B) has not attained 18 years of age, (C) with respect to whom- (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody."

<sup>10</sup>Unaccompanied Alien Children Program Fact Sheet, U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement, Updated November 2014, [https://www.acf.hhs.gov/sites/default/files/orr/fact\\_sheet.pdf](https://www.acf.hhs.gov/sites/default/files/orr/fact_sheet.pdf) (accessed April 20, 2015).

<sup>11</sup> Marc R. Rosenblum, Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention, Migration Policy Institute, April 2015, <http://www.migrationpolicy.org/about/authors/marc-r-rosenblum> (accessed April 20, 2015).

problem. While poverty and the desire to reunify with family to attain security are ongoing motivations to migrate, USCCB found that that an overriding symbiotic trend has played a decisive and forceful role in recent years: violence in the home and at the community and state level. Coupled with a corresponding breakdown of the rule of law, the violence has threatened citizen security and created a culture of fear and hopelessness that has pushed children out of their communities and into forced transit situations.

Mr. Chairman, the ongoing violence, leading to coercion and threats to the lives of citizens—particularly children—of these countries, is the overwhelming factor facing these children and propelling their migration. Extortion, family abuse and instability, kidnapping, threats, and coercive and forcible recruitment of children into criminal activity perpetrated by transnational criminal organizations and gangs have become part of everyday life in all of these countries. In addition to the violence and abuse at the community and national level, transnational criminal organizations, such as the Mexican-based Zeta cartel, which deals in the smuggling and trafficking of humans, drugs, and weapons, operate in these countries and along the migration journey with impunity, and have expanded their influence throughout Central America.

I note that the increase in violence in Guatemala, Honduras and El Salvador forcing children and adults out of their homes is affecting the entire region, not just the United States. For example, since 2008 Mexico, Panama, Nicaragua, Costa Rica, and Belize—the countries surrounding the Northern Triangle countries—have documented a 712% combined increase in the number of asylum applications lodged by people from El Salvador, Honduras, and Guatemala.<sup>12</sup>

Mr. Chairman, in our 2014 trip report we detail the increased violence against children and families in Central America. Given the difficult conditions minors must confront in their home countries, USCCB believes that a robust protection regime for children must be implemented in Central America, Mexico, and the United States. This includes the dire need for an in-country resettlement processing program as part of this multi-pronged, comprehensive approach. Based on information from Catholic partners in sending countries, we see the following as reasons for the increased number of children forced to flee their homes and country to the United States and elsewhere:

- a. **Violence perpetrated by organized transnational gangs, loosely-affiliated criminal imitators of gangs, and drug cartels, has permeated all aspects of life in Central America and is one of the primary factors driving the migration of children from the region.** USCCB found that in each country—particularly Honduras and El Salvador—organized gangs have established themselves as an alternative, if not primary, authority in parts of the countries, particularly in rural areas and towns and cities outside the capitals. Gangs and local criminal actors operating in Honduras, El Salvador, and Guatemala have consolidated their bases of power, expanded and upgraded their criminal enterprises and honed their recruitment and terror tactics. In many cases, the governments are unable to prevent gang violence and intimidation of the general public, especially youth. USCCB heard accounts of gang members taking over public bus lines, infiltrating schools and forcing children to either join their ranks or risk violent retribution to them or

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<sup>12</sup> UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, March 2014



their families. Even in prisons, incarcerated gang members are able to order violence against members of the community. There also were reports that law enforcement have collaborated with the gangs or at least have been lax in enforcing laws and prosecuting crimes. For example, according to Casa Alianza, an NGO that works in Honduras, 93 percent of crimes perpetrated against youth in Honduras go unpunished.<sup>13</sup>

The mothers of these children are often faced with an unspeakable choice—either send their child away to find safety in another country, usually with a smuggler on a dangerous journey, or risk having their child and family killed. As one mother in El Salvador told one of our bishops, “I would rather my child die on the journey north than on my front doorstep.”

