



TEXAS A&M UNIVERSITY

School of Law

## TAMU Law Answers Webinars

### Conversations in Law & Social Justice Webinar Series

#### “Justice for Immigrant Youth: An Update on Family Separation”

Presented March 25, 2021

#### Panelists:

- **Warren Binford**, Willamette University College of Law and University of Colorado
- **Beatriz Jones**, Supervising Paralegal, ABA's South Texas Pro Bono Asylum Representation Project (ProBAR) Children's Project
- **Guerline Jozef**, Haitian Bridge Alliance, Inc.
- Moderator: **Bianca Sierra Wolff**, California Collaborative for Immigrant Justice

*Disclaimer: While some of the panelists are attorneys, they will be discussing the law generally, and nothing in the webinar should be considered as legal advice. Attendees should consult their own legal advisor to address their own unique circumstances.*

TRANSCRIPT of webinar video at <https://youtu.be/eCMbSGQNATU> :

- Welcome to the Texas A&M School of Law's webinar "[Justice for Immigrant Youth: An Update on Family Separation](#)." This is the fourth installment of our spring 2021 "[TAMU Law Answers Conversations in Law and Social Justice](#)." And it's a webinar series.

We have a couple of other webinars that are coming up in the series that include "[Training Social Justice Lawyers Today](#)," which will be April 8. And then our final installment is a "[Farmworker Employment Justice](#)" webinar on April 22.

These webinars have been going on every other Thursday at noon, Central time. So we hope you will join us for the next two. And if you want to look at past webinars, you can look at [TAMULawAnswers.info](http://TAMULawAnswers.info).

But we're here to talk about today's exciting webinar. And it is co-sponsored by the [Texas A&M School of Law](#), the [Network for Justice](#), which is part of the American Bar Foundation's Project of the Future of Latinos in the United States. And also the [American Bar Association's Commission on Hispanic Legal Rights and Responsibilities](#).

I have the great pleasure of introducing our speakers, briefly. We don't go through bios because they're all pretty accomplished and have a lot to offer. And we only have an hour.

So I'm introducing Professor Warren Binford, who is at Willamette University College of Law. And also is in Colorado currently I believe. Or splitting her time.

We have Beatriz Jones, supervising paralegal at the ABA's South Texas Pro Bono Asylum Representation Project, also known as [ProBAR](#). She works with their Children's Project.

We have Guerline Jozef, who's with the [Haitian Bridge Alliance](#). And to moderate our conversation, we have Bianca Sierra Wolff, who's with the [California Collaborative for Immigrant Justice](#). So you can look at their full bios at the [TAMULawAnswers.info](#) website.

Before I hand it over to Bianca to get going with the conversation, a couple of things. One, some of the panelists are attorneys. And they will be discussing law and legal developments. But nothing in the webinar should be considered as legal advice. If an attendee has a question, a legal question that pertains to their own unique situation, we would advise them to consult with their legal advisor.

And if you have questions throughout the presentations, we will have a brief question and answer period at the end. But you can also type in your questions throughout the presentation under the Q&A function of our webinar. So I'm going to hand it over to you, Bianca. Thank you.

- Great. Thank you so much, Luz. Thank you for having us. We're very excited to have this panel today. Of course, as we all know, this topic has been receiving a lot of media attention recently. And so there's a lot to talk about today. So I'm just going to dive in and get started.

So my first question is for Guerline. Guerline, in the last decade, we've seen a large increase in the number of families, individuals, and unaccompanied minors seeking asylum in the United States. I'm hoping that you can explain the political and economic factors that are causing so many individuals and families to migrate to the US.

Thank you, so much Bianca. And thank you for having us and specifically, at this time, to look into black migration and migration in general. As you mentioned, we are seeing an increased number of black migrants coming to the U.S.-Mexico border to ask for asylum.

The reality is the majority of those women have fled their home countries, such as Haiti, Cameroon, Ethiopia, Sierra Leone, Jamaica, for very specific reasons. As the case for Haiti, we see the two major reason why people leave home or forced to leave home, as displaced people.

Recently in 2010, there was a major earthquake in Haiti that killed over 250,000 people that day, leaving upwards of three million people completely homeless, completely broken. Leaving the country completely to the floor, to the ground.

And so we saw people migrated as part of a humanitarian program from Haiti to Brazil in 2010, in 2011, 2012. So those people then started to provide manual labor and other labors. We have people who are currently really trying to survive there.

But unfortunately, we saw in 2015, 2016, after the World Cup and the Olympics, which did not pan out as Brazil has planned, we saw now the economic turmoil and the political turmoil in Brazil. Now that forced those people, black migrants, survivors of the earthquake to be forced out of Brazil.

Making the way to the U.S.-Mexico border. Crossing 10 borders, 11 countries. Make their journey throughout the Darién Passage, which is one of the most dangerous places on Earth. And then, we also saw in 2018 now, people who migrated from Haiti to Chile now having to leave again from Chile due to anti-Black racism.

