



The Impact of COVID-19 Pandemic on Immigrant and Refugees Globally and in the United States

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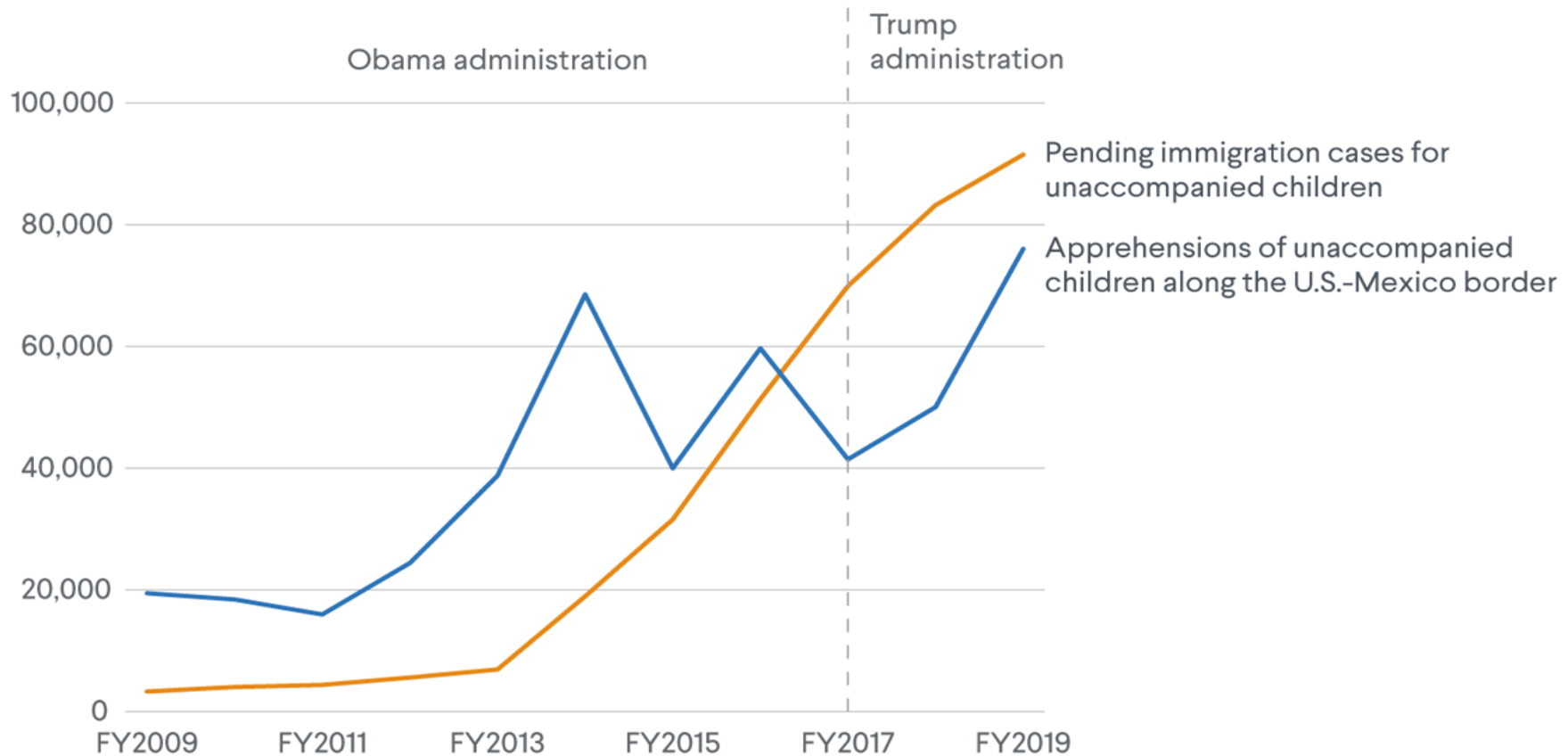
February 20, 2021

Activity at Prep – to think before starting

1. How does the presentation refer to your personal experience?
2. How does the presentation refer to the professional work you do?
3. What are the key takeaways you have from this presentation?
4. How do you plan to use what you have learned today?

