



WRITTEN STATEMENT BY
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U.S. Committee for Refugees and Immigrants
On
"The Adequacy of the Department of Health and Human Services' Efforts to Protect
Unaccompanied Alien Children from Human Trafficking"
Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
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Good afternoon. My name is Tiffany Nelms. I am a social worker and the Associate Director of Unaccompanied Children's Services at the U.S. Committee for Refugees and Immigrants. Thank you to Chairman Portman, Ranking Member McCaskill and Members of the Subcommittee for opportunity to amplify the voices of the thousands of children seeking safety and protection in the United States and to share their stories. For nearly a decade, I have worked with these children, and their perseverance and many successes motivates me to continue this work but our failures to protect and adequately support them keeps me up at night.

Let me tell you about a girl who I will call Karen. Her family eked out a meager living by selling bottled water and candy to tourists in a popular beach town in Honduras. After completing only a few years of school, Karen was forced to drop out to work and help support her family. For many years, Karen's extended family was targeted by gangs because they refused to pay a "tax" or "renta". This is a tactic commonly used by gangs to extort money from regular people. In exchange, those who pay the taxes can live in, work in or transit a community the gang has claimed. When she was 10 years old, Karen's uncle was murdered by the gang, a punishment for his refusal to pay the "tax." The murder served as a warning, and Karen's parents fled, hoping to fall off of the gang's radar. Unfortunately, their house was subsequently burned to the ground.

The threats and intimidation continued. Desperate to find safety for their daughter, Karen's parent's allowed her to leave town with a man who offered to make her his wife, protect and provide for her. At 14, Karen became pregnant, and her husband began to control everything she did. After the child was born, the physical, emotional, and sexual abuse escalated. She did not seek help from the authorities because domestic violence is rarely prosecuted in her country. Karen eventually left her husband, and she and her child sought safety with her parents who were living with Karen's cousin. However, this cousin was kidnapped, tortured and murdered by members of the local gang as punishment for resisting their sexual advances and attempts to recruit her. The gang left her body in pieces on her doorstep as another warning of what could happen to Karen and her family. The murders of Karen's uncle and cousin were never investigated; this deepened the family's distrust of the local authorities. Fearing she might be next, Karen fled to the U.S. After crossing the border, Karen was detained and then transferred to the care of the Office of Refugee Resettlement (ORR).

It is a tragedy that a child must experience so much trauma at such a young age. But, it is even greater tragedy that we, as a nation, do not have the adequate infrastructure and resources to provide Karen and other children like her with the safety and protection they need. Once in the U.S., Central American children are placed in the custody of ORR. The vast majority reunify with family in the US until their immigration cases are adjudicated. Many of these children reunify with parents who have been living legally in the U.S. for ten years or more.

For the past six years, my agency has provided Post Release Services to unaccompanied children. These services are an extension of our nation-wide, pro-bono legal services network, which we have managed for ten years. Over the past decade, my colleagues and I have witnessed conditions in Central America deteriorate. In the past two years, in particular, we have seen rapid increases in the number of children, most of whom qualify for refugee status, who are seeking basic protection from violence, abuse and neglect in their communities. These children's needs are not being met in their countries of origin. Our observations and our comprehensive experience with these children have informed our "Six Solutions," which we recommended to Congress and the Obama Administration in 2014. The U.S. government is now expanding its response to the needs of unaccompanied children. This expanded response involves an in-country processing program for some children and, more recently, a program to partner with the UN High Commissioner for Refugees to process refugee claims in Central America. These are two of the solutions we proposed eighteen months ago.

Domestically, ORR has made strides in reducing the length, on average, of children's stay in shelters and is more expeditiously reunifying children with their families. Many reunifications are very successful. Children seamlessly integrate into their new homes, enroll in school, and access legal representation for their immigration cases.

Presently, approximately 10% of Central American children qualify for limited social services (three home visits in six months) after they reunify with their families. Children that are eligible typically have a history of severe abuse, neglect, have a disability or are survivors of human trafficking; or are being placed with a sponsor who poses a risk of harm. Sadly, approximately 90% of the children receive no post release services once they are discharged from ORR care. Today, many of the 10% of children that do qualify for these services end up on a waitlist and some vulnerable children must wait up to six months before a provider is available to serve them.