And then we saw the last wave of black migrants from Haiti coming from Venezuela, as a result of the political turmoil in Venezuela pushing them again in search for life. It's a 10 year journey for the majority of the Haitians who have made their way to the U.S.-Mexico border.

And I'm saying that to give people context of what the population that we are dealing with are. And we also saw people who left Haiti, because of political turmoils. As we know right now, we are literally in the middle of a Civil War in Haiti.

Where the president was supposed to leave in February, based on the Constitution his mandate has ended. But he's saying he has another year. All of this really creating a very unstable situation for people to survive in.

I have spoken, personally, to people in Haiti who tells me they do not want to leave. They do not want to leave home. But they feel like they are being forced to leave home. Whether it is political, economy, and natural disasters. We see it happening.

Now we can look at people from Cameroon, who are literally fleeing a five year armed conflict between the anglophone and the francophone, as a result of colonialism. As a result, the remnant of the idea bringing to them from England and from France. Now leaving a broken society.

We also see people from the Tigray area. From Ethiopia and Eritrea. Again, armed conflict. Again, extreme conditions that forced people to leave their home country. So these are the people we are seeing at the U.S.-Mexico border, who have, most of them, been on a journey for 10 years.

And for the majority of the Haitian migrants, asylum seekers that are currently at the U.S.-Mexico border have been there for an average of a year and a half to 4+ years. Keeping in mind, as I mentioned before, they made the journey. They started to make the journey in 2015, 2016.

Some of them were released, but the majority of them have been deported. And now we see those who are so afraid, who are really looking for a safe way to get protection, to ask for asylum, literally got stuck at the U.S.-Mexico border under President Trump.

And we are seeing the deportations. Because as I'm speaking to you right now, there is a deportation expulsion flights to Haiti, as I'm speaking to you right now. And then we also had a flight to Haiti yesterday.

And when we study the manifest for those flights, we see pregnant women and infants, newborn babies, a few days to a couple of months, being sent to Haiti. And I don't say deported or expelled. Because they were not born in Haiti, they were born at the U.S.-Mexico border, because their parents were stuck waiting for a way to safely and legally ask for asylum.

So this is the population that we are dealing with. And these are the people that continue to get trapped in the system. That continues to be expelled. That continue to be deported under title 42. I can stop here and then we can come back.

- Thank you so much, Guerline. I really appreciate you sort of shedding light on I think of populations that are not as well known. I think a lot of times when people think of sort of who's coming to the border, who's seeking asylum, they often think of individuals from Central America.

Who, in addition, are sort of suffering their own kind of economic crisis with hurricanes, also COVID, the drying up of any sort of farming land. So you definitely have very many different populations, sort of all sort of seeking a better way of life for their families and themselves.

And so I think it's really important to understand the complexity. And that not everyone who's coming to the border to seek asylum is the same.

And so I think it's a great way to segue the conversation, is a question that I have for Warren. Is sort of what are the actual policies that led to family separation? Sort of when did these policies of family separations start? And what kind of-- it does seem that they became accelerated under the Trump administration. So it'd be great if we could also talk about that.

- OK. Thank you so much, Bianca. And thank you Guerline, for sharing these family stories with all of us. I want to just take you into a brief slide deck that highlights some of these policies for us and what we're trying to do in response.

One of the things that we need to understand is that as Guerline just pointed out, a lot of the migration that we're witnessing from many of these populations actually comes from centuries old exploitation and manipulation of different regions.

The people in those regions, the resources that were there, including the land. A really powerful example of this is the United Fruit Company in Central America, which gave rise to the idea of these banana republics that were driven by American corporate interests for exploitation.

And led to the gutting of developing strong and developing democracies in many of those countries, due to the express and intentional interference by the U.S. government. Driven by corporate demands.

And I'm not saying this as someone who is a conspiracy theorist. I'm saying this based upon the actual historical records that the government has on hand that are publicly available.

In addition to this, in the 20th century we saw a significant increase in America's consumption, addiction, obsession with guns and drugs. That when we had gutted the region in Central America of strong democratic governments, it created a power vacuum which allowed for the rise of criminal cartels and gangs.

Which have taken over large portions of this region and subjected girl children to sex slavery. Boy children to having to engage in violent and criminal endeavors under the threat of their lives or the threat of their families and other loved ones.

And so that's part of what's driving us. Is both our historical engagement, as well as this U.S. consumption of guns and drugs. In addition to that, I want to mention the rise of the Border Patrol. The Border Patrol was created in 1924.

But even before the creation of the Border Patrol, there were different militia groups that were set up along the U.S.-Mexican border. And those were largely driven by racism.

And at first it was focused on Chinese immigrants who were coming to the United States. And they specifically were trying to stop the Chinese who were in-- the Chinese people who are in migration to the United States from coming into the United States. And that racism, arguably, has become a part of the DNA in some of our border enforcement.

In addition to that, we have this continuing exploitation of the labor of migrant people. We have, of course, this inherent original sin of building our economy literally on the backs of slavery.

