

# Human Rights Watch

## Children's Rights

<https://www.hrw.org/news/2014/06/25/us-surge-detention-child-migrants>

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Congress Should Protect, Not Punish, Unaccompanied Children

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(Washington, DC) The United States governments policy of detaining unaccompanied migrant children, some for long periods, and providing inadequate processing puts them in harms way. On June 24, 2014, the US House of Representatives Committee on Homeland Security held a hearing on unaccompanied migrant children traveling without parents or guardians. On June 25, the House Judiciary Committee will also hold a hearing on the issue.

The US government predicts that [90,000](#) unaccompanied migrant children will cross the US-Mexico border in fiscal year 2014, more than 10 times the number who crossed in 2011. Thousands more children have crossed with a parent, also an increase from previous years.

The US governments policy of detaining large numbers of children harms kids and flouts international standards, said [Clara Long](#), US researcher at Human Rights Watch. Congress should be exploring alternatives to detention that other countries facing spikes in border crossings have used successfully.

US law allows Customs and Border Protection(CBP) to detain children for a maximum of 72 hours. Prior to the current surge, children were held for only about 12 hours, but [recent reports](#) indicate that CBP is holding children for periods closer to 10 days or 2 weeks. The children are then transferred to the Office for Refugee Resettlement (ORR) in the Department of Health and Human Services, where they again may be detained.

International human rights standards provide for detention only as a last resort and for very short periods. The United Nations stated in 2013 that children should never be detained for immigration reasons, and that immigration detention can never be considered in a child's best interests.

A wide variety of [research studies](#) link immigration detention with mental health consequences for children, including harm that lasts beyond the period of detention. Unaccompanied children in particular are recognized as particularly vulnerable.

The recent surge in unaccompanied migrant children reaching the US cannot justify longer detention periods, Long said. Countries around the world facing large numbers of arrivals are addressing the issue without detaining most kids.

Under [2013 legislation](#), European Union member countries may only detain unaccompanied children in exceptional circumstances. Children must never be held in prisons and they must be released as soon as possible. [Belgium](#) has a wide range of housing options outside detention, including individual and collective reception facilities that allow migrants to come and go as they wish. Malta, a key gateway to the European Union facing unprecedented numbers of child migrants, [pledged in March 2014](#) to end immigration detention of children.

Current US policies applied to border crossers also fall short of international standards that require careful screening of children in light of their best interests for being trafficking victims or refugees, and facing reprisals from traffickers or rights abusers upon return. The children are not systematically provided court-appointed attorneys, although [a small pilot program](#) offers some attorney assistance, nor appointed guardians, both of which are suggested under international standards.

Under current US policy, unaccompanied migrant children who may be refugees must undergo initial asylum screenings and some trafficking screenings by armed and uniformed CBP officers. By contrast, international standards say it is in unaccompanied children's best interests to be assessed in a friendly and safe atmosphere by qualified professionals who are trained in age- and gender-sensitive interviewing techniques.

The House Homeland Security hearing highlighted the widening gap between US lawmakers perspectives and the need to treat unaccompanied children fairly and in a manner that minimizes harm. For instance, Representative Mike Rogers of Alabama said, Why

arent we putting them on a bus and sending them back to Guatemala? Others suggested that the government should focus on deporting the children. Representative Paul Broun of Georgia called the children lawbreakers and asked what is being done to try to deport them and their families.

Many unaccompanied migrant children are extremely vulnerable to abuse upon return to their home countries, Long said. Subjecting them to conveyor-belt hearings or none at all is likely to result in the US conducting unlawful returns that will put these children at grave risk.

Human Rights Watch called on the US government to:

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