

The Other Refugees: Children from Central America

Sixty million people around the world became refugees in 2015. Half of them were children.

Syrian refugees have been highly visible with good reason. But the approximately hundred and twenty thousand unaccompanied children from Central America that have made and are still making the very dangerous trip to try and find safety and a way to survive in the United States are virtually invisible. And there are an almost equal number of families with children (primarily single mothers) who have also arrived in the same period.

IBBY (the International Board on Books for Young People) – an NGO that works to connect children and books – has 77 National Sections. (<http://www.ibby.org/>) Most IBBY work is undertaken by its National Sections in countries as diverse as Japan and Uruguay, Mongolia and Belgium, Ghana and India, Iran and the United States, Palestinian Territories and Malaysia. Based in Basel Switzerland it also conducts some international projects, one of the most important of which is the Children in Crisis Program. (<http://www.ibby.org/852.0.html>) Under this program, children in post conflict situations in places such as Gaza, Lebanon, Afghanistan, Iran especially in the border regions, Lampedusa and with refugee children. Under this program children in crisis are read to, encouraged to talk about their feelings, to draw and paint, tell their own stories, and helped to find books of all kinds and in their own languages to address their situations of trauma. The most recent project funded under this rubric is a new library in a heavily gang populated area of El Salvador.

IBBY also works with children post-natural disaster in places such as Aceh Province, Indonesia following the Tsunami, Haiti, Peru, Pakistan, Chile, Japan, and now Ecuador.

Children who are readers have better life long outcomes. Strong public libraries, access to appropriate materials, and a strong culture of reading promotion in communities help children everywhere live better lives. Poor children and those from ethnic minorities often lack access to this support, even in countries as wealthy and stable as the United States. Refugee children and those whose societies are destroyed by conflict and post-conflict situations have almost no chance to thrive and grow. This is not only deeply unjust; it is also unacceptable. IBBY's extensive experience since 1996 has proven that reading aloud, talking about feelings using books, and seeking the emotional support that comes from reading is a very powerful way to help children who are afraid and suffering trauma.

When a "surge" of unaccompanied Central American children began to arrive at the US border in 2014 members of IBBY, USBBY, IBBY Mexico and REFORMA, (National Association to Promote Library and Information Services to Latinos and the Spanish Speaking) an organization of American librarians, visited the Rio Grande Valley in South Texas on a two-day fact-finding trip in 2015. We wanted to better understand the circumstances surrounding the arrival of over 120,000 Central American children seeking refugee status in the United States, and the conditions of their reception; and to meet with child advocates and service providers for refugee and unaccompanied

minors. The aim was to explore ways to improve the lives of the children through books and library services especially in light of IBBY's experience working with children in crisis worldwide.

The process that we discovered had developed over the period of the surge and continues today. Unaccompanied children usually present themselves at the border, claiming asylum. They are then detained in U.S. Customs and Border Protection facilities. We saw inside one such place where the kids were kept in a kind of gym like space in floor to ceiling cages with televisions for viewing and space blankets for warmth. According to agents we spoke to they are kept here for no more than 24 hours.

These arrivals are assessed according to unclear criteria that determine whether they will be immediately deported or placed in not for profit group home type of facilities.

We visited one of these. The children stay in these homes from a few weeks up to a number of months. In this particular case the organization was responsible for assessing the child's eventual placement, which must be with a relative, documented or not. In the meanwhile they are fed, given some kind of schooling, provided with health care, and given access by phone to families at home and at their hoped for destination.

While we were unable to talk individually to the children we were allowed to visit the facility and to address them in a general way about what a difference books and reading could make in their lives and that the public library at their eventual destination might connect them to services, information, and assistance with getting established.

Many of the children have very low reading levels. And many of them showed visible signs of trauma. Some were in isolation due to tuberculosis. Some of the girls had been raped. And a significant proportion of the Guatemalans only spoke Maya languages.

