



**Central American Refugee and Migrant Children and Families
Seeking Protection in the United States:**

Updated Recommendations for Philanthropic Response

May 19, 2016

Executive Summary

- There continue to be high numbers of refugees from Guatemala, El Salvador, and Honduras seeking protection in the U.S. and across the region
- The U.S. policy response has expanded to the use of raids in communities across the U.S.
- In 2015, 91 percent of completed cases for children without representation resulted in removal, whereas children with attorneys received relief in 84 percent of completed cases. The single, [strongest indicator](#) that a child will appear for an immigration court hearing is if an attorney represents that child. Representation also improves the process for judges and government attorneys, who are able to communicate directly with another attorney, rather than a child.
- There are local, national, and international opportunities for foundations to be inclusive of vulnerable women and child refugees in their grantmaking priorities
- Cross-sector and collaborative funder strategies can work to tackle these immediate and ongoing needs:
 - Responding to immigration enforcement;
 - Legal representation and resources;
 - Health, education, and other integration services;
 - Support for re-integration work in the countries of origin;
 - Communications, polling, and message-testing;
 - Policy advocacy;
 - Monitoring and evaluation; and
 - Research and replication of successful and innovative models developed in response to the increase in migrant arrivals.

Overview

The arrival of refugee unaccompanied children and families from the Northern Triangle region of Central America continues to warrant urgent philanthropic action. In 2014, over 68,000 children arrived alone along the southern border of the United States seeking protection; an equivalent number of family members (primarily mothers with young children) arrived that year, many of whom are now living in communities across the U.S. Despite seeing a slight decrease in [2015](#) (with approximately 40,000 arrivals in each category), to date, arrivals in [2016](#) are on pace with or higher than in 2014.

Part of the U.S. response has included efforts to deter women and children from arriving to the U.S. On a recent [GCIR Mexico Learning Tour](#), the impact of U.S. support for Mexican interdiction of asylum seekers was [observed first-hand](#). In the U.S, the expansion of family detention and the recent announcements of raids in communities targeting these women and children have dramatically impacted this vulnerable group.

At the local, national, and international level, there are many short and long-term opportunities for foundations to be inclusive of this vulnerable community in key grantmaking priorities -- ranging from health and education to communications and policy to reintegration and research. Immediate and ongoing needs include:

- Responding to immigration enforcement;
- Legal representation and resources;
- Health, education, and other integration services;
- Support for re-integration work in the countries of origin;
- Communications, polling, and message-testing;
- Policy advocacy;
- Monitoring and evaluation; and
- Research and replication of successful and innovative models developed in response to the increase in migrant arrivals.

Each of these opportunities is detailed below. In addition, funders are encouraged to convene their peers to coordinate action and to work with stakeholders to craft a comprehensive strategy for responding to this humanitarian situation within their sectors or within geographic regions.

Funding Opportunities for U.S. Funders

I. Responding to Immigration Enforcement and Hostile Environment

A high percentage of the Central American children and families fled persecution and extreme violence in their home countries, and are seeking asylum and other forms of protection in the United States. Yet, as part of a policy to deter future migration, the Obama administration conducted a series of highly publicized raids in January 2016 that targeted these for deportation. The raids sowed fear in immigrant communities across the country; they also raised significant due process concerns, as many of those who were targeted did not have legal representation, did not understand how to appeal a

negative decision on their case, or were not informed of their court dates. In May 2016, [Reuters](#) reported that the government is planning new nationwide raids in June.

Immigration enforcement, including detention and deportation, casts a long shadow over the daily lives of all immigrants and refugees in our communities. Fears that going to school or having contact with any public service or government authority will trigger detention and removal is a constant concern for families. The impact of immigration enforcement on the well-being of children and immigrant families is well documented. Enforcement actions can cause economic and social instability, psychological trauma and distress, and family dissolution, creating ripple effects through communities when children and their families are already in crisis.

