

Children at the door

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Since October, 57,000 children from El Salvador, Guatemala, and Honduras have been taken into custody as they crossed illegally from Mexico into the United States. This is ten times the number that crossed in 2009. Most analysts say these children are fleeing growing rates of violent crime in northern Central America, a place where brutal gangs undermine the rule of law and drug traffickers forcibly conscript youth as foot soldiers.

The United Nations High Commissioner for Refugees has called for the United States to approach these vulnerable young people with the assumption that they are refugees, not criminals—to focus on protecting them from danger rather than on protecting Americans from them. The U.S. Catholic bishops and others agree. These children’s lives have dignity, and their homelands threaten it. Simply sending them home isn’t an option.

The Obama administration isn’t so sure. “Do not send your children to the borders,” the president said in June, addressing Central American parents. “If they do make it, they’ll get sent back.” Obama has asked Congress to allow the Department of Homeland Security some leeway in applying a 2008 law that prevents unaccompanied minors from nonadjacent countries from being summarily deported, requiring instead that they stay until they get a proper hearing. Some believe that the law, designed to protect trafficking victims, is now motivating Central American families to send their children north. DHS wants to utilize “voluntary removal”—a

process in which minors are subjected to an often confusing and intimidating interview aimed at getting them to agree to their own deportation.

At present, the government is housing these detainees until a hearing can be scheduled, which can take years. Obama has requested emergency funding to hire more judges and cut down on the backlog, a positive step that could promote due process. But the funding request also includes funds for new border security measures—despite the fact that our southern border, already a militarized zone, is more secure than ever.

The president seems to be trying to hold together the fragile coalition that supports comprehensive immigration reform. But such reform, while critically important, is already dead in the current Congress.

Instead, Obama should use his executive powers to treat this situation like the refugee crisis that it is. This means ensuring that all detainees have good legal representation, which would give them a real chance at demonstrating refugee status. It means making sure that immigration judges consider the danger in sending them home. Perhaps it will require extending temporary protected status to citizens of these countries. Perhaps it will ultimately mean large-scale refugee camps on American soil.

Did the 2008 law help bring about the surge in unaccompanied minors at our door? It's hard to say conclusively—but if it did, this doesn't mean that the children aren't refugees in desperate need. Traumatized and vulnerable children are coming to our door, and U.S. law, international norms, and conscience demand that we come down on the side of protecting them, not punishing them.