

We can handle this, we should handle this, and by the way, we are obligated to

The story told by the Star Tribune in the July 22 article, “Immigration debate comes to Minnesota in force,” gave a distorted version of the conversation that happened in a July 21 community meeting called by U.S. Congressman Keith Ellison and a distorted version of conversations happening across the country. If you read that story, you may think that Minnesotans, let alone the US, can’t meet the challenge to help children and families fleeing political unrest in Central America. That is simply wrong.

The Advocates for Human Rights, Immigrant Law Center of Minnesota, Mid-MN Legal Aid, and other organizations are united to help. At Monday’s meeting and for those responding to the plight of the children and families, the conversation quickly moved to solutions, of which there are many. Non-profit organizations, legal aid organizations, social service and housing providers, the faith-based community, and everyday citizens are coordinating efforts and responding with support, resources, and creativity.

The humanitarian crisis that has developed in Central America in recent years has caused people to seek asylum throughout the region, not just the United States. The number of asylum applications filed *in* Mexico, Panama, Nicaragua, Costa Rica, and Belize increased by 712 percent from 2008 to 2013. The flight of refugees has been precipitated by impunity, violence, and the breakdown in the rule of law in Honduras, the murder capital of the world, and El Salvador and Guatemala, countries that rank close behind. Children are literally on the run, driven away from their homes by transnational cartels acting as *de facto* state governments and by *mano dura* anti-cartel policies that place youth at risk of abuse by military and police forces.

Recognizing these children as refugees is often obscured by misconceptions of the situation in their home countries. First, gangs operating in Central America are not simply criminal enterprises. Cartels control expansive swaths of territory; influence politicians, police, and the military; and extort millions of dollars from ordinary people. Those souls who try to oppose or refuse the cartels are executed in mass, tortured, raped, and dismembered. Innocent boys and girls are forced into the cartels’ ranks to serve as child soldiers and sex slaves. Sexual abduction is now common throughout the region.

Sixty-three percent of the Central American children in U.S. custody at Lackland Air Force Base could qualify for forms of relief, such as asylum, according to a recent assessment by Refugee and Immigrant Center for Education and Legal Services following its review of 925 children’s intake screenings and interviews of about 1,500 children.

Unfortunately, proximity obscures the reality of the plight of the refugees. If these children were at another country’s border, the U.S. would be one of the first countries trying to ensure their safety and protection. These refugees are not fleeing violence taking place across the ocean in Syria; they are fleeing persecution and violence in the United States’ backyard. The conflict in Syria has produced over 2.5 million refugees. Syria’s neighbor Turkey hosts 670,000 refugees, and Jordan—with a GDP, population, and territory just a fraction of that of the United States—has accepted 600,000 refugees. With proper resources and management, the United States can easily face the challenges associated with screening and integrating refugees.

Most importantly, the United States is duty bound to protect refugees under an international protection framework. The Trafficking Victims Protection Reauthorization Act, signed into law by President George Bush with overwhelming support of U.S. Congress, exists for children like those at the border. To turn away is to break our commitment to international law and the 1980 Refugee Act. We would return to a time when a boat load of refugees fleeing World War II was turned back from our shores to die in concentration camps.

Immigration legal proceedings have always been subject to a resource constrained environment. Fewer than 300 immigration judges handle hundreds of thousands of cases each year. Surprising to most people is that unlike the criminal justice system where the government provides an attorney to those who cannot afford one, there is no public defender in immigration court. Whether you are poor, illiterate, mentally incapacitated, or an infant, you speak for yourself unless you can hire an attorney. Many unaccompanied children appear in immigration court and face deportation alone. Imagine your child or grandchild without a lawyer, expected to respond to the government prosecutor's legal allegations, prepare legal arguments, and present any claims for relief. It is crucial that children have an attorney to ensure fundamental fairness.

Every day, The Advocates and other legal service providers around the country represent political dissidents, religious minorities, girls escaping female genital mutilation, and increasingly, boys and girls running from persecution at the hands of gangs. The responsibility to represent people seeking refugee status—including children—falls solely on charitable legal aid organizations.

Do we need more resources? Yes. Does that mean we can't handle this situation? Absolutely not.

The Advocates and other organizations have experienced an outpouring of people asking how they can help. The plight of the Central American children and families is about meeting our moral and legal obligations to those fleeing persecution. These children should be treated/welcomed with compassion, dignity, and respect for basic human rights. It is something people are ready to do. This is an opportunity to maximize efficiency among agencies and the government, to better utilize and leverage existing resources, and to provide an example to the world on managing an international response that protects human rights, ensures due process, and reflects core American values.