Both the U.S. Customs and Border Protection, and the homes have agreed to accept books to donate to the children. However, they will not allow anyone, no matter how qualified, to come in and conduct any kind of ongoing bibliotherapy sessions. As a result, we determined that each child should not only be given a book, but also a card urging them to go to their local public library when they arrive at their destination.

We also met with an organization comprised of pro-bono lawyers who explain to the children about the process that awaits them and their rights with respect to the refugee process. But they do not accompany the children as they move on. For the vast majority this is the only contact they will have with a lawyer in the refugee process.

In fact, until very recently, once the children leave these facilities alone by bus across the US to the family member who is willing to take them the only organizations that follows them are various branches of the Department of Homeland Security.

It now appears that some of the children processed in 2014-2015 were sent to places that had not been properly assessed. There have been instances of exploitation and sexual abuse. The Department of Health and Human Services, which is supposed to have overall responsibility for the children, has not provided home visits or even checked on their wellbeing. (Migration Policy Institute (MPI) Policy Beat: *Increased Central American Migration to the United States May Prove and Enduring Phenomenon* by Muzzafar Chishti and Faye Hipsman 18 February 2016)

We also visited the Catholic Charities facility in MacAllen that works with single parents with young children. They were essentially the first to respond to the surge in 2014. Single parents with children are either released by Border Patrol or subject to often-lengthy detentions at the South Texas Family Residential Center in Dilley, Texas a huge facility under the Immigration and Customs Enforcement (ICE) a branch of Homeland Security. Once released the Catholic Charities help them on their way by provision of all kinds of supplies, contacts with families and gifts of books and library cards. Again it is entirely unclear on what basis some are selected to move on to their destination as soon as they arrive and while many are sent to detention.

The conditions of detention at Dilley, the Kearns Family Residential Center, Texas and the Berks County Residential Center, in Pennsylvania have been the subject of ongoing litigation. (New York Times, *Mr. Obama's Dubious Detention Centers*, Editorial, July 18, 2016) While this paper does not deal with this group of people it is worth noting that we were informed at the border that the ankle bracelets that those who leave the border are obliged to wear are manufactured by the company that owns and operates many of these centers.

Many of these detainees have experienced severe trauma including abduction, rape, and extortion during their trip to the border. (Human Rights Watch *Closed Doors Mexico's Failure to Protect Central American Children*, March 2016.)

At the time of our visit we were informed that 30% of the children being received at the group homes were girls and 20% were under 12 years old. And of the Guatemalan children a large number spoke only Maya languages. While Spanish is spoken widely at the border there are virtually no services available for non-Hispanic children or women.

Following this trip IBBY has funded purchases of books. REFORMA has actively fundraised and donated books. These are high quality books, selected for their cultural authenticity, easy to read in Spanish or bilingual, not cheap remainders and giveaways simply dumped into the market. We have provided a large number of cards urging them to go the library to the kids as they leave these facilities but also to groups working with them wherever possible. And REFORMA has produced a tool kit for libraries giving them suggestions on how to work with these populations at their destination. The American Library Association and its various affiliates have donated funds and held webinars for its members who are in the main centers where these children are going. (<http://refugeechildren.wix.com/refugee-children>)

Up to date figures in the year since our visit are hard to come by but the Migration Policy Institute reported in October 2015 that in the fiscal year beginning 2014 through August 2015 102,000 children were apprehended by the Customs and Border Protection forces of which 76,752 were from Guatemala, Salvador and Honduras. (MPI *Unaccompanied Child Migrants in US Communities, Immigration Court and Schools* by Sarah Pierce 2015) The surge appears to be continuing. The Migration Policy Institute reports that between the end of October 2015 and January 2016, 20,445 unaccompanied children were apprehended. This is half the number apprehended in all of 2015 and only represents only the first quarter. MPI reports a substantial increase in the proportion of children under 12 and girls amongst this population in 2015. (MPI *Increased Migration to the United States May Prove an Enduring Phenomenon*. Muzaffar Chishti and Faye Hipsman, op. cit.) If these numbers hold steady through the year, the total would be much higher than that in the so-called surge year of 2014.

