Children Facing Deportation Have Few Advocates; Court System Designed for Adults Just Starting to Adapt for Youths

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Body

He paces outside New York's immigration ***court***, looking lost, scanning ***faces***. Then he finds them, two nervous-looking older teens.

"Habla English?" he asks them. No, they say. He pauses.

"You have a passa-port? ID? ¿Nada?" No. The lawyer widens his eyes.

"Mother, father? Family? ¿Tio, tia? Nobody? ***Just*** you?" Yes, his new clients say.

In minutes, these boys will tell a judge whether they want to fight ***deportation***. But even with the language problem, they are lucky compared with others. A list outside the courtroom says 37 ***children*** are here today. ***Just*** three have lawyers.

A look at U.S. immigration ***courts*** shows a ***system*** where many ***children*** lack legal representation, where frustrated judges find themselves explaining the law to 12-year-olds, often through a translator, and where the government itself has no real measure of the problem.

Though some new efforts are beginning to address the issue, ***advocates*** worry about ***child*** trafficking, smuggling or abuse that may go unnoticed because ***children*** do not know how to ask for help.

In immigration ***court***, the government treats detained ***children*** like immigrant ***adults***, giving them a phone list of volunteer lawyers. Often, no call is made.

Nonprofits and volunteer lawyers sometimes appear, trying to offer assistance before ***youths*** accept ***deportation***. Some judges simply ask if anyone in the courtroom can step in to help.

"Immigration judges know how to be fair even when only one side is represented," then-Chief Immigration Judge Michael Creppy said at a Senate committee hearing in 2001.

Of approximately 7,800 unaccompanied ***children*** who passed through government custody in the fiscal year that ended Oct. 1, more than half went to ***court*** alone, some observers say.

There is no way to be sure. The government does not track legal aid in these cases. It cannot say how many ***children*** show up for immigration ***court*** at all.

"I don't know what asylum means. I don't know that word. . . . I am afraid to go back to Haiti," a 10-year-old Haitian girl told interviewers for a Harvard report released this summer. The report, "Seeking Asylum Alone," criticized the government for not providing lawyers and for not tracking the problem.

"The judge doesn't talk to me," the girl continued. "I don't know his name."

Caught at the U.S. border or deeper inside the country, the immigrant ***children*** are most often from Mexico, Guatemala, Honduras and El Salvador.

Until 2003, unaccompanied ***children*** with no guardian to claim them were placed in detention centers, where they sometimes mixed with violent offenders.

Now the ***children*** are sent to special shelters run by the federal Office of Refugee Resettlement in eight states: Arizona, California, Florida, Illinois, Indiana, New York, Texas and Washington.

About 60 percent are released once a family member or guardian can be found, sometimes within days. That leaves little time for nonprofit groups and volunteer lawyers to meet with the ***children*** and try to know their cases. After release, finding a lawyer is up to the family and is often not done.

"The challenge is ensuring they get help when they leave," said Martha E. Newton, the ORR's director.

Even in shelters, many ***children*** are far from pools of available lawyers.

One shelter, in Nixon, Tex., is in a city of 2,246, an hour's drive from San Antonio. Not many lawyers want to go, said Teresa Coles-Davila, a lawyer in private practice who coordinates free legal aid for ***children*** in San Antonio's immigration ***court***.

But the need is growing, she says. When the shelter first called her for help three years ago, it had half a dozen kids. Now it has close to 100, and a maximum capacity of 136.

"No one pays me to do this," Coles-Davila said. "My position is, eventually the goodwill is going to run out."

In Houston, Anne Chandler of the University of Houston Law Center's immigration clinic was, until a ***few*** months ago, the only lawyer who handles only ***children***'s cases. Five shelters for detained ***children*** are located nearby, with a combined 172 beds. Another shelter is a three-hour drive away.

Lss than one-third of immigrant ***children*** in the Houston area get a lawyer, Chandler said.

"I would miss kids," Chandler said. "I would go to ***court*** and see a couple of kids and say 'I never spoke to you' and they would say 'No.' Sometimes I could take them into a private consultation room for 20 or 30 minutes and give them advice."

That is hardly enough time to get to know someone, lawyers say. Coaxing out a ***child***'s life story, especially a traumatic one, can take hours.

"I feel I'm part of a ***system*** that's malfunctioning," Chandler said.

Recognizing the need for more than goodwill for unrepresented ***children***, the Executive Office for Immigration Review, which oversees immigration ***courts***, has announced a new legal assistance initiative at four sites.

The Vera Institute of Justice will give ***children*** one-on-one legal information and help find volunteer lawyers in Corpus Christi, Tex.; Vincennes, Ind.; Wayne, Ill.; and Seattle. The institute also has ***started*** giving grants to nonprofits in places such as New York and Houston for similar work.

In a separate effort to reach ***children*** after they leave detention, the National Center for Refugee and Immigrant ***Children*** was launched last year with largely private funding. So far, it has matched lawyers with more than 400 kids.

The center, with a full-time staff of four, hardly covers everyone, said Adriana Ysern, the senior immigration program officer. "We can only respond to so many," she said.

A different approach is underway in Chicago. With seed money from ORR, the Immigrant ***Children***'s Advocacy Project assigns each ***child*** a bilingual ***advocate*** who meets with the ***child*** every week, finds legal representation and goes with the ***child*** to ***court***. So far, ***advocates*** have been matched with about 120 ***children***.

A similar national pilot program is envisioned in a bill that has passed the Senate but has been in a House subcommittee since February.

The blank looks in the ***children***'s eyes finally did it. After ***facing*** hundreds of kids in his courtroom, many without a lawyer, Joseph Vail quit his job as an immigration judge.

He was tired of trying to explain the legal process to 12-year-olds who would ***just*** watch him, confused. He was tired of ordering them ***deported*** without knowing why they had come to America, or what they had tried to leave behind.

"Say a kid wants asylum," Vail said. "Kids never really qualify unless they're before a really sensitive judge, because kids have no political opinions they can express."

The law requires a connection to a political or social belief, or membership in a certain group that has been persecuted in some way.

Vail left the bench in 1999. Now he works at the University of Houston's immigration clinic, trying to give ***children*** legal aid.

Though immigration judges have no authority to order legal assistance, some try to help unrepresented ***children*** anyway. Some quietly call lawyers for aid. Others ask the courtroom audience for volunteers.

"There are so many kids," John W. Richardson, an immigration judge in Arizona, told the Harvard study. "You look at their ***faces***, and they try to be cheerful, and you know that most of them are going to go back to deplorable situations."

In late 2004, the Office of the Chief Immigration Judge gave the country's judges some suggestions for being more ***child***-friendly. For instance: Wear street clothes instead of the robe, let kids explore the courtroom, bring a toy.

"Before asking how many times something happened," the memo added, "the immigration judge should determine the ***child***'s ability to count."

Both judges and ***advocates*** said ***children*** without lawyers slow down ***court*** proceedings, waste taxpayer money and keep ***children*** in government custody longer than they should be there.

These kids have enough stress already, said Denise Slavin, the Miami-based president of the National Association of Immigration Judges. She likes the idea of appointing them a lawyer if they can't find one themselves.

"If we changed the ***system***," she said, "maybe ***children*** would be a great place to ***start***."

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