But then even after slavery ended, we continued to engage in forced servitude. And also exploitative labor practices, where we actively recruited people from other countries and then exploited them and developed a cycle of migration for the purpose of labor.

Which then gave rise to many people settling into the United States. Becoming a part of our society. Becoming part of our economy and our communities.

Who have relatives, including children, in some of these countries where we're seeing migration from. Who are coming to the United States to reunify with their parents, their grandparents, their older siblings, et cetera. And so the U.S. has actively engaged in creating the path of migration that we're seeing today.

As was mentioned with regard to the Trump administration, we saw the introduction of very harsh immigration practices. And I'm going to step forward here, in the slide, because what happened-- and I'm having a hard time, there we go-- what happened is the Trump candidacy, the campaign, relied very heavily on a misrepresentation of immigration in a historical context.

You can see from this chart that really the height of migration was over 1.6 million people, in both the '80s and around 2000. And that over the last 20 years, we actually saw a significant reduction in the number of people who were apprehended on the U.S. border.

And despite that significant drop in migration, the Trump candidacy and campaign tried to argue that we were going through this immigration crisis. We weren't really going through an immigration crisis, when you talk about overall numbers. What the crisis was, was that if you look over at 2012 to 2020, that we were seeing an increase in the number of children and families who were part of the migration population.

And because the border patrol system and the ICE system was set up specifically to apprehend historically populations of largely single adults, especially males, it was set up in a way that wasn't appropriate for the reception and identification and reunification of children and families. And that's what the real crisis was. Was the lack of vision and adaptation to what migration looks like in the 21st century.

So what happened was the Trump administration tried to portray that there was a crisis that wasn't really happening, with regard to sheer numbers. And they tried to develop a very harsh immigration framework, which actually, research suggests increases migration.

And what you saw in the slide that I just showed you, with regard to populations, is that after these really harsh immigration policies were introduced, it gave rise to an increase in the number of people who were trying to get across the border.

Because many people think, oh, they're going to shut down the border, it's not going to be as open. We better get across now. It becomes a now or never mentality.

And so, arguably, these really harsh immigration policies gave rise to the increase in migration that was documented, particularly in 2019. And that we're seeing again in 2021.

In particular, the policy that got the most attention, probably, was the zero tolerance policy. And basically what that said, was that border patrol was no longer given discretion. And the federal prosecutors at the border were no longer given discretion as to whom to prosecute for entering into the United States without proper documentation.

Thus forcing the prosecution of people that historically the border patrol never would have recommended for prosecution. The prosecutors never would have prosecuted, including young mothers who were totally safe, who had infants, toddlers, young school-age children.

And this led to a complete crisis within the system. Because suddenly, you had parents who were being separated from their children for committing what is literally a misdemeanor crime.

So what happens is that a misdemeanor is the equivalent of playing your music too loud. And the idea that your children would be taken away for playing your music too loud and someone filing a complaint. And the police not being given discretion about whether or not to arrest you for that misdemeanor.

The prosecutors are not being given the discretion about whether or not to prosecute you for that misdemeanor. Created a nightmare scenario, where infants and toddlers and preschoolers and other children were being separated from their parents for this misdemeanor crime.

In addition to that, you have to recognize that it is not a misdemeanor to enter the United States without proper documentation, if your purpose for entering into the United States is for seeking asylum. And many of the children who are in the United States, who are entering without documentation, are, in fact, not just entering for the purpose of seeking asylum. But are entitled to seek asylum.

And the majority of these children have families and other loved ones who are in the United States and are prepared to care for them and are expecting them. So the zero tolerance policy, which was the prosecution of all violations of 8 USC Section 1325 is a big part of the crisis that we've documented the last few years.

In addition to that, there's another program that the Trump administration terminated. It was called the Central American minors program. And basically what this did, was it allowed Central American children to apply for asylum in their home countries through the U.S. Embassy.

And to have their asylum claims considered. And if granted, the U.S. would allow, and it wasn't even a complete processing of the asylum claim, but at least an initial clearance. That the child had a promising asylum claim. And that they had immediate family members in the United States who could care for them.

And it allowed for the children to go to the United States by flight, rather than that very dangerous overland journey. Where some research suggests that as many as 2/3 of females, including girl children and teenagers, are sexually assaulted during that process.

And many children we know are assaulted, kidnapped, raped, et cetera. And so it allowed children from this region to get to the United States safely, when they appeared to have a promising asylum claim.

Another change that the Trump administration introduced was increasing background checks and fingerprinting of everyone in the household, where the children's families lived in the United States. And basically, what would then happen, if there was anybody in the household who didn't have proper documentation to be in the United States, then ICE started to arrest those people.

And so what ended up happening is families started becoming more fearful about coming forward. Because they did not know what would happen to other family members who were also living in that household. And it also created a backlog in the system.

Because it took so much longer, because the Trump administration didn't release additional capacity to do these background checks and fingerprinting. And so we ended up interviewing children who had been in custody for over 9 months, because they were running into problems with this excessive background checks that never had been required to the same extent before. Particularly, when parents were involved.