Humanitarian crisis at the U.S. Southern border

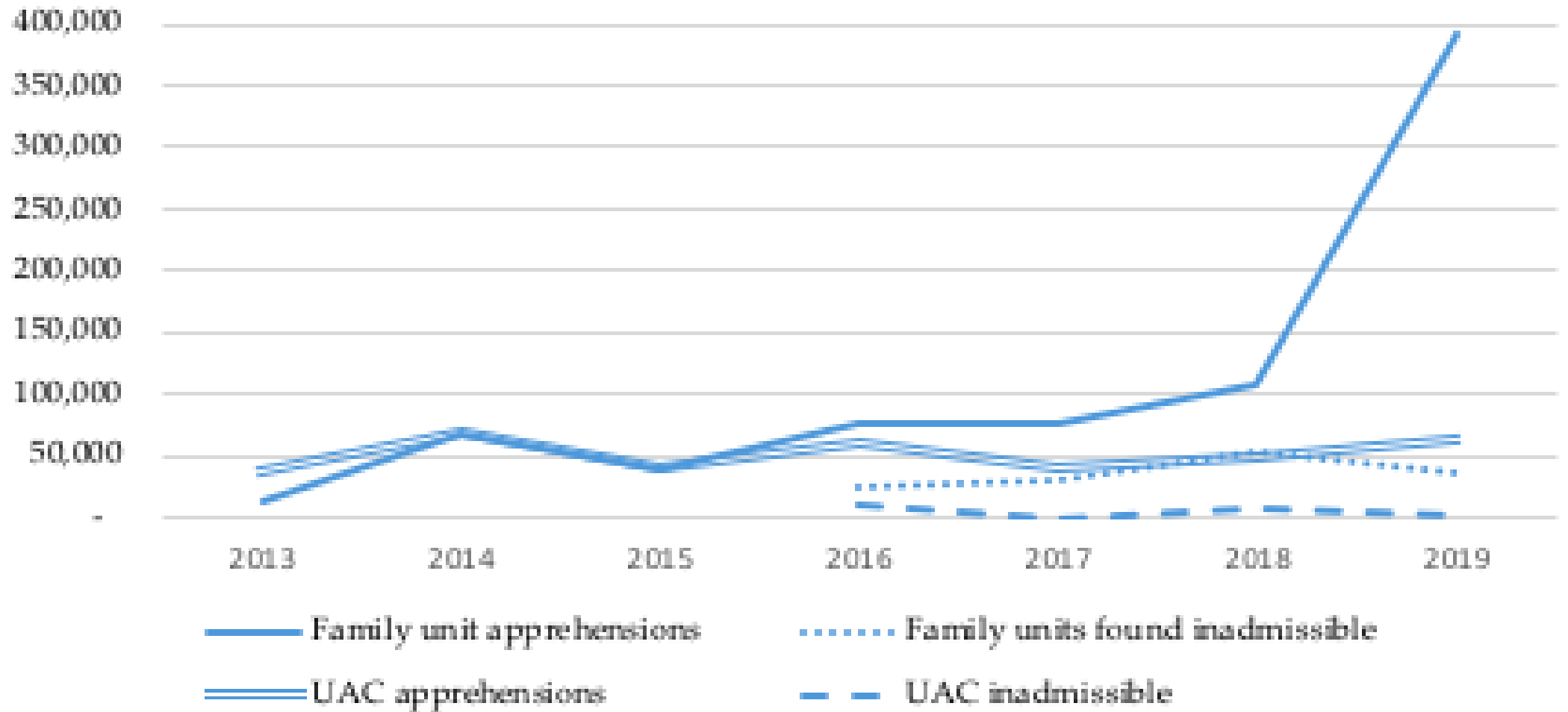
As More Child Migrants Cross Border, Immigration Court Backlog Deepens



Sources: Department of Homeland Security; Executive Office for Immigration Review; U.S. Customs and Border Protection.

