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### Minors Crossing US Southern Border Need Protection

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# Minors crossing US southern border need protection

*To end the surge of migrant children, address the entrenched poverty and unbridled violence in their home countries*

June 19, 2014 1:00AM ET

by [Lauren Carasik](#) @LCarasik



Central American immigrants attempting to reach the U.S. border arrive at Ixtepec, Mexico on top of a freight train on Aug. 6, 2013. John Moore / Getty Images

The surge of unaccompanied minors arriving at the southwest U.S. borders has increased tenfold over the last three years. An estimated 60,000 migrant children are projected to cross into the U.S. in 2014, according to federal officials. And that figure [could swell to 90,000](#).

Three out of four children intercepted at the Mexican border since October are from Central America's Northern Triangle — Guatemala, El Salvador

and [Honduras](#). The high rate of [femicide](#) in those countries likely contributes to the fact that many of the children are girls, and young, [often under the age of 13](#). The influx of minors has ignited a highly partisan political debate in the U.S., threatening to undermine the humane treatment of the children, efforts to ameliorate the causes of the migration and the rule of law.

The Obama administration is under increased pressure to address what it has identified as an “[urgent humanitarian situation](#).” To that effect, Vice President Joe Biden will [meet with leaders](#) from Guatemala, El Salvador and Honduras on June 20 to discuss ways to address the situation. Biden plans to emphasize the dangers of the harrowing journey north, where children often suffer exploitation, violence and even death. The meeting comes three weeks after President Barack Obama [ordered](#) a coordinated multiagency response to provide unified humanitarian relief to the children, including housing, medical treatment and transportation.

Republicans in Congress are dissatisfied. On June 11, GOP lawmakers grilled Department of Homeland Security (DHS) Secretary Jeh Johnson during a Senate Judiciary Committee hearing, blaming the administration for lax immigration enforcement and for sending mixed signals to those looking to enter the country illegally. Johnson insisted the surge was due to increased violence and poverty in the migrants’ countries of origin. Democratic lawmakers blamed congressional intransigence in tackling comprehensive immigration reform for the deepening crisis.

## **Legal protection for minors**

Much of the domestic political wrangling is aimed at pressuring Obama to secure the border and turn away unaccompanied child migrants. But U.S. law [prohibits immediate deportation](#) of children from noncontiguous countries, requires children to be turned over to U.S. Health and Human Services within 72 hours and [mandates that minors be treated](#) “with dignity, respect and special concern.” Yet, overwhelmed by the rising tide of migrants, authorities are warehousing children in [squalid detention centers](#). On June 11, five human rights

organizations, including the American Civil Liberties Union of Arizona and the National Immigrant Justice Center of Chicago, [filed a complaint](#) with DHS on behalf of more than 100 children, whose allegations of systemic abuse in the custody of U.S. border authorities predate the recent exposés.

The United States is bound by the [1951 Refugee Convention](#) and its 1967 protocol, which obligates states to provide safeguards to those who have crossed their borders to flee from a well-founded fear of persecution in their home country. In March, the [United Nations](#) said 58 percent of the children coming from the Northern Triangle and Mexico were forcibly displaced by violence — including those [fleeing from gangs](#) — and may need international protection. Nearly 50 percent of the children interviewed by the U.N. Refugee Agency detailed experiencing or fearing violence from armed criminal actors — gangs, drug traffickers and perpetrators of state violence. A further 22 percent reported domestic violence, which could also qualify them for [Special Immigrant Juvenile Status under U.S. law](#).

Some of the children also hoped for better opportunities and to reunite with family members in the U.S. While those fleeing economic hardship or seeking family reunification are not eligible for international protection, the lack of immigration reform in the U.S. compounds this problem. Many parents are afraid to leave the U.S. to visit their families without assurances they can return.

Given their vulnerable and traumatized status, the children need legal guidance. On June 6, the Department of Justice [announced](#) a \$2 million interagency fund for a "justice AmeriCorps" to assist with immigration proceedings. But the program is [limited to children under 16](#), forcing thousands of children with legitimate claims of persecution to navigate a confusing and highly technical system without adequate representation.

**Instead of investing in security, militarized drug interdiction and immigration enforcement, the U.S. should focus on advancing education, economic opportunities and democratization in Central America.**

To deter future migration, some observers are calling for immediate deportation, the denial of legally mandated services to those who enter the country illegally and the elimination of pull factors that entice people to flee their countries, including U.S. laws that are lenient for children. Stricter policies may dissuade some children from coming, but the demands for crackdowns could be perceived as tacit approval for violating these children's rights.

Many of the accusations leveled against the White House, such as charges that child migrants are gaming the system and that the administration is lax about enforcing existing immigration laws, are simply [unfounded](#). First, according to the U.N., only 15 out of more than 400 children interviewed for the study knew that unaccompanied minors are treated more leniently than adults under the [2008 Trafficking Victims Protection Reauthorization Act](#).

Second, the Obama administration is [spending \\$18 million a year](#) on securing borders, and has [deported nearly 2 million people](#) since taking office. Last year, more than [90,000 people were jailed](#) for illegal entry or re-entry into the U.S., an all-time high, with the [incarceration costs estimated at \\$1 billion](#).

Critics have also blamed the [2012 Deferred Action for Childhood Arrivals](#), a discretionary measure that allows some undocumented minors to defer deportation, for fueling the surge. However, the program applies only to children who arrived before June 15, 2012, and the influx of minors began [eight months before the policy was enacted](#). Despite allegations of widespread abuse of the nation's asylum system, the U.S. is not the only destination for the wave of asylum seekers. [The U.N.](#) says children fleeing El Salvador, Honduras and Guatemala have lodged claims in Mexico, Panama, Nicaragua, Costa Rica and Belize at a 432 percent increase over several years.

## **Root causes**

The instability of Central American countries does not occur in a historical or geopolitical vacuum. U.S. policies, including a history of intervention on behalf of repressive right-wing regimes, have contributed to the deficit of democracy in the

region. The militarization of the “war on drugs,” with its focus on supply and transit countries rather than U.S. consumption, has also fueled the violence. Partisan gridlock derailing immigration reform has left separated families with [few options to seek legal reunification](#). International development and free trade policies, such as the [North American Free Trade Agreement](#), have [contributed to the economic hardship](#) in Central America and [Mexico](#). And although the U.S. is legally justified in aggressively deporting gang members, critics have denounced the fallout from “[exporting mayhem](#)” to countries ill equipped to reintegrate these violent elements.

Ultimately, the only way to stem the flow of migrant children is to ameliorate the entrenched poverty and unbridled violence that compel them to leave their communities. This requires a transnational approach. Washington already spends hundreds of millions on immigration enforcement, and has provided [\\$642 million in security aid](#) to the region since 2008 under the Central America Regional Security Initiative. Instead of investing in failed security, militarized drug interdiction and immigration enforcement, however, money could be spent advancing education, economic opportunities and democratization to stabilize these countries.

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*The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera America's editorial policy.*