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House Committee Weighs Whether to Strip Young Refugees & Other Migrant Children of Legal Protections
Bill Seeks to Forcibly Deport Vulnerable Minors Back to Danger by Eliminating Crucial Child Welfare Provisions

WASHINGTON, D.C. – All eyes are on members of the House Judiciary Committee tomorrow as they begin discussion on The Protection of Children Act, or H.R. 495, a bill that seeks to deny basic legal protections to refugee and migrant children fleeing persecution, child trafficking, or parental abuse, abandonment or neglect.

Rachel Prandini, Immigrant Youth Attorney at the Immigrant Legal Resource Center, issued the following statement:

“No country would willingly turn its back to children in need, some as young as 5 or 6 years old, who are forced to travel alone for thousands of miles in search of help as they flee the horrors of violence, abuse, or child trafficking.”

“Yet H.R. 495 asks Congress to do just that, breaking away from long-held standards of child welfare in the United States. This bill inhumanely seeks to strip vulnerable children of existing legal protections, and goes a step further to encourage the increased deportation of these children back to the very danger they fled from, at possible risk of death.”

“In comparison to other areas of law, the U.S. immigration system stands alone in its frequent refusal to extend special considerations to children, in recognition of their vulnerability and continuing brain development. The existence of immigration relief provisions like Special Immigrant Juvenile Status (SIJS) is a rare – and rightful - exception.”

“The success of SIJS stands as a testament to the need for a collaborative and pragmatic approach to the welfare of immigrant children, one that relies on deep expertise and partnership between federal immigration and state child welfare agencies.”

“Rather than allow the un-American sentiment of nativism to dictate how we treat our children, Congress should instead seek to improve upon the positive track record of provisions like SIJS by increasing the number of visas for SIJS and expanding SIJS eligibility to *any* minor for whom a juvenile court judge decides their best interest is to remain in the United States.”

“All children deserve a support system, stability, and legal protections from harm, no matter where they were born. This sense of safety is especially crucial for children who migrated alone or are in the foster care system, and who are now being asked to navigate complex systems of law while also attempting to recover from unimaginable trauma.”

“We join numerous child welfare and immigration advocates across the country in urging all members of the House Judiciary Committee to keep the best interests of children at heart by opposing H.R. 495.”

Amidst many troubling components, of particular concern are the bill's proposed provisions to:

- Place a significant burden on the child seeking help to adequately express their fear of trafficking or persecution to a border patrol agent, making no consideration for the age of the child or any developmental disabilities present. If the child fails to meet this burden, they are put on a fast-track deportation process back to the danger they fled.
- Allow only those children who Customs and Border Protection (CBP) deem eligible access to see an immigration judge within 14 days of the screening, an impossible timeframe for a child to begin recovering from their trauma, seek legal counsel, and develop their legal case. Without legal representation, a child's risk of deportation jumps to 80%.
- End the ability for children to seek relief who may be able to reunify with only one of their parents in the instance they were abused, abandoned or neglected by their other parent.
- End the ability for children to have their claims for protection from persecution heard in a non-adversarial setting, rather than in front of an immigration judge where they will be cross-examined by a government attorney.

For more information on Special Immigrant Juvenile Status, see <https://www.ilrc.org/immigrant-youth>.

To interview an expert on the intersections of immigration law and child welfare, please contact Kemi Bello at kbello@ilrc.org.

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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities. www.ilrc.org

