

JULY 8, 2014

How to Stop the Surge of Migrant Children

INTRODUCTION



Children slept last month in a holding cell at a U.S. Customs and Border Protection processing facility in Brownsville, Tex. Pool photo by Eric Gay

President Obama is [asking Congress for emergency funding](#) as the number of unaccompanied minors crossing the U.S.-Mexico border [rises at an alarming rate](#). Fleeing poverty and gang violence, motivated [in part by rumors that they will gain legal status](#) but now [trapped in a legal limbo](#), many of the young migrants are making the dangerous journey from Central America.

What can be done to stem the surge of children illegally crossing into the U.S.? And how does this crisis fit into the larger debate for comprehensive immigration reform?

A Better Migrant Worker Program Would Stem the Flow of Unaccompanied Children to the U.S.



Alfonso Aguilar, former chief of the U.S. Office of Citizenship in the George W. Bush administration, is the executive director of the [American Principles Project's Latino Partnership](#). He is on [Twitter](#).

UPDATED JULY 8, 2014, 6:53 PM

The surge of unaccompanied minors entering through the southern United States border illegally is just another crisis produced by our dysfunctional immigration system. Contrary to the narrative of some opportunistic politicians and pundits, this unfortunate situation is not the result of the Obama administration failing to enforce the law. In reality, most would-be-migrants believe that crossing the border has become much more difficult, and in the last decade, the U.S. government has greatly strengthened border security and interior enforcement.

Increased violence in Central America – mainly El Salvador, Guatemala and Honduras – is said to be the immediate reason so many children are now coming to our borders alone. But many of these children are making the dangerous journey to reunite with their parents, who came here looking for a good-paying job and a better future.

If parents could work here and go home, then their children would not have to make the dangerous journey to reunite with them.

Redirecting more resources to the border to better manage this influx of minors, as the administration has pledged to do, is merely a band-aid to the symptom. And focusing on border security, domestic enforcement and legalizing the undocumented isn't the answer either.

To deal with America's current immigration challenges, we need an effective guest worker program that allows U.S. employers, who cannot find American workers, to legally bring in the help they need from abroad. Our current system is breaking up families. Parents who have come here to work are unable to return home because they would have to re-enter the U.S. illegally to continue working. For migrant workers, there is no "line" to legally enter the country.

To stem the tide of people – adults and children – trying to illegally enter the U.S., we must create a guest worker program that is easy for employers to use and fully responds to the demands of our labor market. This will facilitate a circular flow, allowing migrants to come to work, return to their home country to be with their families and then re-enter legally when it's time to begin working again.

Enforce the Law on Unaccompanied Minors Crossing the U.S. Border Before Rewriting It



Jessica Vaughan is the director of policy studies at the Center for Immigration Studies.

UPDATED JULY 9, 2014, 1:50 PM

The first priority must be to try to curb the continuing influx of illegal crossers. We should be working with El Salvador, Guatemala, Honduras and Mexico to stop U.S.-bound migrants long before they reach our border, and help their governments repatriate them safely. During a similar surge in 2001-02, instead of waiting for them to arrive, U.S. immigration agents based in Mexico City organized a multinational operation to intercept and return nearly 80,000 north-bound migrants, disrupting smuggling networks and significantly reducing pressure at the border. It cost less than \$2 million, a tiny fraction of what it would have cost to process them in the United States, assuming they were caught, and would be far more effective now than the bland public service announcements our government commissioned.

This crisis of unaccompanied minors crossing the U.S. border is proof that lax enforcement and talk of amnesty only bring more illegal immigration.

Next, instead of dumping these cases onto a dysfunctional immigration court system, it would be better to accelerate the return of recent illegal arrivals by detaining them in the border area and adopting a “last in, first out” processing queue, both for the family units (who make up two-thirds of the surge) and the smuggled unaccompanied children. Swifter processing benefits the illegal immigrants and the taxpayers, who foot the bill for this process.

