



MEDIA ADVISORY

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FOR IMMEDIATE RELEASE

Local Immigration Experts Available to Discuss Humanitarian Crisis on U.S./Mexico Border *Children from Central America are already at The Advocates' door needing help*

What: Immigration experts Michele Garnett McKenzie and Deepinder Mayell, with The Advocates for Human Rights, are available for interviews and to comment on the humanitarian crisis at the U.S. Mexico border that involves tens of thousands of unaccompanied children, as well as mothers and children, from Central America.

McKenzie is the director of The Advocates' Advocacy Program and Mayell is the director of the organization's Refugee and Immigrant Program.

See accompanying Fact Sheet for background information.

When: Interviews of McKenzie can be scheduled at any time; Mayell is available beginning Mon., July 14

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About Michele Garnett McKenzie

Michele Garnett McKenzie joined The Advocates in 1999 as a staff attorney representing asylum seekers and immigration detainees. Prior to joining the organization, McKenzie was in private immigration practice in Saint Paul, Minnesota, and served as a judicial law clerk for the Executive Office for Immigration Review in Arizona and Nevada. McKenzie serves on the national leadership team of the Immigration Advocates Network and previously chaired the national steering committee of the Detention Watch Network and the Minnesota State Bar Association's Human Rights Committee. She is a member of the American Immigration Lawyers Association.

About Deepinder Mayell

Prior to joining The Advocates, Deepinder Mayell was a staff attorney with Merrimack Valley Legal Services in Massachusetts where he represented poor victims of domestic violence in family, immigration, and housing proceedings. He interned with the Texas Civil Rights Project, Human Rights Watch, and the Center for Constitutional Rights. He examined the constitutionality of laws utilized to imprison individuals in Guantanamo Bay. In addition to his legal career, Mayell was a member of a research team that investigated and documented labor conditions in apparel factories in Jakarta, Indonesia.

About The Advocates for Human Rights

The largest provider in the Upper Midwest of free legal services to low income people seeking asylum, The Advocates for Human Rights implements international human rights standards to promote civil society and to reinforce the rule of law. An independent, non-partisan non-profit organization, The Advocates exposes human rights violations; represents immigrants and refugees seeking asylum; trains and assists groups that protect human rights; and uses research, education, and advocacy to engage the public, policy-makers, and children to advance human rights.

THE ADVOCATES FOR HUMAN RIGHTS

Fact Sheet Regarding Humanitarian Crisis at U.S.-Mexico Border

July 10, 2014

Why are so many unaccompanied children and mothers with children coming to the U.S.? Why the sudden surge? Who/what created the problem?

First, it is important to note that children and families are seeking asylum throughout the region, not just in the United States. According to United Nations Higher Commissioner for Refugees (UNHCR), asylum applications in countries other than the United States have risen more than 700% since 2008; Nicaragua alone saw a 238% increase last year, according to Leslie Velez, Senior Protection Officer, Washington Office of the UN High Commissioner for Refugees, in 7/9/2014 press call). Mexico also serves as a country of asylum in the region, and in 2013 they received 5500 unaccompanied children fleeing El Salvador, Honduras, and Guatemala.

While the number of children and families fleeing to the United States has risen dramatically this year and is projected to reach over 90,000 people by the end of the fiscal year, the regional crisis that has forced internal and international displacement of thousands from Honduras, Guatemala, and El Salvador has been underway for several years. Flows of children from Honduras, Guatemala, and El Salvador began to double in 2011, jumping from approximately 6,000 kids in 2008 to 52,000 thus far in the 2014 fiscal year.

Honduras, El Salvador and Guatemala are struggling with what is essentially an undeclared regional war, with murder rates nearly 20 times higher than that of the United States, street gangs controlling wide swaths of neighborhoods throughout the region, government corruption, and political instability. (<http://www.theguardian.com/world/2014/jul/09/central-america-child-migrants-us-border-crisis>). “For many people the choice is to flee or to die,” says Carlos Paz, director of the San Pedro Sula office of the church organization Cáritas. (<http://www.theguardian.com/world/2014/jul/09/central-america-child-migrants-us-border-crisis>).

What is required by U.S. law in regard to unaccompanied children? How much time does the process take for a child? What happens to the child — who takes care of the child, where does the child live, etc. — during the process?

Unaccompanied alien children who are apprehended by U.S. immigration officials must be placed in the care of the U.S. Department of Health and Human Services’ Office of Refugee Resettlement (ORR). Once there, in addition to meeting their basic physical needs, children must be screened for protection needs, including determining whether children face persecution, torture, or are victims of human trafficking. Children may be released into foster care.

<http://www.acf.hhs.gov/programs/orr/programs/ucs/about>

While ORR maintains a legal access program, with the rapid expansion of the system a breakdown in legal services is resulting. Without access to representation, children face little chance of understanding how to file an asylum claim or seek other legal protection in the United States.

What is the difference between an “immigrant” and a “refugee”?

A “refugee” is a particular category of “immigrant” who is seeking to enter another country out of fear of persecution. International law defines a “refugee” as a person who is outside their country of nationality and is afraid to return to that country or avail themselves of that country’s protection owing to a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The refugee protection system emerged following the horrific failure of the international community to protect people fleeing the Holocaust to ensure that people fleeing persecution would not be turned back at the border before being given the chance to explain why they needed protection.

Has U.S. immigration policy caused the problem?

U.S. immigration policy has neither caused nor fueled this crisis. Children and families from Guatemala, El Salvador, and Honduras are fleeing the violence that has resulted from the breakdown in the rule of law in their countries. They are seeking safety elsewhere in their own countries and in countries throughout the region, including the United States.

The situation at the U.S.-Mexico border should be understood as a humanitarian situation resulting from the regional refugee crisis. To date, the Obama administration's declaration of this as a serious humanitarian situation is correct and appropriate. This crisis is not an immigration "problem" that will be helped by deployment of more enforcement resources to apprehend illegal border crossers or by weakening international protection systems. While any issue of migration always raises concerns about impact on US immigration policy, the focus on the border issue without recognizing the humanitarian obligations of this regional refugee crisis fails to address the problem.

Is it true that unaccompanied children from Mexico and from Canada are treated differently by the U.S. than those from other countries. If so, why?

While Mexican children also may present international protection concerns, including trafficking, domestic violence, and violence at the hands of criminal armed actors, the number of unaccompanied Mexican children seeking protection in the United States has not increased as a result of this crisis, and remains steady at approximately 3% of all unaccompanied alien children in US custody (<http://www.acf.hhs.gov/programs/orr/programs/ucs/about>). As citizens of contiguous countries, however, Mexican and Canadian children are exempted from U.S. law requiring that unaccompanied children be placed in ORR custody.

Why can't the children be immediately deported?

These children, like all people seeking protection, must be given the chance to be heard. The message from the Obama administration cannot be "don't come, you'll be sent back" without violating our obligations to ensure that everyone who seeks asylum from persecution or protection from torture or human trafficking.

If a child is deported and has to return to his/her home country, how does the child get there? How is the child reconnected with his or her family? Who is responsible for a child once that child has been deported?

Children, like all others deported from the United States, generally are returned to the capital cities of their countries. The United States takes no particular steps to protect children upon their deportation. <http://www.theguardian.com/world/2014/jul/09/central-america-child-migrants-us-border-crisis>; http://www.unhcrwashington.org/sites/default/files/1_UAC_UNHCR%20Statement%20for%20the%20Record_HJC%20Hearing%20on%20UACs.pdf