Mexico, under its Programa Frontera Sur, set up at the urging of the United States and funded by the U.S., is now detaining approximately 55% of cross border refugees from the Northern Triangle a 275% increase between 2013 and 2015. (MPI *Increased Migration to the United States May Prove an Enduring Phenomenon*. Muzaffar Chishti and Faye Hipsman, op. cit) It has been reported that 36,000 of these are children. (Humanosphere *Mexico is mishandling Central America's child refugee crisis* Lisa Niklau April 2016)

IBBY Mexico has been trying to reach these children in detention in Mexico but it is virtually impossible to have access to them.

The United States is the only country in the world that has not ratified the Convention on the Rights of the Child, of which pertinent clauses are below:

Article 22 (Refugee children): Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention

Article 38 (War and armed conflicts): Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

Article 39 (Rehabilitation of child victims): Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

(UNICEF FACT SHEET: *A summary of the rights under the Convention on the Rights of the Child*)

The United States is nonetheless a member of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and in many countries supports the United Nations High Commissioner for Refugees. One of the key aspects to this treaty is to "provide the protection of asylum, to ensure that human rights are respected and to safe guard the principle of *non-*

refoulement, the prohibition against returning any refugee to a place where she or he would face danger." (*Children on the Run – A study conducted by UNHCR Regional Office for the United States and the Caribbean*. 2014)

But, despite the fact that the children from Central America are facing imminent danger in the countries in which they live – which are after all three out of five of the highest per capita homicide “peacetime” countries in the world (UN 2014) – they have found it almost impossible to be accepted as legitimate refugees. Only 223 of these children, 1% of the total, have succeeded in obtaining refugee status and only 30% have been given temporary relief. (MPI *Increased Migration to the United States May Prove an Enduring Phenomenon*. Muzaffar Chishti and Faye Hipsman, op. cit) Very few children have any legal support when and if they appear before a refugee judge. They are unprepared, speak no English and almost inevitably fail in their claim as a result.

As stated by the American Bar Association:

“It is highly unlikely that an unrepresented child will prevail in immigration court, even if he or she has a bona fide claim for protection. A recent study found that represented children have a 73% success rate in immigration court, as compared to only 15% of unrepresented children. Furthermore, studies show that children who are represented have a much higher appearance rate in immigration court, 92.5%, versus 27.5% for unrepresented children.” (American Bar Association Commission on Immigration, *A Humanitarian Call to Action: Unaccompanied Children in Removal Proceedings Present a Critical Need for Legal Representation* June 3, 2015)

It is also true that many of the families who have agreed to take one of these children are themselves undocumented. As they are now formally visible to the ICE they themselves are in grave danger of deportation. During the Obama government’s round up of “illegal children immigrants” in early 2016, known as Operation Border Guardian, ICE went through heavily Hispanic neighborhoods in Brooklyn, knocking on doors and instilling terror. This was reported by a local librarian. And later when there was a strong political reaction to this practice, deportation activities moved to places where there was a less dense Hispanic population. There, children were picked up at school bus stops. (New York Times, *Dark Side of Immigration Discretion*, Editorial April 20, 2016)

Since the surge, approximately 40,000 children have either been deported or are facing orders of deportation that have not been carried out. (New York Times, *We are helping deport kids to die*, Nicholas Kristof, July 16, 2016) and Mexico has deported five times as many. Mexico, which has increased its detention of children by 275% between 2013 and 2015 (Humanosphere/Insight Crime *Mexico is mishandling Central America’s Refugee Crisis* Lisa Niklaus April 2016), has accepted only a handful as refugees. (Human Rights Watch *Closed Doors Mexico’s Failure to Protect Central American Children*, March 2016.) As of January 2016 69% of families with children and 60% of unaccompanied children still have pending immigration decisions in Mexico. (TRAC)

In a recent letter to the New York Times, a father reported that his son had been killed following his deportation. But in most cases, once the child is returned his or her fate is unknown. (New York Times, June 2016)

And yet until President Obama's announcement in July 26, 2016 that the United States would expand an initiative that allows Central American children to enter as refugees, the United States had insisted on describing these children as illegal immigrants. But by definition, a person who arrives at a border, hands him or herself over to the border authorities and declares that he or she is seeking asylum, is not illegal. That person is entitled to a hearing to establish whether or not they have a legitimate claim to refugee status. UNHCR has stated in its *Children on the Run* report quoted extensively below.

