

## **A Humanitarian Crisis**

The United States' response to the refugee crisis at the US-Mexico border endangers the human rights of thousands of migrants, many of whom are children who have endured long, extremely dangerous journeys that involve the risk of rape, robbery, beatings, and sex trafficking. An estimated 90,000 children will arrive at the border by the end of 2014, according to an NPR June 20 report.

The Obama administration has responded by “surging government enforcement resources to increase (the) capacity to detain individuals...,” said Cecilia Muñoz, the White House director of domestic policy, in a June 20 report on CNN. And Hillary Clinton stated in her recent town hall meeting that, “We have to send a clear message, just because your child gets across the border, that doesn't mean the child gets to stay.” These positions do not adequately recognize the nature of this international crisis. Moreover, they jeopardize human rights standards.

Children and their families have chosen to travel thousands of miles because of worsening violence and a breakdown of the law stemming from gang related control of the region. Not your conventional “gang,” these criminal organizations more closely resemble political entities and exert significant power. They claim territorial regions that span several countries; maintain control over politicians, the police, and military forces; and routinely use tactics of extortion, kidnapping, sexual assault, assassination, and mass execution.

As the rule of law breaks down in these regions, there are additional consequences to the safety and security of women and girls who are subject to increasing violence, domestic abuse, and sexual assault. The Advocates for Human Rights has helped several clients who are victims of domestic violence or who have been abducted and forced into slave-like conditions. These clients often receive no help from local authorities and there is no hope for accountability for perpetrators.

Normally, a migrant who flees their home due to their opposition to a political entity has the opportunity to gain asylum in the U.S. if they can establish a well-founded fear of persecution based on their political opinion. However, in a series of legal decisions, the U.S. has set a precedent that denies asylum to thousands of would-be asylees, including children who oppose forced recruitment into gangs. In the case *Jose Fuentes-Colocho v. Eric Holder* currently on appeal in the Ninth Circuit U.S. Court of Appeals, a teenager was repeatedly persecuted by a gang in El Salvador because of his outspoken opposition. The teenager was beaten unconscious on several occasions and was forced to watch gang members rape his female friends. This young man was found credible by a judge, but nonetheless denied asylum.

The refusal of U.S. asylum law to recognize these refugees runs afoul of international human rights standards codified after World War II in the 1951 Convention relating to the Status of Refugees. Further, the United National High Commissioner of Refugees (UNHCR) has issued guidance urging a broader interpretation of U.S. law regarding gang-based cases. And a recent Center for American Progress study found that 58% of the unaccompanied children interviewed had international protection claims.

In addition to this narrow interpretation of asylum law, individuals arriving in the U.S. are greeted with a detention system that treats them like violent criminals; people, including children and infants, are jailed, in overrun and makeshift prisons. Detainees are often held in facilities that have deplorable conditions, are mixed with criminal populations, and are subjected to harsh disciplinary measures, such as solitary confinement.

The U.S.'s recent decision to reopen family detention centers is a step backward and a mistake that exacerbates the risk of harm to families. When the Women's Refugee Commission investigated a family detention center in Hutto, Texas in 2006, it discovered "babies in prison jumpsuits, families sleeping in cells with open-air toilets, highly restricted movement and only one hour of recreation per day. Detainees were subject to alarming disciplinary tactics, including threats to separate children from their parents." The facility was closed after public outrage and lawsuits. That the administration's decision to re-open family detention centers was announced on World Refugee Day further speaks to its failure to adequately recognize the arrival of these migrants as asylum-seekers.

As the humanitarian situation of asylum-seekers from El Salvador, Guatemala, and Honduras reaches critical levels, UNCHR has called on countries in the Americas to address this humanitarian crisis in a way that upholds their shared responsibility to protect displaced children, families, or adults in need. That requires changing U.S. law to recognize all legitimate asylum seekers, ending dehumanizing detention policies, and developing new strategies and avenues for relief to support vulnerable migrants as opposed to shutting the door in their face.

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