

February 14, 2018

Dear Members of Congress:

We, the undersigned immigration, refugee, faith, education, children's, labor, human rights and civil liberties organizations, write to express our support for passing the Dream Act, while rejecting proposals that would punish asylum seekers and vulnerable children, or abolish the limited protections created by Congress to prevent their return to persecution, trafficking, and other serious harms. We ask Congress to remember that a solution for Dreamers cannot come at the cost of life-saving humanitarian protections. We oppose false portrayals of unaccompanied immigrant children and asylum seekers as dangerous individuals who take advantage of "loopholes" in the U.S. immigration system. The protections at issue were carefully crafted by Congress, and reflect core components of America's identity as a country committed to liberty, justice and human dignity. The asylum process is lengthy and complex, and contains ample protections against fraud. We urge Congress to vote against provisions that roll back protections or curb access to due process for unaccompanied immigrant children and asylum seekers.

#### **Safeguard protections for children**

Children entering the U.S. as unaccompanied immigrants are not taking advantage of "loopholes," contrary to what the President stated in his State of The Union address. These children are entering under a limited and narrow set of protections granted in the Trafficking Victims Protection and Reauthorization Act (TVPPRA) of 2008. To address concerns that the U.S. government was not adequately screening children to identify victims of human trafficking or other risks, Congress passed the TVPPRA, and President George W. Bush signed it into law.

The TVPPRA offers limited but necessary protections for vulnerable children from non-contiguous countries who travel thousands of miles to flee their countries and find safety. The law requires Customs and Border Protection (CBP) to transfer care and custody of these children to the Office of Refugee Resettlement (ORR), where child welfare professionals will screen them while they are still in government custody. They are also informed of their rights and can ask for legal protection. ORR cares for these children in the least restrictive setting that is in the "best interest of the child." Current proposals include expediting the screening of unaccompanied children (by treating all unaccompanied children as the law currently treats children from Mexico and Canada), subjecting these children to more restrictive detention, and forcing the government to make final decisions before the children have an opportunity to find their bearings and trust an adult with their traumatic stories. If enacted, these proposals would likely return thousands of children to harm or death in their home countries.

Treating vulnerable children differently than adults is the hallmark of every government system that makes decisions about children. Testifying before the Senate Judiciary Committee, Department of Homeland Security Secretary Kirstjen Nielsen characterized the treatment of unaccompanied immigrant children as unfair (to the government) because an asylum officer, trained to speak with children, conducts the interview. Many of these children come from countries where law enforcement officials

perpetuate abuses and cannot be trusted. Providing children the opportunity to go before an asylum officer and tell their story is fair and humane. Changing current laws would mean children would be forced to state their cases and defend themselves against a trained government attorney arguing for their deportation before an immigration judge in a foreign country, language, and legal system. Children cannot be expected to navigate the same procedures as adults. They have different levels of both emotional acuity and cognitive ability. Expecting children to plead their case before a judge as part of an adversarial proceeding, without an attorney, is neither fair nor an efficient use of limited resources.

Unaccompanied immigrant children are kids, not criminals. In fiscal year 2017, 30% of these kids were under the age of 14, and 17% were under the age of 12. In fiscal year 2016, 32% were under the age of 14, and 18% were under the age of 12. In the last five years, the fraction of unaccompanied children who are girls has skyrocketed to almost one-third of all children who present themselves to, or who are apprehended by, immigration authorities.

While many in the Administration seek to conflate these children with MS-13, the truth is that unaccompanied children are fleeing gang and other violence in their home countries, not the other way around. In just one telling example, the two largest providers of post-release services for unaccompanied immigrant children report that less than 1% of the children with whom they work have any gang involvement. Too often, young immigrants are banished to the margins of society, heightening their vulnerability to human traffickers and gang members.<sup>1</sup> Blaming the diverse population of unaccompanied children who seek refuge in the United States for gang violence in our communities will only further traumatize and stigmatize these young people.

### **Protections for asylum seekers**

The ability to seek asylum is not a “loophole.” It is a critical process enacted by Congress, reflecting this country’s long history of providing refuge to victims of religious, political, ethnic, and other forms of persecution. This tradition reflects a core component of this country’s identity as a nation committed to due process, freedom, and respect for human dignity. The United States has also pledged, through human rights and refugee protection treaties, to protect refugees from return to persecution, spare them from penalties for unauthorized entry, and not subject them or other persons to detention that is unnecessary or disproportionate. Proposals that seek to block refugees and vulnerable children from this country’s protection, and punish those who seek it, are not only at odds with American ideals but also our treaty commitments. They also provide a terrible and counterproductive example to the small number of front-line countries that host the overwhelming majority of the world’s refugees.

In an attempt to use Dreamer legislation as a vehicle to enact long desired changes, proponents of anti-asylum proposals have falsely pointed to the increase in U.S. asylum applications as evidence of abuse. At the same time, they have failed – again and again - to acknowledge the major reason for the increase in protection requests: the refugee and displacement crises stemming from El Salvador, Guatemala,

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<sup>1</sup> See, e.g., Jonathan Blitzer, *The Teens Trapped Between a Gang and the Law; How Gang Victims Are Labelled as Gang Suspects; and Former Gang Members Offer Advice on How to Combat MS-13*, *The New Yorker*, Jan. 2018.