"UNHCR found that the majority of children interviewed from all four of these countries (including Mexico) provided information that clearly indicates they may well be in need of international protection. The responses of these children were complex and multifaceted and in many cases included both protection-related and non-protection-related concerns. Significantly, protection-related reasons were very prominent, and this report focuses on those reasons. Our data reveals that no less than 58% of the 404 children interviewed were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection. The study was specifically designed to be representative and statistically significant for drawing conclusions and inferences, and as such, this finding that 58% of the children raised potential international protection means that in general, 58% of all the unaccompanied and separated children in the same age range, from these four countries, arriving in the U.S. would likewise raise potential international protection needs. Other findings of the study would also be reflected in the same population at large, such as, for example, the percentage of children with family members in the United States. The central conclusion of this study is that given the high rate of children who expressed actual or potential needs for protection, all unaccompanied and separated children from these four countries must be screened for international protection needs. Two overarching patterns of harm related to potential international protection needs emerged: violence by organized armed criminal actors and violence in the home. Forty-eight percent of the displaced children interviewed for this study shared experiences of how they had been personally affected by the augmented violence in the region by organized armed criminal actors, including drug cartels and gangs or by State actors. Twenty-one percent of the children confided that they had survived abuse and violence in their homes by their caretakers. ...UNHCR found that these types of serious harm raised by the children are clear indicators of the need to conduct a full review of international protection needs consistent with the obligations to ensure that unaccompanied and separated children are not returned to situations of harm or danger." (*Children on the Run* UNHCR March 2014)

CHILDREN FROM EACH COUNTRY WITH POTENTIAL INTERNATIONAL PROTECTION NEEDS

El Salvador: 72%

Honduras: 57%

Guatemala: 38%

(*Children on the Run*, op. cit.)

Obama's announcement, while an improvement on what has gone before, lacks many specifics, and appears to be limited in its reach. Previous efforts to assess children in situ have not come to fruition at all.

It is not the brief of this paper to document the situation in the so-called Northern Triangle. See *Closed Doors* Human Rights Watch March 2016 for a detailed description of the dangers faced by children in these countries and UNHCR *Children on the Run* 2014.

Guatemala, Salvador and Honduras were battle grounds in the Cold War struggle; in Guatemala virtually none of the steps outlined in the Peace Accords were enacted; El Salvador has been riven by intra gang warfare; Honduras faced a coup in 2009, following which there has been an extraordinary increase in the homicide rate. And corruption, murders by death squads, and gangs and impunity are the norm in these countries. A very large proportion of the drugs arriving in the US ship through these countries. Even where governments and especially civil society struggle to assist children who are the pawns in this situation it is virtually impossible to protect them. Families give what they have, and send their children alone into danger, only because they have no alternative. To return them once they have made the extraordinarily difficult voyage to Mexico and on to the United States is, in this author's opinion, a crime against humanity.

The situation that has driven these children to become refugees is not the product of unseen forces in far away countries. It is the direct result of the past seventy years of American foreign policy, the War on Drugs, as well as of the financial interests and corruption of the elites, politicians, armies and police of the Northern Triangle. And of dramatic levels of inequality and social injustice.

These children are our joint responsibility. They need protection. They need lawyers. They need advocates. They need to be educated. They need a chance at a decent life. They need the opportunity to become citizens of safe countries so that they can have an opportunity for a decent life.

And Guatemala, El Salvador and Honduras urgently need to be able to become states where peace, social justice, education and the protection of their citizens are the norm.

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