

THE WEAPONIZATION OF A PANDEMIC AGAINST UNACCOMPANIED CHILDREN

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AGENDA



- Kids in Need of Defense (KIND)
- Unaccompanied Children (UC)
- Trafficking Victims Protection Reauthorization Act (TVPRA)
- Federal COVID-19 Response at US Borders
- Action Plan

KIDS IN NEED OF DEFENSE (KIND)



PROMOTING THE PROTECTION OF CHILDREN



We ensure that no child appears in immigration court alone without high quality representation.



We advance laws, policies, and practices that support children's protection and uphold their right to due process and fundamental fairness.



We encourage durable solutions to child migration that are grounded in the best interests of the child and ensure that no child is forced to migrate involuntarily.

**LEGAL
SERVICES**

**POLICY AND
ADVOCACY**

**INTERNATIONAL
PROGRAMS**

**SOCIAL
SERVICES**

**FAMILY SEPARATION
RESPONSE**

ATLANTA || BALTIMORE || BOSTON || EL PASO || HOUSTON || LOS ANGELES || NEWARK
NEW YORK CITY || SAN FRANCISCO/FRESNO || SEATTLE || WASHINGTON, DC/NORTHERN VIRGINIA

UNACCOMPANIED CHILDREN (UC)

WHO IS AN UNACCOMPANIED CHILD?



Homeland Security Act, 6 USC §279(g)

- ✓ no lawful immigration status
- ✓ under age 18
- ✓ no parent or legal guardian in the U.S. available to provide care & physical custody



Photo: Latinalista

THE CHILDREN WE SERVE



KIDS IN NEED OF DEFENSE

Where do they come from?

- El Salvador, Honduras, Guatemala, Mexico, Guinea, China, India, Syria, Afghanistan, etc.

Why do they come?

- Gang violence or forced recruitment
- Severe abuse or domestic violence
- Abandonment or lack of caretaker
- Neglect or deep poverty
- Trafficked

How do they get here?

- Difficult journey by foot, plane, boat, car or train
- With a smuggler or as a victim of trafficking
- Some make their own way



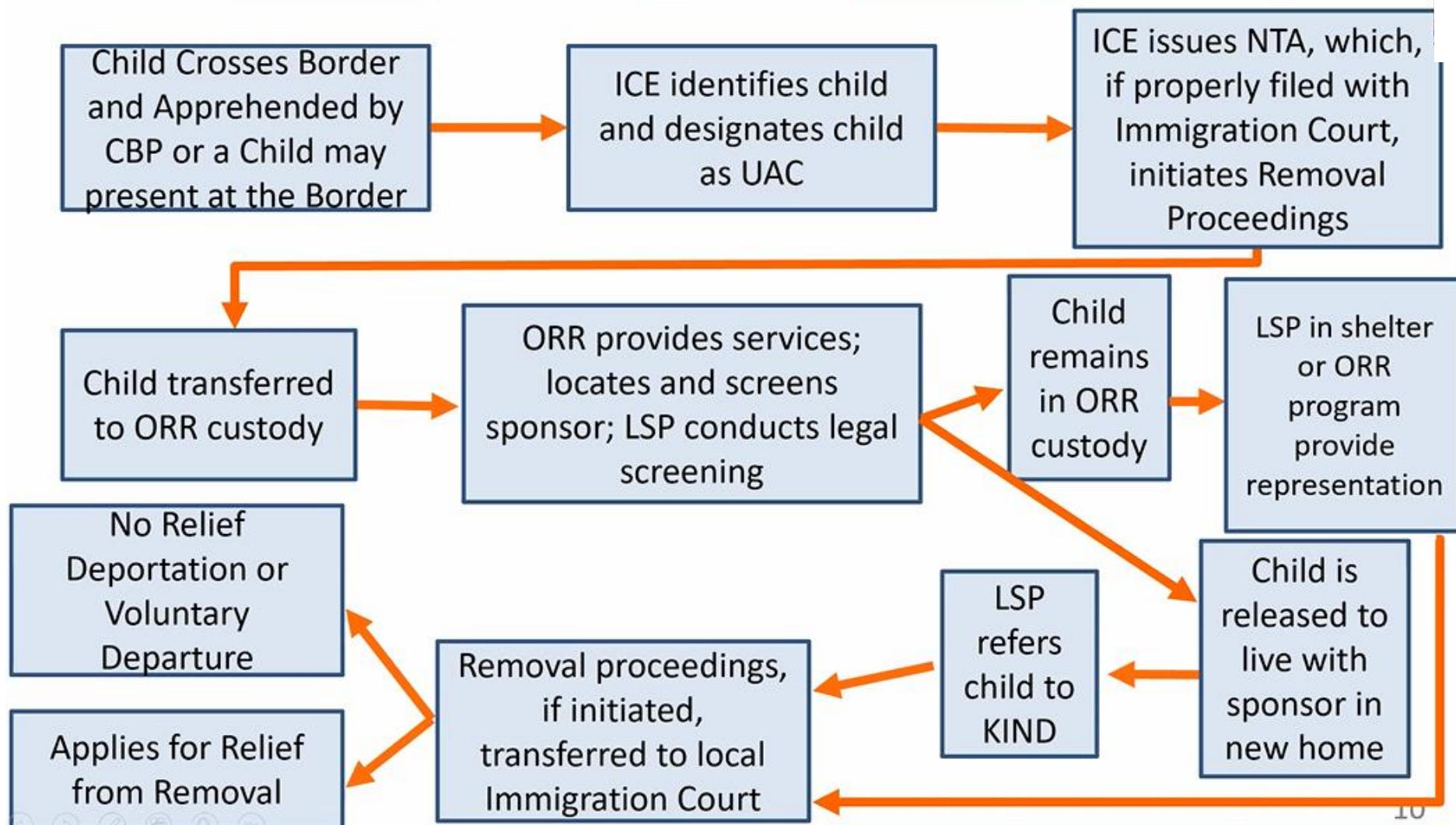
TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT (TVPRA)