Finally, the Obama administration must revise its distorted interpretation of the law on handling cases that involve unaccompanied minors crossing the border illegally. The 2008 provisions were meant to help children who were trafficked into the United States, and who have no parent or guardian, not to protect illegally residing parents who hire criminal organizations to smuggle their children. Under current policies, these parents are off-limits for enforcement, which hampers investigations and enriches the smugglers.

This crisis is the best evidence yet that lax enforcement, both at the border and within the country, and talk of amnesty only bring more illegal immigration. Congress is right to insist that the president start enforcing the laws we have in good faith before undertaking a major rewrite.

These Children Are Victims, Not Just Immigrants



Jennifer Podkul is the senior officer for the Migrant Rights and Justice Program at the Women's Refugee Commission.

UPDATED JULY 8, 2014, 6:58 PM

The president's request for funding to address the situation at the border is a good first step, but only if the money is spent wisely.

The U.S. government has already enacted policies that treat this issue as an immigration problem, not as a humanitarian crisis. The government is collaborating with Mexican officials to stop migrants before they reach our border, and has instructed U.S. asylum officers to [exercise more scrutiny](#) and cut the number of approved persecution claims. President Obama has even suggested to Congress that important legal protections for children be rolled back to accelerate deportations.

We must think about these kids as asylum seekers, not illegal immigrants – victims of war, people who deserve our protection.

The funding request emphasizes the need for increased enforcement and detention facilities. Detention as a deterrence is not only a violation of international human rights, but it has been proved ineffective in forced displacement situations. The administration has also requested millions for a media campaign in the vain hope that showing people the risks in illegal crossings would make them decide to stay home and endure violence and suffering.

None of these misguided approaches will work. They will not prevent people who fear for their lives from seeking protection in a safer country. What these solutions do is undermine fundamental human rights and due process protections.

This is a regional humanitarian crisis that the United States must tackle as if it were in Africa or the Middle East. We should be using the same kind of vocabulary for similar crises around the world and think about these kids as asylum seekers, not illegal immigrants – victims of war, people who deserve our protection.

We support the president's request to apply money to adjust our foreign policy and international aid to Central America, to help those governments protect their own citizens, so that the most vulnerable people will not continue to face horrific violence and a hopeless future.

Show These Unaccompanied Children Fairness and Due Process



Ruthie Epstein is a legislative policy analyst at the [American Civil Liberties Union](#). She works on immigration and criminal justice issues. She is on [Twitter](#).

UPDATED JULY 9, 2014, 1:48 PM

Since last October, the U.S. government has apprehended [52,000 unaccompanied children](#) at the border. We're calling this migration a crisis for two reasons: First, many of these children have fled extreme violence in their home countries, and second, the U.S. system was not prepared to handle the scale of arrivals. The Obama administration's repeated promises to "stem the tide" by detaining and deporting these children as quickly as possible are profoundly misguided. They are also contrary to the spirit of our international refugee protection obligations not to return a person to his or her country of persecution.

The U.S. government has a legal obligation to offer every unaccompanied child the opportunity to appear before an immigration judge, with an attorney.

The United Nations refugee agency recently found that [58 percent](#) of a statistically significant sample of children arriving from El Salvador, Guatemala, Honduras, or Mexico cited violence as one key reason they fled their homes for the United States. These children have a potential claim to international protection, which in the United States could be asylum or one of several other legal statuses available under U.S. immigration law.

The U.S. government has a [legal obligation](#) to offer every unaccompanied child the opportunity to appear before an immigration judge, with an attorney. Otherwise the child's ability to seek protection in the United States – along with our nation's moral compass – is severely compromised. Yet the administration, buttressed by some members of Congress, is apparently proposing to shortchange critical procedural safeguards.

Optics aside, this crisis has nothing to do with the debate over comprehensive immigration reform. The Senate reform bill passed a year ago would not change the legal status available to these new arrivals. And it doesn't expose gaps in border security – remember, the kids are being apprehended, they're not slipping through.

But this crisis has everything to do with our commitment to the fundamental American values of fairness and due process embodied in our Constitution and laws. The administration shouldn't let this humanitarian crisis along the border become a crisis of conscience for our nation.