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A Child Alone and Without Papers: Topline Findings and Recommendations

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On the U.S. Side: Removal

- **Lack of clear policies and procedures.** Little written agency policy exists to guide removals. U.S. immigration law does not address child treatment during federal custodianship, and bi-national agreements are underutilized, not recognized, and/or, in the case of Honduras, non-existent.
- **Children mistreated by U.S. immigration authorities.** Incidents reported by children included inattention to repeated requests for medical attention; lack of water while in the border patrol station; not being given any or enough food; not being allowed to contact family; being struck and knocked down by agents; being handcuffed; and being transported “like dogs” in kennel-like compartments.
- **Removal system holds the child responsible for triggering protective services.** Of the 33 Mexican and Honduran children interviewed, CPPP identified only one child with demonstrable understanding of his rights and the alternatives he had under the U.S. immigration system.
- **Children Commonly Denied Access to Lawyer.** Although children officially entered into immigration proceedings should have access to legal counsel and an assessment of their rights, 50 to 70 percent of detained unaccompanied children who face an immigration judge lack legal representation.
- **Many Children Denied Access to Consulate.** The Vienna Convention on Consular Relations provides that when an unaccompanied child is detained by a country that is not their own, the detaining country must notify the child’s consulate immediately. However, CPPP’s interviews indicate that the Vienna Convention’s provisions are not regularly applied to children in removal proceedings.
- **Non-Neighboring Children Detained for Unreasonable Amounts of Time.** Non-neighboring unaccompanied children are not supposed to be detained by Department of Homeland Security (DHS) for more than 72 hours. However, Honduran case study



participants endured prolonged detentions with DHS (up to 14 days) subsequent to receiving their order of removal.

- **Children Transported Home Unsafely, No Regulations to Ensure Safety.** The report finds the methods and procedures of returning children to Mexico and Honduras (Mexican children via covered trucks and Honduran children via commercial flights) to be unsafe. CPPP also found no regulations related to the escort-to-child ratio on the part of either U.S. or Mexican authorities and that the U.S. regularly fails to give advance notice of the arrival of unaccompanied children to Mexican authorities.
- **Children Returned to Unsafe Conditions.** CPPP found that children in both Mexico and Honduras are returned to unsafe conditions. Mexican authorities from more than one port of entry expressed concern that children are being repatriated in the middle of the night, including to ports of entry not specified in regional agreements, and that sometimes even consulates are not notified of a child's apprehension and removal. Advocates fear that children who are simply released across the border with no continuity between US and Mexican authorities are at heightened risk of repeat migration, trafficking, and forced conscription into illegal activities, and victimization.

On the Mexican and Honduran Sides: Repatriation

- **Prevalent Lack of Policies and Procedures.** Repatriation in Mexico and Honduras is marked by the absence of explicit and consistent policy and procedure within each country's child welfare agencies.
- **Regional Variation and Lack of Coordination among Agencies.** In both Honduras and Mexico, local and regional variations in the collection and sharing of data on the repatriated child (e.g., whether a child has been previously/repeatedly returned and from where), variation in the practices surrounding the release of the child, and even variations in the parties involved in the process, confound standardization of the repatriation process, and in turn, the safety of the child.
- **Variations in the Availability and Efficacy of Repatriation Services.** Repatriation services that help the child reintegrate exist in Mexico, but the range of services available to children varies substantially by region. In Honduras, no services exist to facilitate the positive reintegration of Honduran children, reducing the likelihood that they will attempt to return to the U.S.
- **Lack of Formal Structures to Prevent Abusive Treatment or to Ensure Application of Child Welfare Standards.** In Mexico, agencies prioritize family reunification, even when the safety of the child may be in question. In Honduras, we found evidence of discrimination against disabled children and cruel and degrading detention conditions.

Recommendations

The United States should...

- Guarantee unaccompanied, undocumented children the right to counsel;
- Mandate consistent assessment and planning for the return of all unaccompanied children under a new “best interest of the child and safe repatriation” paradigm;
- Establish transparent and consistent standards and protocols for removal and repatriation;
- Collect consistent statistics and documentation on all unaccompanied children and establish interagency information sharing;
- Establish limits on the number of children who can be returned during a specified period of time, in accordance with country of origin protocols and the capacity of country of origin authorities to receive the children safely;
- Discontinue transportation methods that place children at unnecessary risk;
- Provide reintegration assistance to facilitate the child’s transition from removal by U.S. authorities to repatriation by country of origin authorities; and
- Establish bi-national standards and mechanisms for data collection and sharing related to repatriation of unaccompanied children, starting with the countries with the largest numbers of repatriated children.

**The paper’s original author, Amy Thompson, left the Center for Public Policy Priorities in July 2008 prior to the release of the report and its findings.*

For More Information

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