There is no other system that places children, some that have no prior relationship with the caregiver, and provides no follow up or monitoring of the child's wellbeing after the placement. Most children speak some English and at least have access to informal "helpers" such as teachers, pediatricians and police officers—connections within their communities who are trustworthy and will notice any irregularities, or at worst, abuse or neglect. These are connections that are not guaranteed for unaccompanied children with limited English proficiency often with no connections to their communities beyond their sponsors. These children are especially vulnerable to being abused, neglected, exploited or trafficked by their sponsors.

Post release services are critical. They connect unaccompanied children to medical and mental health care, ensure that children are enrolled in school in compliance with compulsory attendance laws, and provide children with access to legal representation, something that is not

guaranteed for unaccompanied children and, which significantly increases their likelihood of attending their immigration hearings. In addition to ensuring access to resources, post release service providers monitor the children's wellbeing and integration to their new homes and communities. Social workers who facilitate post release services also guide and educate sponsors and caregivers to navigate the effects of trauma and support children as they adjust and integrate. These social workers also detect situations in which children are abused, neglected, exploited or trafficked by their sponsors. Through its post release services program, USCRI has identified victims of trafficking including a 17-year-old girl who was reunified with her mother but forced to dance in a cantina and a 15-year-old boy who was forced by his sponsor to perform manual labor six days a week.

In another situation, local child welfare authorities who were familiar with USCRI contacted us and sought technical assistance in serving a 14-year-old unaccompanied child who became pregnant as a result of sexual abuse by her father following their reunification. With post release services, this abuse might have been prevented or detected earlier.

Post release services work. The children served through USCRI's program have a 95% attendance rate at their immigration hearings and similar outcomes for school attendance. Every child served by USCRI's post release service program is provided with access to low or no cost medical and mental health services.

As a result of the increasing numbers of unaccompanied children from Central America, post release services are being stretched thin, and the quality of these services is in jeopardy. We must do more with less: increase caseloads while we reduce the amount of time spent with each child and their family members navigating their sometimes complex needs and challenges.

Some children are granted additional protections due to the Trafficking Victims Protection Reauthorization Act. These children must remain in ORR care until a post release services provider has the capacity to serve them, increasing the length of detention for many children due to the limited capacity within the current network. This also significantly increases costs as shelter stays are more expensive than post release services in the community.

How can we address these gaps? With over 100 years of experience, we, at the U.S. Committee for Refugees and Immigrants, know how to resolve these sorts of issues. Here are three recommendations:

- 1) Make post release services available to every unaccompanied child.

In addition to witnessing and experiencing severe violence and threats, these children face trauma when separated from their parents and communities. We recommend that post release services are provided through a tiered system wherein survivors of trafficking and violence receive more intensive services, and children with stable, protective and supportive families receive less intensive services.

- 2) Expand capacity within the national post release services networks so children are served in a more efficient and expeditious manner, reunited with family in a timely and safe way, and able to access the education and medical and mental health care that all children deserve. We know that childhood trauma can impact people's mental and physical health throughout their lives. Untreated trauma can lead to interrupted education, chronic health conditions, maladaptive behaviors, depression and even suicide. With the support of post release services, children are able to access life-changing care, which can help them heal and begin to overcome past trauma. Post release services also ensure that children are less likely to be re-traumatized or exposed to abuse or neglect in the U.S. We must continue to see them as children first and as refugees seeking protection second. We must respect their rights to safety and protection and provide quality services grounded in social work best practices that allow the worker to make a meaningful impact and that enhance the strengths and protective capabilities of the families.
- 3) Streamline reunification processes in consultation with national post release service providers.

We agree that the reunification process could be streamlined for some children, but these policy changes should be developed in consultation with the providers that intimately know the risks and challenges children face after release from ORR care. With this knowledge, ORR's various grantees could work with the government to identify and mitigate some of the risks associated with speeding up reunifications.

Some of the recent streamlining policies include waiving fingerprinting and child abuse registry checks for many sponsors. These screenings are conducted in cases in which the clients have experiences of trafficking or severe abuse, the clients have disabilities, or the sponsors have criminal histories.

In 2007, social workers had 90 days to conduct thorough assessments of potential reunification plans. This timeframe was later reduced to 30 days. In the last month, the timeframe was reduced again to a mere 10 business days. While we agree that some home studies can be completed within this shortened timeframe, the more complex cases require interviews, home visits and follow up activities that cannot be adequately completed in 10 business days.