In addition to that, we all have heard about the "Remain in Mexico" policy or the Migrant Protection Protocols. And basically what this was, where the Trump administration said if you are one of these asylum seekers, who arguably is allowed to come to the United States for the purpose of seeking asylum, we will process your asylum claims.

But we will do it-- you're going to live in Mexico. Even though you're not Mexican. Even though you might not speak Spanish. Even though you don't have jobs or anywhere to live in Mexico. Even though there is significant documentation of criminal activity across the border that is in Mexico.

That particularly focuses on children and families in migration. And we have interviewed many of those children and families and have documented cases of sexual abuse, kidnapping, economic exploitation, homelessness, et cetera.

And then most recently, what we saw were Title 42 expulsions, where basically the Trump administration said nobody can come across to border during the COVID public health crisis. And basically, what happened was that this was a push back from the border without people being able to present their lawful claims for asylum, without getting children who were supposed to be exempted from the Title 42 expulsions. That they were being expelled.

And what happened is that, in addition to children being wrongfully expelled under this, what we started to see was families who were in Mexico wanting to at least get their children to a safe place. To families and other loved ones in the United States.

So they started to send children across the border without their parents, including very young children. Knowing that the US government has a legal responsibility to care for those children and identify and reunify them with their family members and other loved ones in the United States.



And so we saw an increase in unaccompanied children coming across, as a result of that policy, as well. So these are some of the major policies that have given rise to the crisis that we're witnessing.

I want to just give you a little bit of context. And when we talk to you about the fact that when we look at sheer numbers, we really don't have the immigration crisis in that the borders aren't being overrun by people who are undocumented. That's not what's happening, at all.

We have relatively small numbers coming into the United States. But we do have that increasing number of children and families. And when you look at the population of children who are coming, you can see that many of the children coming from predominantly four different countries.

And that particularly with Honduras, Guatemala, and El Salvador, which are the Northern Triangle countries, that these are countries where those corporate interests that I mentioned earlier were very heavily involved in a lot of corporate exploitation and U.S. Government manipulation during the 20th occurred.

And has destabilized that region. In addition, we, of course, have climate change. Which is hitting this population very harshly. In fact, part of the surge that we're seeing right now is a result of the two hurricanes that occurred in the fall of 2020. And so we're seeing subsistence farming families who were dealing with the drought, already.

And were finding ways to cope with the drought by going into the cities and trying to do temporary seasonal work in the cities. But then with the public health crisis, due to COVID, they no longer could go into the cities and find that job. And then when the hurricanes hit, it wiped out their crops.

It wiped out some of their farmlands. For an indefinite period, it wiped out many homes. And that's one of the reasons why we're seeing another surge right now, in addition to the fact that we have this bottleneck that was essentially created by the Trump administration.

This is an overview of the family units at the southwest border, distinguishing them from the unaccompanied children that we just looked at in the previous slide. And you see that a lot of these family units are coming from the same countries. This is the overall numbers for apprehensions at the border.

So you see that going into 2021, we're still at relatively low numbers from what we've seen historically. But we do see those seasonal variations across time. I want to just highlight for you what we have set up. The ORR, which is the U.S. Government section that's responsible for receiving these children, has somewhere between 10,000 and 15,000 beds at all times.

I put 10,000 here, because of the source that I cite. But I know that in fact right now we have 13,000 beds. Part of what's happening is that we are seeing, due to COVID restrictions, less

capacity available. Because they're trying to create more space for the children to reduce the pass of COVID.

And the idea is that we either have to keep these children in the Border Patrol stations, that are wholly inappropriate for children. Because those are basically jail facilities.

And we've interviewed children being kept in warehouses there, loading docks, sleeping on concrete floors, tents in the desert, et cetera. Or releasing these children more expeditiously to their families and loved ones in the United States, which I've always argued is the appropriate, humane approach.

These [ORR shelters](#) are in different states around the country, 17 states. And the children under the Trump administration were staying there for somewhere between 89 days, on average, to at different times during the administration they were sometimes staying there for over 120 days.

Let's see, we have been trying to raise public awareness about this by bringing about amplification efforts. Where we made the children sworn declarations that had been entered in the Flores case, which is the class action suit on behalf of children in government care.

And have been doing [readings of the children's declarations](#), this is David Schwimmer, who did a reading. We also have a [children's book](#) that is written entirely by the children in the border taken from their sworn testimonies. This is called [Hear My Voice](#) that's being released on April 13. And all the money is going to-- all the royalties are going to a non-profit organization Project Amplify to support the children at the border.

We also have had different [art exhibits around the country](#) from artists who have been reading the children's declarations and then translating that into artwork. And so that what has happened in the last few years becomes very much a part of the public consciousness in order to support efforts to end these practices.

