

Child refugees need legal help

Warren Binford 8:03 p.m. PDT June 11, 2014



(Photo: Special to the Statesman Journal)

Over the past week, our nation has witnessed hundreds of children being bused from El Paso, Texas, to Phoenix, Arizona, where they are being housed in warehouse conditions under thermal blankets.

These children are just the tip of the iceberg. At any one time, there are tens of thousands of unaccompanied children living in the U.S. without an adult to care for them. In 2014 alone, approximately 60,000 unaccompanied children are expected to seek refuge within our borders from violence, poverty and war.

Throughout their journey to the U.S., and even within our society after they arrive, these unaccompanied children are highly susceptible to trafficking, abuse and exploitation. The "lucky" ones are apprehended by U.S. Customs and Border Protection before that happens, most at a port of entry. Child citizens of Canada and Mexico are screened and, if cleared, offered the choice to return voluntarily to their home country. The majority of Mexican children who are apprehended opt to do so and are returned within one day.

The children who are ineligible or choose not to return voluntarily are transferred to the Office of Refugee Resettlement and Removal, and removal proceedings are initiated against the child. The complex legal proceedings they face resemble a confusing and complex labyrinth that even most attorneys do not understand. Unlike murderers, rapists and kidnappers, the child is not entitled to an attorney – not even infants. Although approximately 40 percent qualify for an exemption to deportation, 93 percent of the unaccompanied children who enter our nation's immigration system are ordered to return to the brutal conditions that compelled their migration in the first place.

Alone and confused, these children reach out to us for refuge and we turn our backs on them without even hearing their case. Perhaps we do not want to know their stories or the legal grounds that entitle them to be here. After all, unaccompanied children who are represented by attorneys are nine times more likely to prevail in a removal proceeding.

Fortunately, the Obama administration announced last week a program to fund a limited number of attorneys to represent unaccompanied children in immigration proceedings. The \$2 million grant will enable approximately 100 attorneys and paralegals from Oregon to Florida to assist these children as AmeriCorps fellows.

Although the program is a step in the right direction, simple math tells us that the Obama program is not nearly enough. If these attorneys do nothing but help the unaccompanied children expected to enter our country in 2014 alone, each attorney would have to represent 600 individual children in highly complex legal proceedings. More needs to be done and to be done quickly to care for and guide these children fairly, justly and humanely as they navigate the legal system that we have designed to hear their cases and determine if they have a right to be here.

Despite the dreams of some, no walls can ever be built that will be tall enough, thick enough or impenetrable enough to isolate our nation from the rest of the world. It is time for us to accept that reality, as well as our own history.

Providing refuge to orphans and unaccompanied children is part of America's history and cultural heritage. For those who consider the arrival of the Mayflower the beginning of the creation of our nation, remember that the Pilgrims arrived in Plymouth nearly 400 years ago with two orphans in their care, as well as two unaccompanied children. Apparently, even America's earliest founders realized that, as noted by Mahatma Gandhi, "A nation's greatness is measured by how it treats its weakest members."

Warren Binford of Salem is an associate professor of law and teaches the child and family advocacy clinic at Willamette University College of Law. Email her at wbinford@willamette.edu.

Read or Share this story: <http://stjr.nl/1pCw3IV>