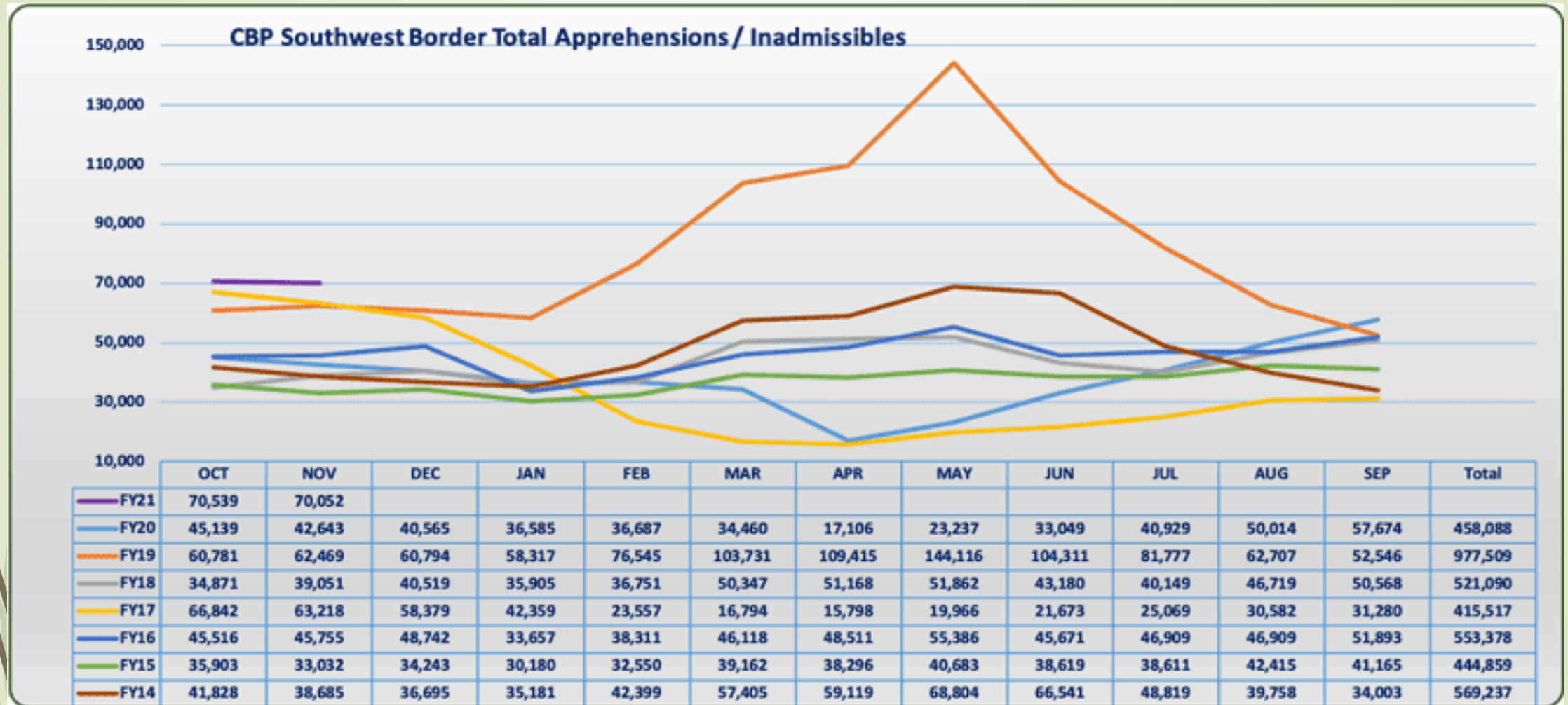
COUNCIL *on*
FOREIGN
RELATIONS

Figure 2: Family Units and UAC apprehensions and inadmissible
(U.S. Office of the Federal Registrar, 2019)



Source: Monico & Mendez-Sandoval, Geneology (2019)

Southwest Border Migration, Fiscal Years 2014-2021



Unaccompanied Children

Why Do They Leave?