**b. Localized violence has severely exacerbated the lack of economic and educational opportunities for youth and has led to stress on the family unit, family breakdown, and even domestic abuse, which leaves children unprotected and extremely vulnerable.** The escalation in violence, combined with the lack of jobs and quality education, has led to a breakdown in the family unit, as male heads of households—or sometimes both parents—have left the country, leaving children behind with relatives, often grandparents. Children who have parents working abroad are especially vulnerable to community violence and forced migration as they can become targets for gang extortion—the so-called “renta”—due to the perceived or actual remittances they may receive. Additionally, as children enter teenage years and are increasingly at risk for victimization or recruitment by gangs, it becomes increasingly difficult for their relatives, especially elderly grandparents, to protect them. To this end, the United Nations Development Program reports that 26.7% of all inmates in El Salvador they interviewed in 2013 never knew their mother or father growing up.<sup>14</sup> Schools no longer function as social institutions that offer a respite from the violence and instead have become de facto gang recruitment grounds. As a result of being targeted because of their family situation or perceived wealth, children flee, as a strategy to escape the gangs, to help support the family, and to reunify with their parents or other loved ones, many of whom have been separated for years.

**c. Abuse in the home also has created stress, fear and motivation to leave the family home as well as the community.** The pressure on families from local violence, economic uncertainty, and family-member absence has a deleterious effect on the family unit, as instances of domestic abuse towards women and children have grown. It has been documented that more unaccompanied children are reporting instances of child abuse and neglect undertaken by non-parental caretakers.<sup>15</sup> Children, especially girls, are particularly exposed to domestic violence. A survey carried out by UNICEF revealed that 7 out of 10 unaccompanied children reported having been abused in their homes.<sup>16</sup> In El

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<sup>13</sup> Interview with Casa Alianza (Covenant House) Honduras, Tegucigalpa, Honduras, November 20, 2013.

<sup>14</sup> Citizen Security with a Human Face: Evidence and Proposals for Latin America, Summary Regional Human Development Report 2013-2014, UNDP, November 2013, at 8.

<sup>15</sup> UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, at 46, March 2014. In their report, UNHCR states that 21% of children interviewed revealed that they had experienced some form of abuse by a family member, another adult responsible for their care or a domestic partner.

<sup>16</sup> Rashida Manjoo, Report of the Special Rapporteur on violence against women,

Salvador it was reported that the domestic violence and sexual abuse of women and girls in the private sphere remain largely invisible and are consequently underreported.<sup>17</sup>

**d. Migrating children do not find the protection they need once they arrive in Mexico, even those who are eligible for asylum.** The United Nations High Commissioner for Refugees (UNHCR) has consistently reported that an increasing number of unaccompanied children from Central America in particular are vulnerable to exploitation and cannot access protection in Mexico. To this end, UNHCR and USCCB are working with government authorities to provide training to law enforcement and protection officers on identifying and screening vulnerable children.

As an example of this lack of protection, USCCB found one children's shelter dedicated to caring for migrant children who may attempt an asylum claim in the Southern Mexico region, in Tapachula. Another shelter in Mexico City, run by the Mexican government's division of child welfare [Desarrollo Integral de la Familia (DIF)] houses children who have won asylum but cannot be released until they are 18 years of age.<sup>18</sup>

Children who request asylum usually remain in detention for months, with little help to navigate the legal system. Once a child wins asylum, the only placement option available is the DIF child shelter in Mexico City until age 18, as there is no foster care system in place for these children. Shelter care is not intended to be a long-term placement for children, and often leaves children vulnerable to exploitation. Because of the challenges in gaining asylum in Mexico and the absence of an effective child welfare system, children often choose deportation back home so they can try to migrate again.

**e. Countries of origin lack the capacity to protect children adequately.** USCCB found that Guatemala, Honduras, and El Salvador lack the capacity to protect children in their law enforcement, child and social welfare, and educational systems. As mentioned, organized criminal networks and other criminal elements are active in many communities and schools, and the government is unable to curb their influence because of corruption, lack of political will, or lack of resources. Law enforcement personnel, low-paid and low-skilled, are compromised by these criminal elements. Child welfare services are virtually non-existent, as are foster-care and family reunification and reintegration services.

**f. A significant number of migrants, particularly youth, have valid child protection claims.** While the popular perception of many in the United States is that migrants come here for economic reasons, USCCB found that a growing number are fleeing violence in their homelands. UNHCR recently found 58% of the unaccompanied children it interviewed from Central America and Mexico had some sort of an international

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its causes and consequences, Addendum Follow-up mission to El Salvador, at p.7 ¶¶19-20, Human Rights Council, 17th Session, A/HRC/17/26/Add.2, 14 February 2011, available at <http://daccess-ods.un.org/TMP/6227008.70037079.html>

<sup>17</sup> Ibid.