A. Responding to Immigration Enforcement

- Support efforts to monitor and document enforcement and detention practices in local communities; bolster efforts that highlight how local law enforcement is collaborating with federal immigration authorities; ensure fair and humane treatment of immigrants, particularly women and children, throughout the enforcement process.
- Scale up support for mental health counseling, support services, and advocacy to ensure that school, social service, and child welfare systems can meet the needs of children and families affected by enforcement in local communities.
- To mitigate the impact of heightened enforcement and xenophobic sentiment, support efforts to educate the broader society about immigrant and refugee contributions; address misinformation and misperceptions; and put in place local and state policies that support long-term immigrant and refugee integration.

II. Legal Services

Immigrants in removal proceedings, including unaccompanied children, are not appointed attorneys to represent them in their court proceedings. Women and children have the right to bring an attorney with them, but they must find and pay for their own legal counsel, making them vulnerable to fraud and exploitation. In 2014 and 2015, about half of unaccompanied children were represented by attorneys in their court proceedings. However, for cases filed in 2016, to date, only 17 percent of children have lawyers. The legal services and pro bono community are struggling to meet the high demand for quality representation.

The United Nations High Commissioner for Refugees (UNHCR) estimates that 60 percent or more of women and children could be eligible for international protection, such as asylum or another form of humanitarian relief, but children—and many adult asylum seekers—cannot effectively present their cases to a judge without an attorney.

In 2015, 91 percent of completed cases for children without representation resulted in removal, whereas children with attorneys received relief in 84 percent of completed cases. When children are represented, the vast majority do appear for their first immigration court hearing. In fact, the single, [strongest indicator](#) that a child will appear for an

immigration court hearing is if an attorney represents that child. Representation also improves the process for judges and government attorneys, who are able to communicate directly with another attorney, rather than a child.

A. Expand Access to Legal Counsel

- Scale up immigration legal services and technical assistance, particularly focused in geographic areas with (i) the highest number of unrepresented unaccompanied children, (ii) detention facilities housing families, (iii) any emergency facilities set up to house unaccompanied children during an influx; and (iv) families released to communities as they await immigration court hearings.
- Provide funds to ensure that NGOs and pro-bono attorneys are present at the major family detention centers in the wake of any new raids, to provide additional screenings for possible protection claims and appeals prior to deportation to their countries of origin.
- Expand recruitment and specialized training of lawyers to represent unaccompanied children seeking asylum, Special Immigrant Juvenile Status (SIJS), and other forms of protection.
- Recruit and train pro bono attorneys to leverage private-sector resources and augment the limited capacity of nonprofit legal service providers. Support should include (i) coordination and mentoring; and (ii) travel funds, living expenses, and assistance in reaching areas where migrants are held in custody or reside post-release.
- Leverage federal dollars by supporting (i) Legal Orientation Programs for detained families with children (LOPs), and custodians of released children (LOPCs); and (ii) federal pilot programs to appoint counsel to unaccompanied child migrants.
- Provide training to state court judges on their role in the SIJS process. Continue to engage with the government on solutions to address the [current SIJS](#) visa backlog, which could mean that children have to wait years to receive a permanent visa.

B. Bolster Legal Resources

- Ensure the availability of interpreters, including those fluent in the indigenous languages of Mexico and Central America.
- Expand training on child-appropriate practices for immigration judges and asylum officers deciding children's and families' legal cases.
- Create a panel of pro bono or low-fee experts to provide medical information and information on country of origin conditions to support children's and families' legal claims.
- Expand access to independent child advocates to provide "best interest" recommendations for any child who may be repatriated against the child's best interests.
- Support a "bond fund" to post the equivalent of bail in the immigration court context for indigent families that are eligible for release from detention.

C. Assess Legal Service Response to Date and Institutionalize Best Practices

- Support a convening or other method of assessing the lessons learned and best practices of service providers in recent years as they responded to the sharp rise in arrivals.

II. Direct Services

A. On the border and in detention facilities

- Provide the basics, including medical care and other immediate needs, such as bus fare, housing, toiletries, diapers, infant food, etc. to refugee families released from Customs and Border Protection facilities on the Southern border.
- Support training for federal officials to (i) screen for sexual assault and to refer victims for specialized care, including physical and mental health services; and (2) inform victims how to safely report crimes.
- Support independent human rights monitoring on the border, including at Customs and Border Patrol facilities and immigration detention facilities holding unaccompanied children and families.
- Ensure the provision of quality interpretation services, including in the indigenous languages of Mexico and Central America.