58% Have Potential or Actual International Protection Needs

48% Have Been Affected by Violence from Organized Criminal Actors

21% Have Survived Abuse and Violence in Their Homes

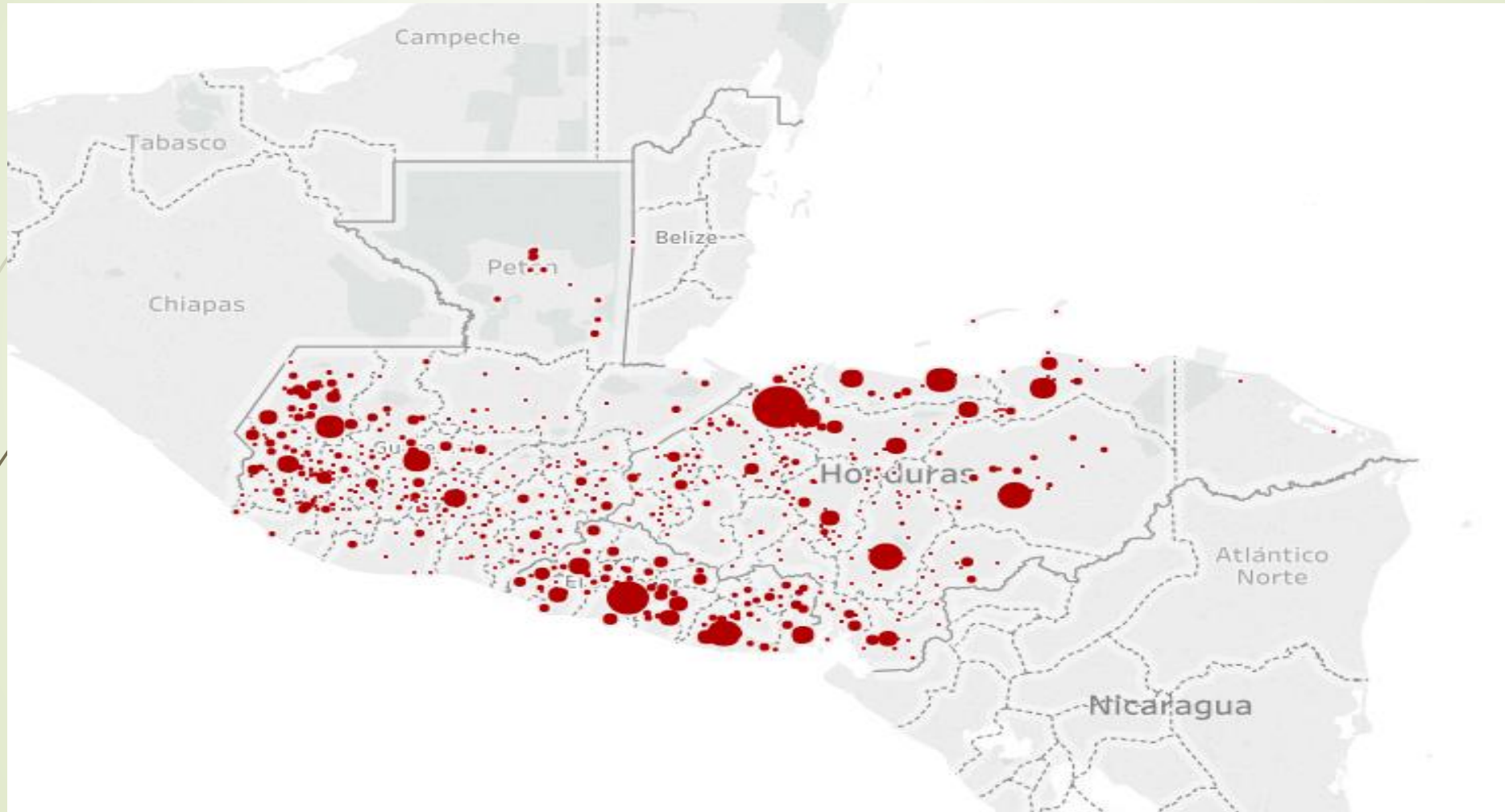
Source: UNHCR Study

CHARACTERISTICS OF THE CHILDREN INTERVIEWED

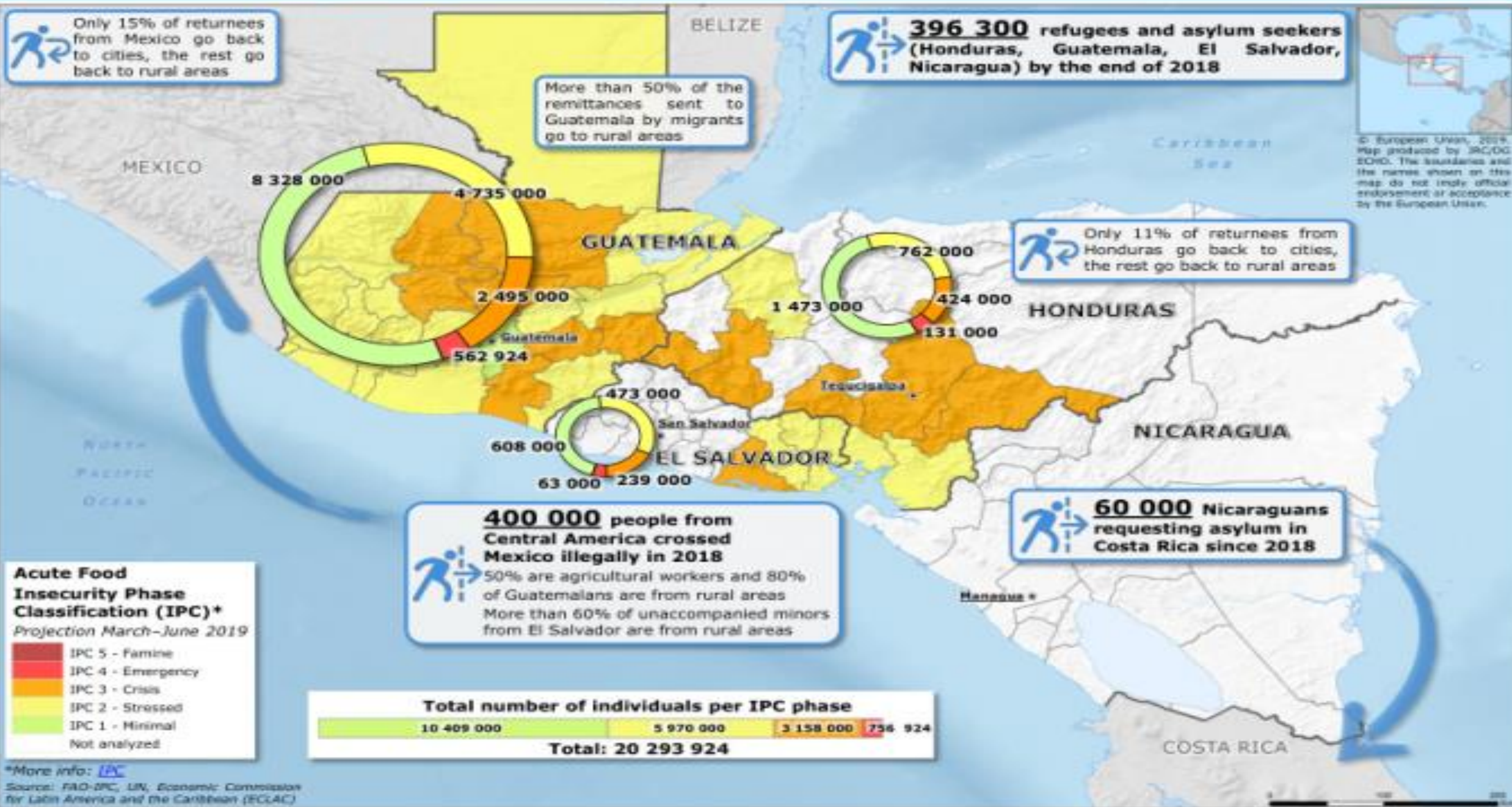
- Country of origin and number of children:

	Boys	Girls
El Salvador (104):	69	37
Guatemala (100):	79	21
Honduras (98):	69	29
Mexico (102):	98	4
Total (404):	313	91
- Between Ages 12-17
- Entered the U.S. during or after October 2011
- Held at some point in U.S. federal custody
- Gender distribution mirroring that represented in ORR custody by nationality
- Those in U.S. Government shelters present for more than five days in order to acclimate
- Randomly selected within these parameters and voluntarily participated