<sup>18</sup> UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, at 46, March 2014. In their report, UNHCR states that 21% of children interviewed revealed that they had experienced some form of abuse by a family member, another adult responsible for their care or a domestic partner.

protection claim.<sup>19</sup> A similar study in 2006 found only 13% of these children had a protection claim. Children who exhibit international protection concerns may be eligible to remain in the United States legally in some form of recognized legal status, such as Special Immigrant Juvenile Status, as an asylee, or with T or U visas.

As noted above, the international protection needs of the children and the lack of capacity in the child protection systems in the children's home countries and the lack of child and refugee protection capacity in neighboring Central America countries and in Mexico underscores the need for an effective in-country resettlement processing program as part of a comprehensive approach to protecting these children.

#### **IV. The Central American Minors Program as an Integral Component of a Comprehensive U.S. Regional Approach to Addressing the Humanitarian Crisis**

Mr. Chairman, we commend the President and Congress for exhibiting bipartisan support for this vulnerable population by increasing funding for reception and placement services for unaccompanied children from Central America, as the number of children arriving to the United States has risen and remained high from FY2012 to FY2015. The long-term solution to the crisis is to address the push factors in Central America that drive minors north. These would include improvements in education, employment, and citizen protection, for sure, but also improvements in the social service and child protection systems. Meanwhile, we need to meet the protection and humanitarian needs of these vulnerable, unaccompanied children.

##### **A. Central American Minors Program (CAM): One Prong of the Multi-Pronged Approach to Protection**

As one prong of a multi-pronged humanitarian strategy, the Central American Minors Program (CAM), the subject of this hearing, has the potential to play an integral role in meeting the protection needs of these children. It is an in-country processing program, a protection mechanism nearly as old as the Refugee Act of 1980. In-country processing is not used in all refugee situations but is a standard, accepted practice within refugee and humanitarian law, especially when there is a need to establish more orderly refugee departures from a country and when the journey to a refugee host country is perilous. Humanitarian parole is often utilized as part of refugee processing to assure protection of the most vulnerable and to promote family unity.

The United States has conducted successful in-country processing programs in such nations as Vietnam, the former Soviet Union, and Cuba. As I mentioned in the introduction, I was involved in the administration of the Vietnamese program. That in-country processing program was aptly named the Orderly Departure Program. After the fall of Saigon, the refugee flight from Vietnam was chaotic and life-threatening. Many of the so-called "boat people" of Vietnam were losing their lives fleeing in flimsy vessels from Vietnam as they desperately sought refuge from the new

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<sup>19</sup> Ibid.

communist regime. Our program provided them the durable solution of third country resettlement to the United States, enabled them to have a viable alternative to a dangerous voyage, and put order into the flight of people from Vietnam.

On December 1, 2014, PRM/DOS established the Central American Minors Program (CAM), an in-country resettlement processing program in Guatemala, El Salvador, and Honduras, to facilitate an orderly migration process from these Central American countries. As with past, in-country processing programs, CAM's features are consistent with standard refugee law and practice. It is being conducted within the Presidential refugee determination and Congressionally-approved budget of the refugee program.

As one prong of a multi-pronged approach to protection of these children, CAM, when fully implemented, has several goals consistent with our national interests. First, it provides an alternate avenue for children in peril to reach safety in the United States, instead of taking the dangerous journey north, giving mothers like the one I mentioned above another option for protecting her child. This helps honor our humanitarian obligations, consistent with domestic and international law, and reduces the number of children fleeing and arriving at our southern border. Second, it weakens the smuggling networks that prey upon these children and families, taking away their market for these children, and reduces the chances that these children become victims of human trafficking. Third, it helps manage the flow of these minors as one part of a broader strategy to address this challenging issue.

The program is still in very early stages of implementation with only 461 people so far applying for the program. At this early stage, it can be helpful to share important principles for in-country processing programs and also for programs serving unaccompanied children. At the core of CAM's challenge will be implementing these principles in a program for children who often have limited capacity (depending on age), little education, and limited means, and who often live in remote locations.

**1. Thoughtful attention to the special needs of these children and judicious use of necessary resources while implementing these principles will help to achieve the important goals of the program:**

*a. Assure access to in-country processing.* This requires that eligible children and their family members involved in the process need to be aware of the program through outreach and public education, the application process needs to be understandable and doable for family members in the United States, and children in Central America need to have safe, physical access to the process. Since this process includes participation both by family members in the United States and by the children in Central America, access issues must be addressed in both locations. Particular care must be paid to facilitate access for Mayan children from Guatemala.