Such as ending Title 42, recognizing the right to asylum in the United States, which the Trump administration has tried to dismantle. Reopening the processing of asylum seekers at the border. And demanding that the asylum process be carried out in freedom. And that these children and their families and other asylum seekers not be detained.

So with that, I'm going to step back and let you go the next question, Bianca.

- Great. Thank you so much. That was really informative. And I think one thing that it's very important for us to come away with is sort of this false narrative that gets created about this surge, and this crisis. What we're seeing is that these trends can come up seasonally, where there is sort of more people coming in.

But really the numbers are not-- it's not this crazy surge that we're hearing about in the media. And so, my next question is for Betty And I think, particularly before sort of the attention that's

come about recently in the media, there was a sense that maybe family separation had gone away.

And I think for those of us who've been doing this work, we know that family separation has been around this entire time. And so I'm hoping that you can talk a little bit about what family separation looks like today.

And in particular, there's a lot of interest in how is the Biden administration sort of handling this issue? And Betty, if you can sort of give us your thoughts on are they making any inroads? Sort of what are your thoughts on what you're seeing.

- Sure. Thank you, Bianca. So family separation is definitely still happening. It's just happening at a much lower frequency. And it's not Border Patrol, it's not CBP who's separating the children from the families. It's families making that decision. And parents I mean, parents. Separating them from parents.

Parents are making the decision, like Warren was mentioning earlier, to send their children over the border without them. Because they know that they'll eventually get put in ORR. And they'll be safer in custody, rather than with them. Like in MPP or the journey itself.

Historically, children are still being separated from trusted adults. From the grandparents, the people they've known as mommy and poppy while they were being raised in home country, their uncles.

And also, an important separation from parents there that's happening, is if a parent has a criminal record, they'll separate the children from that parent. But sometimes, parents have criminal records that's related to their asylum claim.

And they're political. They're in jail because they were protesting. Or involved in an opposing political party. So they get separated from their parents at CBP as a safeguard.

And then later, ORR takes a look and determines if reunification is still safe with one of the parents. But they still get separated. And that trauma is still there. Some loving parent, that just because they were arrested in a home country, ended up having to be separated from their child.

As for the Biden administration. So they've made promises. But there's nothing concrete, yet. In March, sometime around early March, Mayorkas [Secretary of Homeland Security] said they're planning on reunifying children, whether it be here in the U.S. or in their home country.

Wherever the parents decide they want to reunify the children. But they haven't said how.

Warren also mentioned earlier, the system was not designed to track these children. And in some circumstances, they were placed as property. When a parent was getting detained, there's a list of things they have. A watch, a cell phone, wallet, and then in there they put one child, age 12. As a property and that was not a good way of tracking it.

So now they have to create a plan for this. It's great that they're trying to reach out to NGOs. And that they're trying to make amends, essentially. But where's the plan? There's nothing concrete, yet.

- Great. Thank you. That's really helpful. Because we are hearing that they're thinking about it. They've developed this task force. Potentially to try to reunify parents with separated children. But I think that's right. That it is, at this time, promises. And that we're not really seeing sort of the action that we hope to see.

My next question is also for you, Betty. Which is just could you give us a sense of what it's like to provide legal services to these families, to these children?

And especially, what does it look like on the ground? Especially if you're close to the U.S.-Mexico border. If you could kind of give us a sense of what that looks like.

- At the time that family separation was big, it was difficult. There's just no other way of putting it. When you were doing KYR services and Know Your Right presentation to children in ORR detention, the children would be crying.

They were focused on they just lost their parent, they don't know where they are. The parents were being arraigned in martial custody. And they were also crying, weren't understanding what the judge was saying.

Public defender's offices were calling us, asking if we knew of certain children. Screening children was impossible, borderline impossible, because of the trauma. They're crying. You are trying to ask them about conditions in their home country.

But really, the only thing they're focused on is "Where's my mom, where's my dad. I came with them, I don't know where they are." And they're scared. And then came the deported parents.

They were told that if they got-- if they choose deportation, then they would get their children. And they would get to deport with their children. But that didn't happen. That rarely happened.

So then parents were in their home country, calling different places, trying to locate their children. Once they were already there. And getting a child to take a voluntary departure, it can take a while. There's 60 days that DHS waits to file the NTA, in order for them to go to court. So you have to expedite that. And that could be lengthy.

They were also returning to the same conditions that the parents left, if not worse. Because now they have the debt of the journey.

And then, children were forced to decide between staying in the U.S. with family members or going back with their parents. And sometimes they had conflicting interests. The child wanted to stay and go to school and stay in the U.S. But the parent wanted them back.

So then it was that conversation of, as attorneys in ProBAR, we're expressing interest. What is the expressed interest of the child? They want to stay? OK, then we help them try and stay. But the parent's also calling and saying, "I want my child back. I want my child back."

So navigating those two things with social workers and psychologists, psychiatrists. Anything that'll help the families communicate. So that they get to a safe consensus for everyone.

Oh, another thing that we were doing during screenings, but we had to be very careful. While we were screening a child, we would go to the online detainee locator and try and find the parent. Usually the A number, if it was their first entry, is one above or one below.