Origins of immigrant children and their families: History of war and drug trafficking/gangs

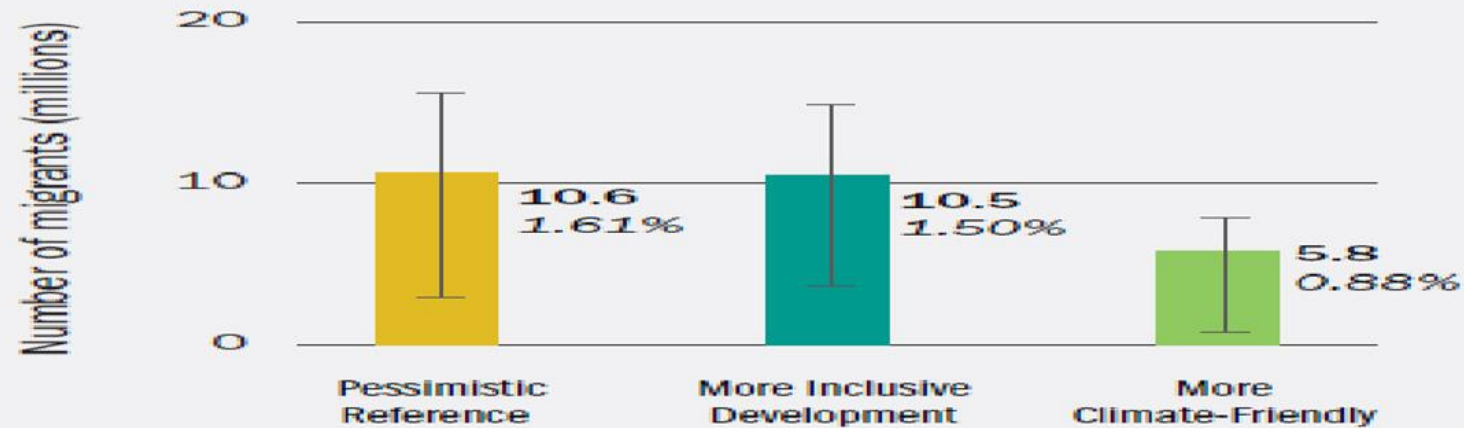


Source: Lawfare. Who's Really Crossing the U.S. Border, and Why They're Coming. <https://www.lawfareblog.com/whos-really-crossing-us-border-and-why-theyre-coming>

Central America | Food Insecurity in the *Dry Corridor*

Groundswell: Preparing for Internal Climate Migration (World Bank, 2018)

Figure 1: Projected total numbers and shares of internal climate migrants in Latin America under three scenarios by 2050



Note: The whiskers on the bars in the charts represent the 95th percentile confidence intervals.

Table 1: Projected numbers and shares of internal climate migrants by 2050 under three scenarios, Mexico and Central America

	Scenario					
Subregion	Pessimistic reference		More inclusive development		More climate-friendly	
Mexico and Central America						
Average number of internal climate migrants by 2050 (million)	2.1		1.4		1.7	
Minimum (left) and Maximum (right) (million)	0.3	3.9	0.5	2.4	0.2	3.3
Internal climate migrants as percent of population	1.03%		0.68%		0.85%	
Minimum (left) and Maximum (right)	0.17%	1.90%	0.22%	1.14%	0.09%	1.61%