*b. Assure safety during the application and interview process.* This requires that the applicants need to be protected as children but also as children targeted by persecutors, and that their vulnerabilities may be heightened if the persecutors become aware of the children's applications. It means that the process needs to be confidential from those who

mean the children harm. It needs to be as streamlined as possible both for the sake of program accessibility but also so that children are in danger for as short a time as possible during the pendency of the process. As necessary for their safety, staff needs to have the capability of evacuating children from imminent danger.

*c. Prevent and address predatory activities related to the process.* Sometimes for immigration and refugee programs notaries in the United States and in people's home countries try to take unfair advantage of the applicants or of the system. Children need to be protected from such predators.

## **B. The Full, Multi-Pronged Approach to Addressing the Child Migration Crisis**

We offer the following recommendations that detail a multi-pronged protection approach to addressing the humanitarian crisis, illustrating how the in-country processing prong of the CAM program fits in:

### **1. Address the issue of unaccompanied child migration as a humanitarian crisis requiring cooperation from all branches of the U.S. government.**

*a. Continue to involve all relevant U.S. agencies to address this regional, humanitarian challenge.* From the Department of Health and Human Services involve ORR and its parent entity, the Administration for Children and Families domestic child welfare division; from DOS involve PRM, Western Hemispheric Affairs, and Agency for International Development; from Department of Justice involve the Executive Office for Immigration Review; and from Department of Homeland Security involve Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection. The inter-agency work on the issue should incorporate clear leadership responsibilities and effective collaboration mechanisms to ensure the optimum results both in the United States and throughout the region.

*b. Faithfully adhere to the "best interest of the child" standard in all decision-making.* This is the internationally recognized child-welfare standard used in the U.S. child welfare system that refers to a process of determining services, care arrangements, caregivers, and placements best suited to meet a child's short-term and long-term needs and ensure safety permanency, and well-being. When applied in the United States or to U.S. funded programs, special importance is given to family reunification and family integrity, health, safety, protection of the child, and timely placement.

*1) This requires that all procedures, protocols, and mechanisms developed are child-friendly and consistent with due process for children.* It requires that they be trauma-informed, and administered by child welfare professionals; that children are screened and assessed for their immediate humanitarian protection needs and their long-term international protection needs; that during the pursuit of long-term solutions for the children they are placed in the least-restrictive settings (i.e. community-based); that all children are connected with social and legal services to address their immediate needs.

***2) This requires that long-term and durable solutions are pursued that are in the children's best interests.*** It requires that enforcement will afford protections, such as provided by the TVPRA, asylum proceedings will have child appropriate services, child oriented dockets, and access to legal services consistent with due process; that when resettlement is the best alternative the processing may be conducted in a child-friendly manner and that the safety and well-being of the child will be assured during the processing and placement of the children; and that where repatriation is the best alternative available that safe repatriation and reintegration be conducted in collaboration and coordination with the children's home governments, NGOs, and other implementing partners.

**2. Assess root causes driving this forced migration situation, such as violence from non-state actors in countries of origin and a lack of citizen security and adequate child protection mechanisms; and seek and support innovative home country solutions that would enable children to remain and develop safely and with opportunity in their home country.**

***a. The United States should invest in repatriation and re-integration in sending countries.*** We recommend the following: USCCB found that source countries did not employ comprehensive re-integration programs for children returning from the United States and Mexico, programs which would provide follow-up services to children to help them readjust to life in their home country. A program operated by Kids in Need of Defense (KIND) in Guatemala is showing promising results and should be expanded and duplicated.

***b. The United States should invest in prevention programs in sending countries.*** Other than programs provided by Catholic Relief Services and other NGOs, source countries do not employ programs to encourage youth to remain and not take the journey north. Such a program would include skill-based training and employment services. Catholic Relief Services operates Youth Builders, a program previously mentioned in my testimony which has helped youth remain at home and live productive lives. Youth Builders offers promise for the benefits of such prevention programs: of the 53 children served by the Youth Builders program to date, 52 have not migrated north.

***c. Anti-violence efforts should include stakeholders from government, civil society, private sector, churches and international donors in order to effectively leverage limited resources and should include job and educational opportunities and training programs.*** Anti-violence prevention measures should be tackled at regional and local community levels in addition to national levels. Including key local stakeholders and engaging regional governmental bodies and actors is a vital part of prevention efforts. Additionally, prevention efforts must include systematic training and educational programs in order to fully offer meaningful opportunities for gang members in society once they leave the gang.