TVPRA 2008 & FLORES SETTLEMENT



- Flores governs the minimum standards for children in government custody
- Lays out procedures that must be followed in processing a child's claim for legal protection
- Procedural changes to detention and custody
- Prevents quick deportations for children from any non-contiguous country

TVPRA PROCESSING



FEDERAL COVID-19 RESPONSE AT US- MEXICO BORDERS

US-MEXICO BORDER MEASURES



- 3 Orders: CDC, DHS, Implementing CBP
- March 21, 2020 – Administration prohibits ALL non-essential travel across borders
 - CBP will immediately expel individuals to country of entry or origin
- Based in Title 42 of US Code Section 265
- Travel allowed, but notable exclusions for asylum seekers and unaccompanied children

TITLE 42 EXPULSIONS



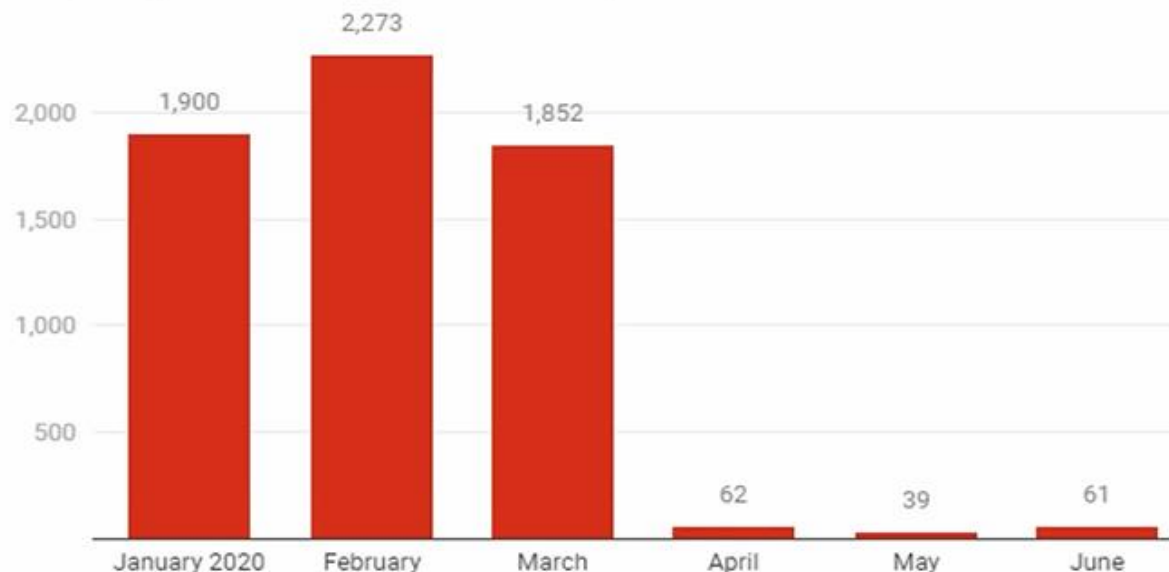
- March-June 2020, CBP expelled under Title 42:
 - Total People: 69,210
 - Total UC: 2,175
- Total UC in ORR custody
 - April 2019: 12,500
 - May 2020: 1,600

UC APPREHENSIONS



Few migrant children are being transferred to the U.S. refugee agency as most continue to be expelled at the border

The Office of Refugee Resettlement received only 61 children from border officials in June, compared to 39 in May and more than 1,800 in March.



- June 2020: Less than 4% (61 out of 1,650) UC apprehended at US-Mexico border transferred to ORR

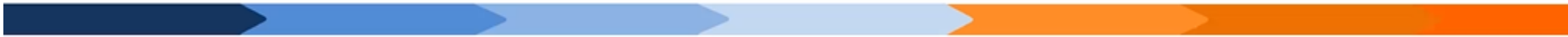
IMPACT ON UC AT US-MEXICO BORDER



- Not applying legal definitions and no distinguishing between accompanied and unaccompanied child
- Children illegally blocked at border
- Children illegally expelled/deported in violation of TVPRA
- Detention of children in hotels with no oversight
- Summary expulsions without screening of children
- Complete denial to counsel and having your case heard before an Immigration Judge

COUNTRIES OF ORIGIN



- 
- A horizontal bar with a gradient from dark blue to light blue to orange, with arrowheads pointing right.
- Conditions
 - Limited to no COVID testing
 - Mandatory quarantine
 - Limited or no protection screening
 - Travel restrictions
 - Limited follow-up
 - New Dangers
 - Compounding reasons for departure
 - Food and hygiene shortages
 - Gender based violence and child abuse
 - Fragile health systems
 - Xenophobia

ACTION PLAN

WHAT CAN I DO?



- Get involved with KIND <https://supportkind.org/get-involved>
 - Follow KIND & share on social media
 - Sign petitions
 - Contact representatives
 - Volunteer pro bono
 - Translate
 - Provide other specialized pro bono services
- Vote when possible all elections: school board, local, state, federal
- Submit regulatory comments
- Support amicus briefs
- Advocating for inclusive recovery efforts, legislation, policy, and budget advocacy
- Prevent notario fraud
- Educate yourself and others at supportkind.org/resource
- Reduce anxiety and fear where appropriate