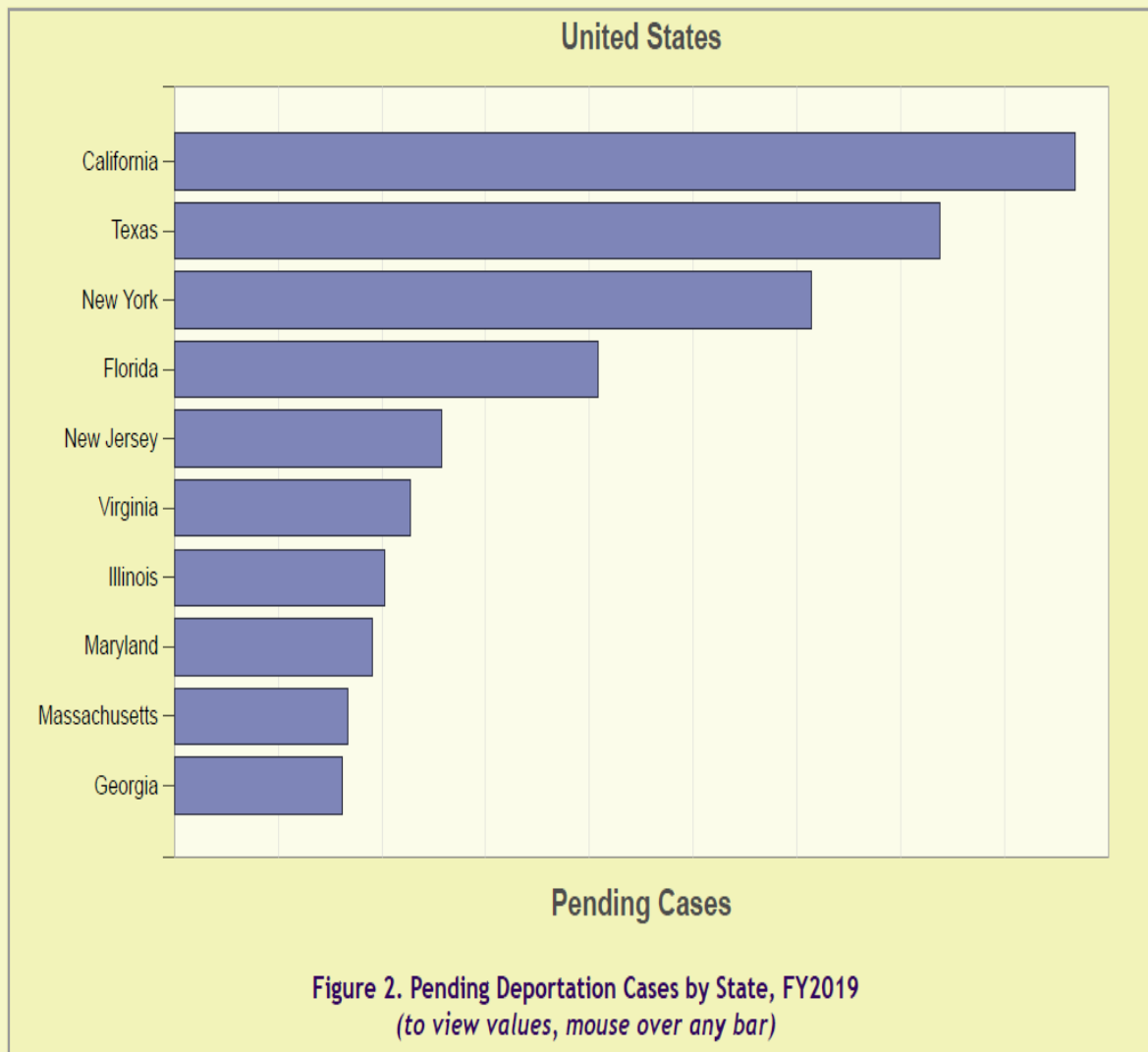
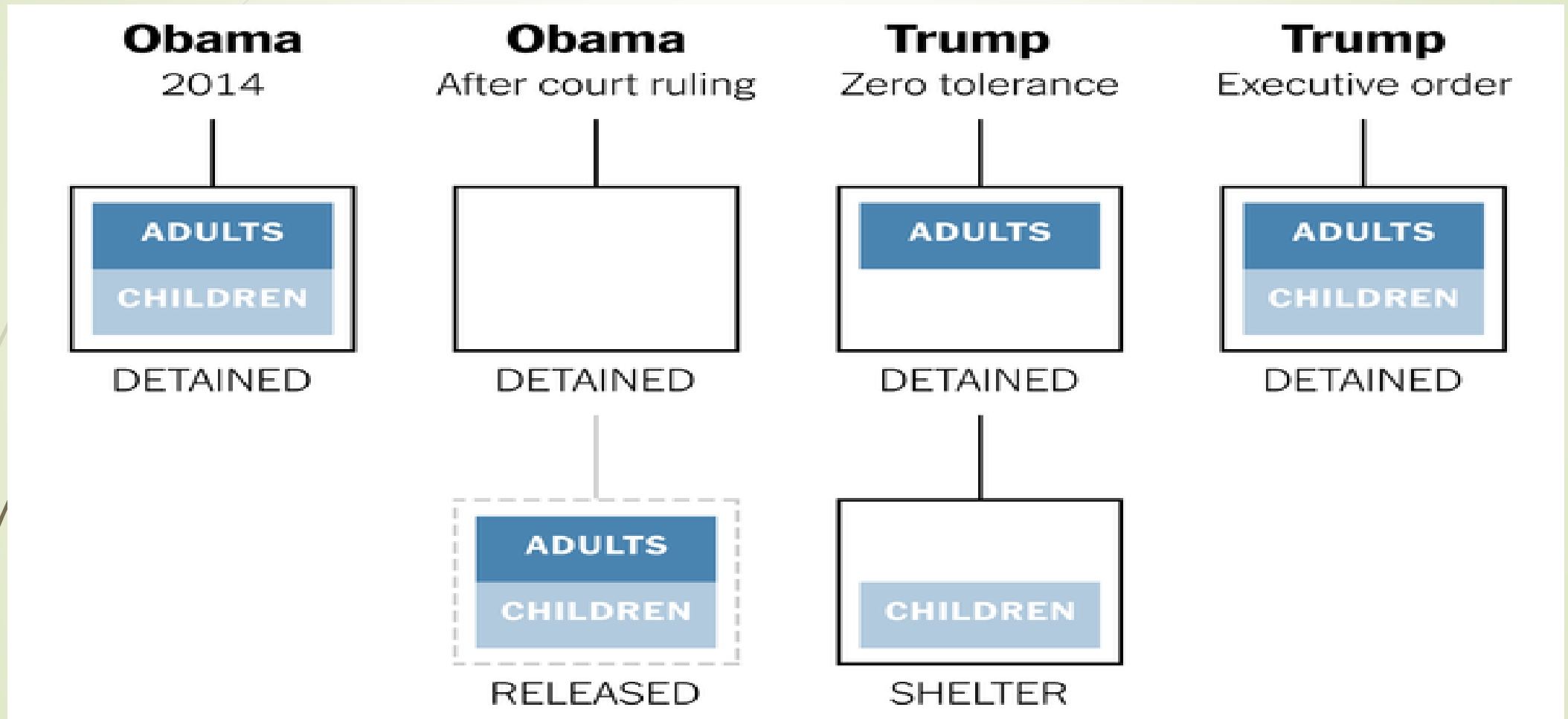