***d. Over the long-term, all governments of the region, including the United States, must invest resources into examining and effectively addressing root causes of migration in***

*Central America and Mexico.* This would address the lack of citizen security which is propelling individuals, especially children, to flee. The United States and its regional partners must avoid simplistic enforcement-only approaches.

**3. Seek and support innovative home and transit country solutions that would enable endangered children who cannot safely remain in their home countries, facilitating safe avenues of migration;**

*a. Support the Central American Minors Program (CAM).* This in-country processing program in El Salvador, Honduras, and Guatemala established by the Bureau of Population, Refugees, and Migration of the U.S. Department of State (PRM/USDOS) must be supported so that it can provide safe, efficient processing of unaccompanied children in Central America;

*b. Support other humanitarian protection efforts in the region.* These include strengthening the asylum systems and child-welfare systems in El Salvador, Honduras, Guatemala, and Mexico; building the capacity in Mexico to process refugees for third country resettlement; and providing best interest determinations and best interest assessments of unaccompanied children in the region, when appropriate;

*c. Support a PRM/DOS pilot in Mexico pursuant to Section 104 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 08).* Sec. 104 of the TVPRA 08 amends Sec. 107 (a) of the TVPA 2000 to require the “Secretary of State and the Administrator of the United States Agency for international development” to “establish and carry out initiatives in foreign countries”<sup>20</sup> “in cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations. . . for-- ‘(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and ‘(ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.”<sup>21</sup> Currently, there is no systemic way to identify children who have been trafficked or are at risk of being trafficked, and without a BID, the fate of children who were trafficked or at risk of being trafficked consists of repatriation to their country of origin, often sending them back into the hands of the traffickers. If they receive refugee status in Mexico, remaining in a shelter until they turn 18 years old leaves them vulnerable to exploitation within the shelter and lacking appropriate services to address their trauma and developmental needs.

*d. Fund Central America and Mexico to incorporate access to international protection into their migration management systems.* Such integration requires that the “best

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<sup>20</sup> 23 <http://www.state.gov/documents/organization/10492.pdf>

<sup>21</sup> 24 <http://www.state.gov/j/tip/laws/113178.htm>

interest of the child” and full refugee protection becomes a reality for Central American children transiting through these countries.

**4. Appropriate the necessary funding to continue to respond to the crisis in a holistic and child protection-focused manner.**

*a. Support the Administration’s Proposed Appropriation for Labor, Health, and Human Services and Related Programs for unaccompanied children.* This includes safe placement, family unification, legal orientation, and post-release services, and also assure flexibility to fund unexpected child arrivals beyond that number, if necessary.

*b. Support the Administration’s Proposed Appropriation for Commerce, Justice, State, and Related Programs for more immigration judges for EOIR and for more legal services through Justice AmeriCorp program to help unaccompanied children.* We also support \$25 million for Legal Orientation Programs (LOP), including Legal Orientation Programs for Custodians of the unaccompanied children. Our request for LOP is higher than the Administration’s.

**V. Conclusion**

The situation of child migration from Central America is a complex one, with no easy answers. It is clear, however, that more must be done to address the root causes of this flight and to protect children and youth in the process. Clearly this problem is not going away; in fact, it is getting more urgent in terms of the dire humanitarian consequences.

Too often, and especially recently in the media, these children are being looked at with distrust and as capable adult actors, instead of as vulnerable and frightened children who have been introduced to the injustice and horror of the world at an early age. Anyone who hears the heart-breaking stories of these children would be moved, since they are victims fleeing violence and terror, not perpetrators. USCCB found that these children long not only for security, but also for a sense of belonging—to a family, a community, and a country. They are often unable to find this belonging in their home country and leave their homes as a last resort.

In conclusion, I ask you to consider the vulnerability of these child migrants and open your minds and hearts to their plight while seeking meaningful and long-term regional solutions. I ask you to respond to the needs of these children, not to turn them away or ostracize them, since Americans at our best are a compassionate people. Mr. Chairman, I again thank you for this opportunity to speak with you about these children of God and ask that you let me, our U.S. conference of bishops, and the entire Catholic Church charitable network work with you to pursue just and humane solutions to the challenge of child migration.