So you put in the information, because it asks you for an A number, if you have it, the country of birth, and the parents full name. And sometimes it asks you for the date of birth. And it's hard for children to know the exact year of the parents date of birth. They might know the month and the date. But not the year.

We ought to be very careful with that. Because if we went in there and tried to find the parent and we weren't successful, then we just brought extra trauma to the child. Because then we're telling them, oh, we don't know where they are. It was hard, it was confusing.

And one thing that really helped is trauma-informed practices. The Children Immigration Law Academy, CILA, they have a two part webinar on trauma and resiliency. And it helps you speak to children in a trauma-informed matter.

How to make sure you're not bringing them back into the traumatic place. And if you do, centering them back into today. Into right now. All of these are practices that are very beneficial when you're trying to screen a child. When you are trying to assess for legal relief or simply just hold a conversation.

- Thank you. That's really helpful. So one of the questions that I saw when people were registering was just about the mental health services that were being provided to the children.

And it seems like most of those services were coming from advocates, right? Or do they have access to mental health services while they're in custody?

- While they're in custody, I mean, yes. They have a clinician. There's also group support. Group therapy for the children. But it's not something they like. The clinicians sometimes can be very busy, especially during this time of family separation. There were a lot of children that were detained.

So one clinician, who's like a counselor or social worker, she may have had maybe 100 children to take care for. And that wasn't proper time. Even the children would say, yes I talked to her. But she's always busy. Or she seems distracted. Or he took me to play basketball, but I don't want to talk while we're playing basketball.

So at that time, of family separation, well the children really needed that triage. It wasn't provided. Now, I think there are more social services and more advocates and more psychologists, child psychologists, who want to help these children unpack everything that they had to shove into a little box.

So that they could continue with their life-- a sense of normalcy, I guess. But then there really wasn't much for them.

- Thank you, Betty. That was very informative and very helpful. And thank you so much for all you've done, I know, being an advocate. And so kind of circling back a little bit to where we started, I want to go back to Guerline.

Thank you so much, again, for sort of lifting up populations that are not as well known. And so I'm hoping, Guerline, that you can talk a little bit more about how this current immigration system is really impacting vulnerable communities. And by that, I really mean Black migrants, Indigenous migrants. And you can talk a little bit about it.

And just to call it out specifically, one thing that I've noticed is there's a lot of anti-Blackness in what we're seeing in the way that Border Patrol and ICE responds to these particular communities. So I'm hoping you can shed a little bit more light on that.

- Yes. Thank you so much, Bianca. And Betty, thank you so much. That was really, really amazing. Yes. It is the extra layers, Bianca, as you mentioned. When it comes to the others, that people don't normally think about.

Even when we look within the Hispanic or Latinx community and we hear about migration, we hear about immigration. Yet, we don't see the narratives of Afro-Latinx folks, from the Garifuna, from the Afro-Colombians, from the Haitians that have been excluded from the Latinx community and all of that.

And then we see extra layers for Indigenous folks, access to language and all of the different things that we have to deal with. And in the case of family separation, in the case of breaking up what is, we also see how those communities, those people, are the most vulnerable one.

They are nonexistent. If they are nonexistent, why would anybody care to provide support for them. Why will attorneys look out for Haitian family who needs help? Why will they look for a Quechua speaking Indigenous woman and her child that got separated.

Why if they don't exist? Why if we don't have the voices? Why will anyone care about this group of people?

And so, when we look into all of this and how policies and how bills and how all of those immigration affects those people, brings again all of those obstacle created a vacuum, created a bubble. But in a bad way around these people.

And we are currently seeing a different type of family separation than we normally think about at the border. In countries where, I don't think I mentioned before, is where when the asylum seekers, when the migrants will present themselves, for any reason.

If there's a very pregnant woman and a child that will be released, but the father will always be detained and deported. Does family separation at the border in 2016, 2017, prior to the big look into family separation at the U.S.-Mexico border.

Family separation in country, when you have over-policing of our communities. And misinformation about our communities. Then we see again, removing most likely the male figure within those families. Deported, again breaking the family separation.

And then we looked into the narratives, we look into the numbers that we are seeing. Even when it comes to bond, during the immigration system, when we were fighting to get the father to be reunited with his family. But the judge gave him a \$50,000 bond. Which makes it impossible for them to be released.

So when we are thinking about a family separation, about immigration, we also have to understand that within ourselves we have the anti-Black narrative, no matter where we are from.

We learn it at home. And then we bring it here. Then we immerse into the culture. We continue to see that developing and actually really destroying families.

So now when we again look into extremely vulnerable populations, Black immigrants, specifically Black immigrants and Indigenous immigrants. But we also can look at the AAPI community that have been in the country for a very long time.

However, we see how they can weaponize simple things as the pandemic, as COVID 19. To then impose an extra layer of discrimination and racism upon a very specific group of people.