Figure 2 shows the ten states with the current largest backlog of pending cases in the Immigration Courts.

Fiscal Year 2019
click on column headings to sort

State	Pending Cases
Entire US	975,298
California	173,747
Texas	147,510
New York	122,857
Florida	81,612
New Jersey	51,571
Virginia	45,479
Illinois	40,553
Maryland	38,224
Massachusetts	33,323
Georgia	32,337
Tennessee	20,446
North Carolina	20,254
Pennsylvania	19,426
Louisiana	18,408

Evolution of child-family separation during Obama's & Trump's Administration - What comes next with Biden-Harris?



Forced Family Separation: How was the madness created?



Source: Ms. L. v. ICE, No. 18-0428 (S.D. Cal. Sept. 13, 2018) (joint status report). | GAO-19-163

Note: GAO did not independently verify the accuracy of these data

UNACCOMPANIED CHILDREN: Agency Efforts to Reunify Children Separated from Parents at the Border
GAO-19-163: Published: Oct 9, 2018. Publicly Released: Oct 24, 2018. Retrieved from
<https://www.gao.gov/products/GAO-19-163>

Family Separation Typology since Zero-tolerance: 13 Individual Cases

- ? (1) Separation by death: the death of toddlers, young children, youth, and adolescents during or soon after U.S. government custody;
- ? (2) Prolonged separation: the return of children to biological parents and relatives after extended or indefinite separation;
- ? (3) No reunification in sight: families divided before, during, and after the zero-tolerance policy with children remaining institutionalized as they are not eligible for adoption;
- ? (4) Definite or temporary loss of parental rights: the loss of parental rights after detention of biological parents due to criminal charges (crossing without CBP inspection), the use of fraud documentation at work, or cases of domestic violence (those reported and investigated, not necessarily substantiated).

Conditions in Detention Centers

Sexual assault of women

- Approximately 1,448 allegations of sexual abuse filed with ICE between 2012 and March 2018.
- In 2018, a woman identified as “Maria” claims was sexually assaulted by a male guard after being released from Residential Detention Center in Texas.
- “He grabbed my breasts ... He put his hands in my pants and he touched my private parts,” Maria told the publication”.

<https://thehill.com/blogs/blog-briefing-room/news/397382-migrant-women-describe-being-sexually-assaulted-in-ice>

Sexual assault of children

- In July 2018, the Office of Refugee Resettlement, received a total of 4,556 allegations of sexual abuse or sexual harassment of unaccompanied minors in U.S detention facilities.
- Detailed allegations that adult staff members had harassed and assaulted children, including fondling and kissing minors, watching them as they showered, and raping them.

<https://www.nytimes.com/2019/02/27/us/immigrant-children-sexual-abuse.html>

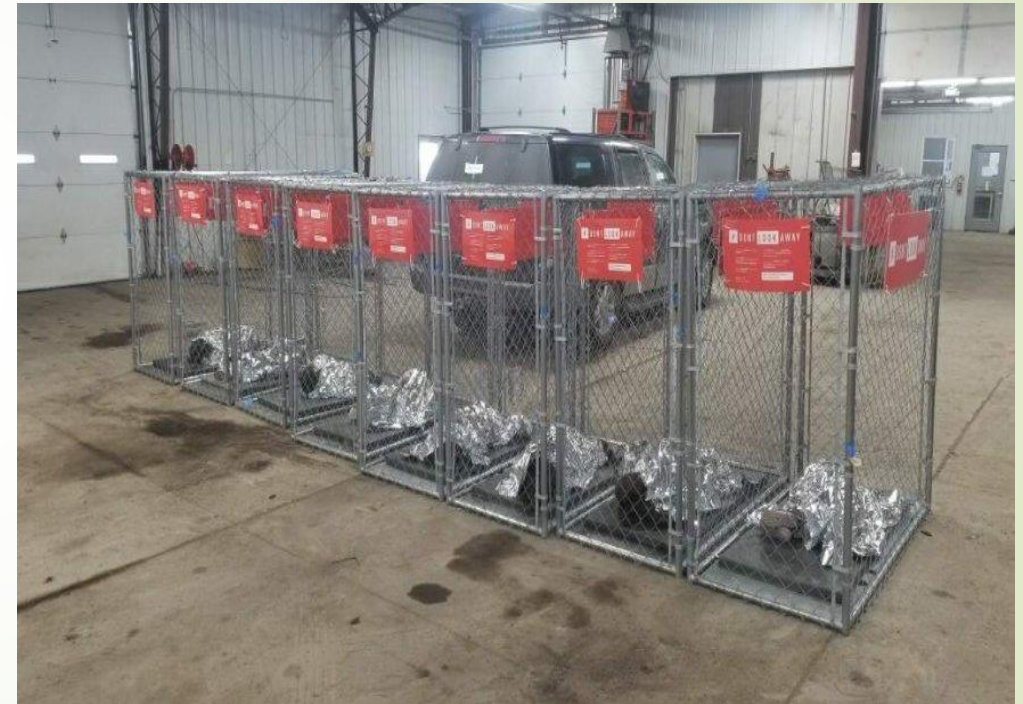
Typology of adult immigrants in detention