Honduras, and more recently, the increase in asylum applications from Venezuela. Deadly dangers are forcing people to flee in search of protection, as the U.N. Refugee Agency and human rights organizations have detailed again and again. Asylum claims have risen sharply in other countries in the region, including in Costa Rica, Panama, and Belize. The number of asylum applications filed in Mexico rose by 678 percent from 2013 to 2016, as Human Rights First documented in a July 2017 report.

Instead of taking adequate steps to address the refugee crisis through processing asylum claims fairly and humanely, addressing the root causes of displacement, and supporting the development of effective asylum systems in the region, opponents of refugee protection have seized on the opportunity created by the need to protect the Dreamers to try to pursue extremist changes to U.S. immigration law. These changes would block refugees from even applying for asylum and punish those who do seek U.S. protection. These harmful proposals include: raising the credible fear screening standard created by Congress, which will cause bona fide asylum seekers to be returned to persecution; unilaterally imposing a “safe third country” agreement to send refugees back to Mexico without its agreement and despite the dire dangers there; subjecting asylum seekers and others to even more prolonged periods of detention in cases where it is unnecessary or disproportionate, by blocking them from immigration court custody hearings; and further increasing criminal prosecutions of asylum seekers, in violation of due process and international prohibitions on penalizing refugees for unauthorized entry or presence.

The United States must not irredeemably abandon its global leadership in protecting those at risk of persecution and trafficking and undermine the rule of law globally by violating its legal obligations under refugee protection and human rights treaties.

We urge you to preserve protections for vulnerable people and to reject rhetoric that panders to fear and relies on incorrect facts. Taking away protections will threaten the lives of thousands of individuals and go against our country’s history.

Sincerely,

African American Ministers In Action  
American Atheists  
American Immigration Lawyers Association  
America's Voice Education Fund  
Amnesty International USA  
Arizona Justice For Our Neighbors  
Asian Pacific Institute on Gender-Based Violence  
Asylum Seeker Advocacy Project (ASAP) at the Urban Justice Center  
AZ Justice For Our Neighbors  
Bread for the World  
Brooklyn For Peace  
Capital Area Immigrants' Rights Coalition  
Center for American Progress

Center for Gender & Refugee Studies  
Center for Law and Social Policy (CLASP)  
CenterLink: The Community of LGBT Centers  
Central American Resource Center- Los Angeles (CARECEN-LA)  
Central Valley Immigrant Integration Collaborative (CVIIC)  
Centro Legal de la Raza  
Church World Service  
Coalition to Abolish Slavery & Trafficking (CAST)  
Council on American-Islamic Relations  
Dorcas International Institute of RI  
Equality Alabama  
Evangelical Lutheran Church in America, Advocacy Office  
Family Equality Council  
Franciscan Action Network  
Freedom Network USA  
Friends Committee on National Legislation (Quakers)  
Global Community in Action  
Harlingen CDC  
HIAS  
Hispanic Federation  
Human Rights First  
Human Rights Initiative of North Texas  
Human Rights Watch  
Immigrant Defenders Law Center  
Immigrant Legal Center, an affiliate of the Justice for Our Neighbors Network  
Immigrant Legal Resource Center  
Interfaith-Rise  
International Institute of Los Angeles  
International Institute of New England  
International Institute of St. Louis  
International Rescue Committee  
Iowa Justice for Our Neighbors  
Jesuit Conference Office of Justice and Ecology  
Jewish Council for Public Affairs  
Jubilee Immigration Advocates  
Just Foreign Policy  
Kids in Need of Defense  
Kino Border Initiative  
La Raza Centro Legal  
La Union del Pueblo Entero (LUPE)  
Latin America Working Group  
Law Offices of Jose Blanco PC

Leadership Conference of Women Religious  
Legal Aid Justice Center  
Lemkin House  
Los Angeles LGBT Center  
Lutheran Immigration and Refugee Service  
Mennonite Central Committee U.S. Washington Office  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Council of Jewish Women  
National Immigrant Justice Center  
National Immigration Law Center  
National Justice for Our Neighbors  
National Latina Institute for Reproductive Health  
NETWORK Lobby for Catholic Social Justice  
New England Justice for Our Neighbors  
New York Justice for Our Neighbors  
Northern Illinois Justice for Our Neighbors  
Northern Nevada International Center  
People for the American Way  
Pride at Work  
Proyecto Azteca  
Public Counsel  
Quixote Center  
Raleigh Immigrant Community  
San Antonio Region JFON  
Scalabrini International Migration Network  
Services, Immigrant Rights, and Education Network (SIREN)  
Social Justice Collaborative  
Tahirih Justice Center  
The America Team for Displaced Eritreans  
The Center for Victims of Torture  
The Episcopal Church  
The Florence Immigrant and Refugee Rights Project  
The Rodriguez Law Group PC  
The Twins PR  
T'ruah: The Rabbinic Call for Human Rights  
U.S. Committee for Refugees and Immigrants  
USF School of Law Immigration & Deportation Defense Clinic  
Veterans for American Ideals  
Washington Office on Latin America (WOLA)  
We Belong Together  
Witness to Mass Incarceration

Women's Refugee Commission

Youth Co-Op, Inc.

Zeman and Petterson, PLLC