B. In communities

- Educate community leaders and teachers to (i) inform them about every child's right to attend public school and the best practices for enrollment; (ii) identify newly-arrived children; (iii) assist them in meeting the particular needs of the population; and (iv) refer children to all available legal and social services.
- Support the creation of nationwide, statewide, or local telephone hotlines and websites for immigrant children, sponsors, and advocates to find and access local legal and social services. (*See e.g., buscandomaryland.com/*)
- Support schools that want to implement best practices for enrolling and supporting recently arrived children and their sponsors. Coordinate and draw lessons from existing state and local efforts, such as in the schools and with resettled refugee populations, including intensive case management, English as a Second Language courses, and integration.
- Sustain services designed to support children released from government custody to ensure their safe integration with their sponsor during their immigration court proceedings, including the appointment of a child advocate or caseworker to coordinate services.

C. Re-Integration Services

- Develop “return and reintegration” programs through non-governmental organizations, and in cooperation with the governments of the Northern Triangle countries, to

- (i) provide comprehensive services and case management to children and families who voluntarily return or are ordered removed to ensure their well-being and
- (ii) prevent their exploitation by traffickers due to continued instability and risk.
- Support efforts to monitor return activities, particularly to ensure the safety of those who voluntarily return or are deported back to the Northern Triangle region.
- Develop best practice recommendations for the U.S. government that reflect culturally competent and gender-sensitive principles when it is returning women and children back to the region. Such efforts are critical to ensuring that children and families are not returned to imminent danger.

III. Communications

- The funder community helped to produce critical communication and messaging strategies in the summer of 2014, as the numbers of arriving children and families first made national headlines. The time is ripe for new focus groups, polling, and message testing to ensure advocates have effective communications strategies.
- Finance efforts to align communications and advocacy strategies, and provide specialized training to spokespersons, at the national and local levels for U.S. groups focused on all aspects of this humanitarian situation (including child welfare, trafficking, domestic violence, and other networks).
- Building off the model of the Dreamer movement, train and create opportunities for unaccompanied children themselves to raise awareness and advocate for better treatment of their peers.
- Support a media campaign to educate the public on the issue of child and family migration, drivers of migration, and policy choices consistent with humanitarian and U.S. ideals.

IV. Policy Advocacy

Policy advocacy is needed to expand federal funding for legal representation, fully fund the immigration court system, and make the adjudication process more sensitive to the needs of children including their cognitive, mental, intellectual, and other developmental capacities.

- On the humanitarian front, advocacy is needed to (i) preserve the protections in current law; (ii) ensure that the "best interests of the child" framework is utilized in policy and decision making; (iii) ensure U.S. asylum adjudications appropriately analyze claims made by those fleeing violence and persecution; and (iv) ensure that children in U.S. government custody are properly cared for.
- Advocacy is also needed to highlight the chilling effects of raids on immigrant communities, the absence of due process in many cases, and the failure of deterrence to stem the flow of those fleeing persecution and other harm.

V. Evaluation

- The impact of expedited court proceedings for children and families on their ability to seek immigration relief and the effectiveness of the courts themselves.
- The application of a “best interests of the child” framework in adjudicating children’s immigration cases.
- The impact of pilot programs for families released from immigration detention and placed in case management alternative-to-detention programs provided by a non-profit entity.
- Assessment of various programs including the Central American Minors (CAM) refugee and parole program, as well as follow-up, integration, and repatriation protocols.

VI. Research

- Impact of obtaining counsel on the removal cases (including appearance rates) of unaccompanied children and families with children.
- Impact of trauma on a child’s ability to express fear of return to his/her country of origin or to describe the traumatic experience in detail.
- Outcomes for children released to family, including ability to obtain social services, education, legal counsel, child advocates, etc.



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