

Human Rights Watch

Children's Rights

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Migrants seeking asylum wait in line with their case paperwork on October 5, 2019, during a weekly trip by volunteers, lawyers, paralegals and interpreters to the migrant campsite outside El Puente Nuevo in Matamoros, Mexico. 2019 Denise Cathey/The Brownsville Herald via AP

By [Warren Binford](#) and Michael Garcia Bochenek.

Protection is in short supply in the Trump administrations Migrant Protection Protocols, the program implemented last year that forces many people seeking asylum, including children, to wait in Mexico while their cases are heard in U.S. immigration courts.

Over the past few months, we've been interviewing children and their families in the program, more aptly known as Remain in Mexico. What we found is alarming.

Many of those we [interviewed](#) said they or their family members have experienced rape, sexual abuse, kidnapping, robbery, and other actual or threatened violence after U.S. immigration officials sent them to Mexico.

The Trump administration claims that it created this policy to protect children and families from trafficking. The claim is disingenuous. Mexico is one of the [main source countries](#) for human trafficking victims identified in the United States and has a [known problem with child sex trafficking](#) in particular. Its especially disturbing that sending children to Mexico puts them at risk of rape, assault, and other abuse -- risks that are similar to the dangers they and their families may have been fleeing in the first place. The true aim of the policy appears to be to curtail the right to seek asylum in the United States.

Many of these families would have safe places to live in the United States with relatives or friends while they await their asylum hearings. Instead, the U.S. government is systematically sending children and their families to a place that it knows is unsafe for them.

In fact, the risks to children and their families are so great that some parents told us they had thought about trying to send their children to the United States alone. As they said this, they were visibly anguished at the thought that they might never see their children again, but they were beginning to think that this drastic step was the best way to keep their children safe.

In the year since the Trump administration introduced Remain in Mexico, [at least 350 children](#) have crossed the border on their own after their families were sent to Mexican border towns, according to a CNN report. As a mother, I knew it was the best decision for them, a 29-year-old Honduran woman told the [Washington Post](#) in November.

At the same time that the U.S. government is sending children of all ages, including toddlers and infants, to conditions where they are vulnerable to sexual and other physical assault, the Trump administration is arguing in federal court that it should be relieved of its legal obligations to meet minimum standards of care for children in U.S. immigration detention.

The government argued in a court filing last month that it should not be subject to either state licensing or outside monitoring because its care system is adequate. Trust us, the U.S. government seems to claim, when time and time again, it has violated both that trust and the rights of children in its care.

We know that most children are better off when they are cared for by family members, and we also know that detention causes children terrible harm. With that reality in mind, migrant children now in federal custody who have family in the United States should be placed with their families expeditiously. When no family members are available in the U.S., children should be placed with people trusted and chosen by their parents, not the government, to care for their children.

Until then, state governments should continue to exercise their licensing authority to ensure that children who are in federal care for any length of time are placed according to the child's best interests in appropriate foster homes or small, nonprofit licensed facilities that are safe and developmentally appropriate for each individual child.

Each and every child, regardless of placement, should have regular access to competently trained legal counsel to safeguard their rights. Children should not be sent to Mexico, alone or with their families, while their U.S. legal claims are being heard in courts. These children should instead receive the protection they need.

Human Rights Watch / ACLU Joint Submission Regarding the United States Record Under the International Convention on the Elimination of All Forms of Racial Discrimination

Asylum Seekers Abused in the US and Deported to Harm in Cameroon

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