1. Detained after appearing voluntarily for annual asylum appointments.
1. Longtime U.S. residents who had encounter with the criminal justice system prior to being detained.
1. Recent arrivals; mostly asylum seekers.



Characterization of minors in government custody

1. Minors in **shelters** before placed under Office of Refugee Resettlement (ORR)
1. Children and teenagers placed in **secure facilities** run by ORR
1. Teenagers placed in **long term** foster care with non profit organizations
1. Minors placed in **detention facilities with their families**



Characterization of Detention Facilities

1. Federally owned detention facilities

1. County jails

1. Privately owned prisons



Violation of International Convention: Crimes against humanity?

- United Nations (1948) Universal Declaration of Human Rights (UNHDR)
 - Right to form a family articulated
 - Mother-/Child-hood recognized as needing special protection
- United Nations (1989) Convention on the Rights of the Child (CRC)
 - “best interest of the child”
 - “principle of subsidiarity”
- United Nations (2010) Guidelines for Alternative Care of Children
 - family-child separations avoided during disaster and migration
 - reunification strategies to keep family unit intact
 - prevent consequences of leaving children unaccompanied.

Other International protections instruments

The 1951 Refugee Convention and its 1967 Protocol are the key legal documents that form the basis of our work. With 149 State parties to either or both, they define the term 'refugee' and outlines the rights of refugees, as well as the legal obligations of States to protect them.

The core principle is non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. This is now considered a rule of customary international law.

UNHCR serves as the 'guardian' of the 1951 Convention and its 1967 Protocol. According to the legislation, States are expected to cooperate with us in ensuring that the rights of refugees are respected and protected.

[Read the Refugee Convention](https://www.unhcr.org/en-us/1951-refugee-convention.html)

<https://www.unhcr.org/en-us/1951-refugee-convention.html>



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**GUIDELINES ON INTERNATIONAL PROTECTION:
Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or
1967 Protocol relating to the Status of Refugees**

<https://www.unhcr.org/en-us/publications/legal/50ae46309/guidelines-international-protection-8-child-asylum-claims-under-articles.html>



Distr.
GENERAL

HCR/GIP/02/01
7 May 2002

Original: ENGLISH

**GUIDELINES ON INTERNATIONAL PROTECTION:
Gender-Related Persecution within the context of Article 1A(2)
of the 1951 Convention and/or its 1967 Protocol
relating to the Status of Refugees**

<https://www.unhcr.org/3d58ddef4.html>

Violation of Flores Settlement Agreement (FSA)

1. 1985: 15 years C.A. girl detained in TX center with adult men
2. FSA emerged from ACLU class action won in 2001 – 20 days cap; “least-restrictive” (minimum security) facilities
3. Under Obama: families remained together; FSA was upheld by administrative action but separation experienced within facilities (girls with mothers; boys with fathers)
4. Oct 2017: mass family separation practice began
5. April 6: Sessions announced zero tolerance policy
6. June 20: Trump issues Executive order to keep families together but detained
7. July 10, 26: deadlines for reunifying children under 5 and older
8. July 7 - Proposal for changes posted; under 60 day comment period (Nov 6)

Regulatory and administrative framework

The 400+ immigration executive actions during the Trump-Pence Administration have profoundly transformed the immigration system, resulting in restrictive and punitive immigrant policies and practices (MPI report)

https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Pence-Pence-Presidency-Final.pdf

The U.S. Citizenship Act of 2021 establishes a new system to responsibly manage and secure our border, keep our families and communities safe, and better manage migration across the Hemisphere (WH Fact sheet)

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>

Some conclusions; lessons to be drawn

- ❖ U.S. not meeting international standards & conventions protecting migrants, children & other special populations, during global health emergency
 - Immigrant prison industrial complex: Systematic, organized operations amounting to crimes
 - Government's role & responsibilities have changed, still lack of transparency & accountability
- ❖ Health-related and humanitarian concerns will be long lasting: aggravated under COVID-19
 - Neurological, psycho, emotional, social long-term impact on affected children and youth
 - Profound effect on caregivers and transnational families: ambiguous loss & unresolved grief
 - impact on immigrant/refugees/asylum seekers and general population

End-point – Where do we go from here?

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