And we can go back from years and years and years and we can look into the immigration prison industrial complex that was literally built on the back of Haitian immigrants, of Black immigrants, coming over in the 1970s. Alongside the Cuban refugees, who were literally fleeing the same issues.

But because the Cubans were of lighter, fairer skin-- [AUDIO OUT] they were given opportunities, they were given [INAUDIBLE]. But the darker skinned, unwanted Haitians on the same boat were then being put at qualms and being put in Guantanamo Bay.

Literally breaking up the families again. So the history of anti-Black racism, the history of putting extra load on the other, on the unknown, on the Black and Indigenous people, really is something we need to look at within the system. And then apply that within how we perceive the border. How we perceive immigration.

And how do we look into the family structure. Whatever that may look like. And make sure that we are able to really support those folks, and welcome them with dignity.

There are so many layers when it comes to Black immigrants. And one thing I always say, that as Black immigrants, our immigration status does not protect us. Even when we, like myself, become-- I'm a Haitian American immigrant. Within the community, the fight for Black Lives.

And then we see when people like myself go through the entire system and then become a U.S. citizen, yet, that immigration status does not protect us. The only thing it does, it gives us the opportunity to be able to work. To be able to find ways to be here quote end quote "documented", or legally.

And which I really hate to use the word legally, but really the narrative that being said. And again, as we have heard from other panelists, when we hear about the surge at the border.

One thing I also want to talk to remind people is that Black migrants, Haitian immigrants have been waiting for four years at the border. So therefore, when we see the picture of Tijuana, the picture of Reynosa and they are showing you there are thousands of people.

These people didn't just show up at the border. They have been at the border waiting for four or five years, but they were never-- nobody cared enough to even look at them. And we see the effect of MPP. We see the effect of family separation.

Yet, now we are hearing the narrative-- false narrative of a surge. When people have been waiting, people have been separated for the past one to four years.

And I know the majority of us on this panel, on this call, on this event are very immersed into the immigration. We already know what's happening. But now how do we use proper language when we are speaking about those migrants?

When we hear that they are all rapists and criminals. When we hear that they are saying those things. Yet, we understand and we have experience. The kindness, the humanity, the desire of survival of these people, we just have to shift the narrative and make sure we highlight those at the border.

Make sure whenever we are speaking of people at the border, that we speak about the Black immigrants, who do not have a chance or opportunity to be part of MPP. Understanding out of all the groups of people, there's less than 200, less than 200, people of Afro-, Black people, in the program.

The majority of whom are from the Dominican Republic. There's a handful of people from Haiti, a handful of people from Africa, and Afro-Cuban folks that are part of that.



But the reality is, as advocates, as organizers, as attorneys, when we are uplifting border issues, make sure we always, always highlight the narratives and the plight of Black immigrants at the border.

When we are speaking about family separation at the U.S.-Mexico border, always go back to 2016, always go back to 2017. Prior to the big media crisis at the border. Because the reality is, people don't know. If you don't know, if we don't speak, nobody knows they are there.

So therefore, they continue to not only be vulnerable, but targeted. We understand that today when we have our fellow brothers and sisters from South and Central America who can blend in to the Mexican population, it is not so for Black migrants. Because the moment you show up, they always see that you are a migrant, you are asylum seekers.

I can share with you how many times we receive a call that somebody disappeared when the police, themselves, picked them up. And forced them to pay in order for them to be released. Because they are so visible, they cannot hide, they cannot blend in.

So these are the different things that we continue to advocate. We continue to rise. We continue to share with folks. That when we are looking into the concept, the reality on the ground, Black immigrants, over 4,000 to 5,000 Black immigrants currently in Tijuana.

I cannot even tell you how many are being stuck at the in Tapachula, which is the Guatemala-Mexico border, once they entered there. Because they do not have access to language, access to legal, access to services, they are being mistreated, they are being abused. They are extremely vulnerable.

We must do better. I can stop there, Bianca. And answer some more questions.

- Right, thank you. Thank you so much, Guerline. I think it is really important to lift up these stories. And I think, in particular, what really resonates with me, is this idea that there is also a lot of anti-Blackness in Mexico. And I've seen it.

And I've heard stories of families, migrants, who are also stuck in Mexico, and also dealing with sort of anti-Blackness there, from different groups. Grupo Beta, who's sort of the Mexican group who's monitoring people.

So I do think it's important to lift up these stories so we really understand the entire complexity of the issue. And so I know we're getting close to the end. And so I think a lot of people want to know how can they help? What can they do?

Like how can we provide assistance. And so I'm happy to start with Guerline. And then I'd love to hear from the rest of the panelists on how can we help? And especially because we have attorneys and law school students, what are some pro bono opportunities. So I'll start with--

- Yes. Thank you so much. How can you help? There are so many ways that you can help. Be an advocate. Join us in the fight. We are looking for interns. We are looking for pro bono attorneys. We are going to provide the backup that you need.

