

Human Rights Watch

Children's Rights

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RENEE MONTAGNE, HOST:

We have arrived at a peak season for migration to the United States. It's springtime, and both the weather and the economy make it advantageous for many people to cross the border from Mexico. That means we should know soon if the U.S. will face another mass of underage migrants.

STEVE INSKEEP, HOST:

President Obama's administration responded in several ways to last year's flood of young people, tens of thousands of them. Many said they fled violence in Central America. The U.S. says their journeys were both illegal and exceedingly perilous. So it has tried to block migration and also work to stem violence in their home countries, like Honduras. The U.S. also offered young people a way to apply for refugee status before leaving home. And that part of the response is drawing some criticism. We sat down with one of the critics, Bill Frelick of Human Rights Watch.

BILL FRELICK: This, I think, was a very political decision, actually. The idea is that there ought to be a legal mechanism from within the countries of origin that would be an alternative to taking an unsafe journey, which on its face look like a very reasonable approach to take.

INSKEEP: Don't travel thousands of miles to Texas to get picked up by the Border Patrol and hope you get reunited with a relative in the United States. Stay where you are and apply. That was the idea.

FRELICK: Right, and that works perfectly well if you're an immigrant and you're not actually in danger in your country of origin. But these children, in many cases, are targeted by gangs. Their lives are being directly threatened. And the reason they're leaving their country are refugee reasons. These are people who are not protected by their governments, who have to flee. They have to get out of there. And the contradiction here is that you have an effort to manage a program when refugee movements really, by definition, are chaotic.

INSKEEP: And that's by doing what? What is it the State Department...

FRELICK: It's basically saying wait in line. Wait in line for a long process. You have to have first, you know, sort of narrowly defined eligibility to qualify for the program in the first place. You have to have a lawfully present parent that petitions for you. They have to do DNA testing for that parent. As a child, you have to qualify yourself. You have to go through DNA testing. You have to go through four interviews.

INSKEEP: Is this, though, actually a choice of evils - because under the current system, before the State Department tried to set up this program, you had kids who were getting on trains, who were riding buses, who were traveling thousands of miles, who may be paying some smuggler thousands of dollars to stumble across the border into the United States finally, go to a detention center. And they don't even know at the end if they're going to get to stay in the United States.

FRELICK: Right. The key question is, are you fleeing? And if you're being threatened, that's not a choice. You have to leave. That's what refugees do. Refugees flee their countries because they can't stay there. And then we sort it out. Then we have refugee camps, you know, due processing from third countries. The concern I really have here is that this is a pretext for denying asylum to those people who arrive irregularly. It's a pretext for preventing them from leaving Honduras or El Salvador in the first place. It's a pretext for interdicting them in Mexico and pushing them back with the idea that, oh, you know, there's this legal mechanism here. Go wait in line.

INSKEEP: I wonder if what you have here is a more fundamental disagreement with the United States government. You are saying

young people fleeing Honduras and other countries are refugees. The United States is saying, actually, no, they do not fit the classic definition of refugees. We need to process them under other parts of United States law. And that's just going to take time. Isn't that the basic disagreement you have?

FRELICK: The basic disagreement, I think, is whether you can have a refugee inside their own country. A person who fears persecution - has a well-founded fear of persecution or is being persecuted - cannot avail themselves of this program. And so to purport that this is protecting people is false. I mean, when we look at it, not a single Central American child has been processed yet through this program, which has been in effect since December. And during that time, thousands and thousands have been pushed back without a safety net, without availability of real protection.

INSKEEP: Bill Frelick, thanks very much.

FRELICK: You're welcome.

INSKEEP: He's with Human Rights Watch. Now we're going to hear from the U.S. State Department. The State Department official's name is Simon Henshaw. And he says the program allowing young people to apply for refuge in the U.S. is just one part of a broader effort.

SIMON HENSHAW: Other parts are increasing border security, working with Mexico, Honduras, El Salvador and Guatemala to improve their own protection capabilities and also establishing programs to attack the underlying economic and security challenges facing the region.

INSKEEP: Although, Bill Frelick of Human Rights Watch makes the argument that they fit together to leave people in a more dangerous situation. You are doing more border interdiction at an earlier point. So that keeps people in their home countries. And you are allowing them to apply to come to the United States, but it seems to be very slow and very difficult to get approval.

HENSHAW: Nothing is more dangerous than taking that illegal trip through Mexico - nothing. The stories I've heard are horrific of what children go through. No 14-year-old should be climbing on top of a train and traveling through Mexico. Our underlying goal was to stop people from doing that. As to the criticism for our program, it did just start in December. It has started more slowly than we had hoped. And the numbers are - so far are lower. But we think they're increasing, and we think the program will get going fairly quickly. So I think it's far too early to say that this program isn't doing what it plans to do.

INSKEEP: And let me ask about the way that you define the young people who have fled to the border and who you now want to encourage to apply within Honduras or El Salvador or elsewhere without coming up to the border. Do you think of them as refugees?

HENSHAW: You know, in any situation with the movement of people, it's always hard to define what category migrants fall into. And there are certainly, within these groups, children that will qualify as refugees. The way we have the system set up is when a child comes in and proves that they are facing difficulty, they're first - we check to see if they can qualify as refugees. And if they don't, we can bring them in under parole status, which has a lower qualification level.

INSKEEP: We have heard, though, on our air, the argument that young people who might apply in this program have to wait for months inside a country like Honduras while they wait for approval. And they may well be applying because they feel that they are at imminent risk of their lives. This is a ruthless question, but it has to be asked. Is that the problem of the United States? Does the United States take responsibility for that delay?

HENSHAW: Our partners are trained to look out for cases where people are in imminent danger. And if they spot such cases, they'll let us know. And we have methods to expedite the process.

INSKEEP: Does it bother you, though, that there may be a young person who asks for help and then has to go away from a U.S. consulate and go back into the neighborhood where their lives have been threatened?

HENSHAW: Yes, it does. But what really bothers me is the thought that that child might take a risky journey through Mexico and come to the United States. So what I want to do is make sure that our program addresses their situation as fast as possible.

INSKEEP: Simon Henshaw, thanks very much.

HENSHAW: Thank you very much, Steve.

INSKEEP: He's a principal deputy assistant secretary of state.

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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