We recognize that these children have fled to the U.S. seeking protection, and we take seriously our role as guardians while their immigration claims are reviewed and evaluated. When a child receives due process resulting in a deportation order, he or she must return to his or her country of origin. However, while these children are in our care, we can do more to welcome and protect the most vulnerable among us.

Children don't travel over 1,000 miles alone on a whim.

Right now, the children fleeing are threatened, terrified, and alone.

I never met my father. He was murdered before I was born.

LUNA, 8
EL SALVADOR



I am looking for a place where I won't be afraid.

JOSE, 10
NICARAGUA

WHY ARE THEY CROSSING BORDERS?

THREATS	MURDER	VIOLENCE	STARVATION
GANG WARS	CORRUPTION	KIDNAPPING	SEXUAL ABUSE
ABANDONMENT	DRUG TRAFFICKING	DOMESTIC ABUSE	POVERTY

We don't want to live in a world where children go unprotected.

Do you?

www.refugees.org/iamsolo

Reporting the gangs to the police is more dangerous than being robbed.

KAREN, 15
HONDURAS

The gangs were searching for me.

JULIAN, 16
EL SALVADOR

It was not safe on any street. I had to stay inside forever, or run away.

NATALIA, 16
EL SALVADOR

THESE CHILDREN ARE HUMAN BEINGS WITH INDIVIDUAL STORIES AND WE HAVE SOLUTIONS.

6 SOLUTIONS

1

RESPECT FAMILIES

Allow parents or legal guardians from El Salvador or Honduras who reside legally in the U.S. under Temporary Protected Status (TPS) to apply for their minor children to reunite. Their minor children may be residing either in the U.S. or in their country of origin and their status would be linked to their parents. This will immediately reduce immigration court backlogs and apply to an estimated 30-40% of the children surrendering at the borders.

2

KEEP KIDS OUT OF THE COURTROOM

Institute a Children's Corps based on the Asylum Officer Corps model. Children Corps officers would be trained in child-sensitive interview techniques and Best Interest Determination standards. They would determine if a child is eligible for legal relief such as asylum, Special Immigrant Juvenile Status (SIJS), Trafficking Victims Visa (T-Visa) or other forms of legal relief. This would move the adjudication process from an adversarial, judicial process to an administrative process for most children. Those who are not eligible for legal status would be placed in removal proceedings. It is estimated that 40% to 60% may be eligible for legal protection.

3

HELP CHILDREN AVOID THE DANGEROUS JOURNEY

In-Country Processing allows applicants to apply for refugee status in their home country. The children would have to meet the U.S. refugee definition, be otherwise admissible, and would be resettled in an orderly fashion. In-country processing has been used in the past for the resettlement of Soviet Jews, Vietnamese, and Cubans, so they could avoid life-threatening escapes. Other countries in North or South America may also be willing to accept children for resettlement.

4

ENGAGE THE UN REFUGEE AGENCY (UNHCR)

Unaccompanied children and adults can receive international protection from UNHCR after they have fled their home country. Through long established procedures, the UNHCR could then refer their cases for resettlement to a receiving country. The U.S. Department of State coordinates the program, the refugees are interviewed by a USCIS Officer and, if approved for entry, undergo extensive security and medical clearances prior to being moved to the U.S.

5

FORGIVE THE CHILDREN

Grant Children's Protected Status (CPS) to all unaccompanied children who have already been brought into custody. As precedent, the Cubans and Haitians who arrived illegally during the Mariel Boatlift in 1980 were given Cuban/Haitian Entrant Status. Simultaneously with the announcement of CPS, the government could announce a cut-off-date for all future arrivals. After the cut-off date, new arrivals would be subject to expedited removal. Granting CPS will relieve the government of the burden and cost of adjudicating the cases of thousands of unaccompanied minors. This will increase capacity for the Department of Homeland Security to handle other immigration cases.

6

INTRODUCE HOPE

Create a Regulated Entry Procedure (REP) for 10,000 Unaccompanied Immigrant Children per year per country from Honduras, El Salvador, and Guatemala. As precedent, to end the Mariel Boatlift in 1980, a lottery was established which allows 20,000 Cubans to enter the US every year. The hope of "winning" has kept Cubans from hazarding the ocean for the last 34 years. The Central American Children would be permitted to enter the U.S. legally through a regulated system managed and processed by the U.S. Government.