One of the things that we are seeing, specifically, when it comes with legal representation, are lawyers tend to shy away from taking cases of Black migrants, because of lack of understanding. I'm afraid that I'm going to mess up on the case. I don't understand the background or just don't want to take the case.

What we have been doing is equip those attorneys to be able to be confident enough to take those cases. We have currently country conditions that will allow and help the attorney to really be able to represent the client.

We have language access. When you come alongside of Black migrants, when you reach out to Haitian immigrants, please, please, please do reach out. If you have a Black client. If you're thinking about taking a Black client, no matter where they are from, we'll be able to provide country conditions, language access, support to help you represent the client properly.

In country, and at the border. So we really, really want you to reach out to us. We are looking for interns. We are looking for volunteers. Don't think that, oh, I cannot do this. If you reach out, there will be something for you to do.

It could just be making a phone call because I am busy doing something else. It could just be helping us to proofread a report that we are doing. To edit something for us. We need you. We cannot do this without you.

I have tried. I need every single hands, from social workers to attorneys to everything in between. Maybe you can just provide the candy be for a child that just got separated from their parents. And they just need somebody to let them know that's going to be OK.

So it doesn't matter which area you think you can be helpful. We need you. And I don't know, Bianca, do you want me to give them how to reach out? Or will you be sending the information to them?

- So I think we've shared your bio, which I think is also linked to [Haitian Bridge Alliance](#). And definitely, if folks can reach out to me as well, [bianca@ccijustice.org](mailto:bianca@ccijustice.org) and I can connect you to Haitian Bridge Alliance.

[INTERPOSING VOICES]

- Sorry.

- Go ahead.

- I wanted to mention that we are releasing the Title 42 report on Black immigrants today. We will be having a whole, full week of action in partnership with many different organizations and colleagues and co-conspirators. But today, we are releasing the Title 42 report and the effect of that on Black immigrants.

We will be looking into how they have been using Title 42 as a weapon against our communities, against our people. From all over the world. We have been fighting against Title 42 since March of 2020. Alongside, really trying to stop deportation of expulsion of people from Haiti and Guatemala. And all of these other countries.

So we, as I mentioned, right now we are seeing flights leaving San Diego, leaving Texas, leaving Brownsville, leaving Florida, to those countries. To Haiti, to Honduras, to Mexico, to Guatemala. So really, really want everyone to come alongside of us to continue the fight. Thank you so much.

- Thank you so much, Guerline. And just Betty and Warren, we only have a few more minutes. But if there's anything else that you want to share, in ways that people can support the children and fight against family separation.

- I echo Guerline. Volunteer with your local ISP, volunteer with Guerline. Just volunteering advocates, definitely something more we need of. And social services. Children and parents are going to need some social services.

Some help trying to get reunited. When they're reunited. And just trying to live with each other after being separated for a while. That be a challenge, too.

- A couple of opportunities. One is that we are trying to work with national leadership. And implementing passing legislation that would transform the system that currently is militaristically traumatizing these children through their processing experience. Into a more reception, identification, and reunification endeavor.

And we have been told, repeatedly, by members of Congress that in order for this legislation to pass, that constituents must continue to contact their congressional members, in order to keep the prioritization of this legislation going.

I know that everybody is exhausted from the last four years. And that we have called our members of Congress hundreds and maybe thousands of times. But we really do need for you to keep the focus, the pressure on Congress to move this forward.

In addition to that, a number of people contact me on a regular basis asking if they can help care for these children. Our absolute preference is for these children to be placed with their families and loved ones as quickly as possible in the United States. 89% of them have family and loved ones who can take care of them.

However, there is a small percentage who do need long term care. And I put in the chat [a link to information from the government](#) about how you can sign up to be a foster family, to help care for these children in more humane placements, until they can be reunified with their families here in the United States.

I also put in the chat a link to [Project Reunify](#). So the Flores attorneys are currently seeking new volunteers to go into these facilities, either online or in person, depending on your immunization status. And to interview the children, document whether or not their rights are being violated.

So if you are an attorney and can volunteer in that capacity, that would be great. We are also strongly encouraging professionals, pediatric professionals, including doctors and mental health providers, social workers to come forward and volunteer their services to meet the short, medium, and long term needs of these children as they're placed throughout the country.

And we are trying to encourage a more organized way of matching children who have needs with volunteer providers who can meet those needs. But if you can be proactive and try and work through your local service provider, we're doing this in Colorado right now.

And you just need to try and develop a partnership between your local professional services organization, such as your local chapter of the AAP or the ABA. And try and work with state and federal government to get access to these children. So that you can provide those services pro bono. So, thank you so much.

- Well, thank you all for this wonderful conversation. Bianca, for leading it. And all the panelists for all the information that you've provided us. We really want to thank you for this conversation.

And I know there are going to be people that weren't able to make it. So you can find a copy of this video in about a week and a half. You can find it on [TAMULawAnswers.info](#). And we hope to see you in our upcoming webinars. So thank you so much.

- Thanks, everyone.

- Thanks, everyone.

- Thank you.

- Thank you, everyone.