



TAHIRIH
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Protecting Immigrant Women and Girls Fleeing Violence

Statement of
Archana Pyati
Director of Public Policy
Tahirih Justice Center

Senate Appropriations Committee
“Review of the President’s Emergency Supplemental Request for
Unaccompanied Children and Related Matters”
Hearing Held on July 10, 2014
Submitted in Writing on July 15, 2014

Chairwoman Mikulski, Ranking Member Shelby, and Members of the Senate Appropriations Committee:

Tahirih Justice Center is a national, nonprofit organization dedicated to protecting courageous immigrant women and girls from violence. Over the last eighteen years, we have provided holistic legal and social services to thousands of immigrants who have experienced severe trauma in the form of domestic and sexual violence and other gender-based violence through offices in the Washington, DC area, Houston, Texas, and Baltimore, Maryland. We welcome this opportunity to submit written testimony for the record in order to lodge our concerns about the Supplemental Request currently before the Committee.

Tahirih urges that the children fleeing violence in Central America who are arriving at the US border be treated as humanely as possible while their claims for protection are adjudicated by qualified personnel. Tahirih objects to the President’s Emergency Supplemental Request for Unaccompanied Children insofar as it prioritizes the detention and rapid repatriation of these children and does not include measures to adequately protect their safety, well-being, or due process rights.

In addition, Tahirih strenuously objects to any proposals that would cause the diminishment of existing protections for immigrant children. The law currently provides a bare minimum of safeguards for the basic due process rights of children who may have claims for humanitarian protection here in the US. These **must not** be rolled back through legislation or policy of any kind.

Tahirih strongly recommends that the Senate Appropriations Committee consider the following:

I. **Funding should be directed towards care and adjudication, not detention and removal.** Any appropriations made through this supplemental should prioritize the safety and wellbeing of the children. HHS provides shelter to children who have survived the arduous journey to the US. Under the law, all children must be quickly transferred from DHS custody to HHS custody. Overcrowding in HHS facilities leads to children and families remaining in ICE detention. ICE detention facilities are not equipped to hold children humanely and should be avoided at all costs. As such, funding

to HHS so that it can increase its capacity is essential. The current Supplemental Request seeks an unreasonably high proportion of funds for detention and removal.

2. **Funding should be directed to CIS.** Tahirih is seriously concerned that the Supplemental Request does not include additional funds specifically for Citizenship and Immigration Services. DHS must be funded to increase and improve the capability of CIS and its asylum officers to offer timely and thorough credible fear interviews. Each child's fear of return to his or her country of nationality should at a minimum be assessed by asylum officers who are trained to interview children while using accurate translation. CBP officers do not have the specialized training to conduct these interviews. The current crisis does not justify lowered standards of protection and non-specialist officers conducting critical life-or-death interviews; it demands a greater vigilance to ensure due process especially for such vulnerable migrants.

3. **Funding to hire additional immigration judges must be increased.** The plan put forward by the DOJ to move unaccompanied children's cases to the high priority list, along with detained individuals, will not be possible without increased funding. Without increased funding, an already strained system reflecting delays of several years for adjudications would be even more pronounced. We recommend increasing the amount currently proposed for the DOJ for the purpose of hiring more qualified immigration judges than currently envisioned.

4. **Funding must be allocated to legal services.** Whether in detention, HHS custody, or released to relatives, unaccompanied minors need legal counsel to navigate our complex immigration system and access the humanitarian protections to which they may be entitled. As unaccompanied minors, they face difficult decisions upon arrival without anyone to consider their best interests and advise them accordingly. Allocations must be made for pro bono legal services provided by charitable organizations to ensure fairness and due process for these children.

5. **Protections provided by the TVPRA must not be curtailed in any fashion.** The TVPRA established baseline protections for children entering the US which must not be compromised under any circumstances. The Administration seeks to place the power to exercise discretion and expeditiously remove children in the hands of uniformed border officers who are not trained in assessing claims for humanitarian protection. This is a dangerous proposition. Unaccompanied children are often exhausted and malnourished, traumatized, without guardians or legal counsel, and detained by uniformed officers. Their applications must be assessed by trained immigration officers or judges. Children may choose to withdraw their applications at any time, and no changes to the law are needed. To the contrary, additional protections may be necessary to ensure that all children fleeing persecution, including children of Mexican citizenship, are properly considered. Rolling back minimal procedural protections is not a necessary or appropriate measure to address the current crisis.

In short, the current refugee crisis is a humanitarian situation that demands a humanitarian response. Tahirih urges the Committee to reject any proposals that would result in increased detention, inhumane treatment, abrogation of due process, or the repatriation of children who face persecution.

We appreciate this opportunity and welcome your questions or comments.