

1-1-2011

Unaccompanied Immigrant Minors

Gabriel Stein
Connecticut College

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Recommended Citation

Stein, Gabriel, "Unaccompanied Immigrant Minors" (2011). *Student Foreign Language Research*. Paper 3.
<http://digitalcommons.conncoll.edu/sflresearch/3>

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Mellon Grant Report

This summer I spent my time living in Manhattan working with Catholic Charities Archdiocese of New York's Unaccompanied Immigrant Minors Program. The program's objective is to assist the minors and their guardians by providing legal orientations, know your rights presentations, legal interviews, court prep orientations, and informal representation. While working at Catholic Charities my time was split between working at the office doing numerous translations of court documents as well as developing a resource packet, in Spanish and English, for the guardians of immigrant minors who are released from detention, traveling to the detention center to give know your rights presentations and conduct legal interviews, and attending court where I conducted legal orientations and court prep presentations. All the work was performed in both Spanish and English due to the varied populations in the audience. I decided to take the opportunity of working with them a step further by doing some research of my own on the phenomenon of unaccompanied immigrant children in the U.S. immigration system. Using the resources around me at the workplace such as the lawyers, government officials working for the Office of Refugee Resettlement and EOIR, the unaccompanied minors themselves, and by reaching out to other NGOs who work with the children (specifically the VERA Institute of Justice) I was able to pull together enough information to identify a clear problem in our immigration policy in the United States. Because this is a bilingual field (almost all employees of ORR and all the lawyers are bilingual in Spanish) I was able to conduct the majority of my

interviews completely in Spanish. Additionally all my interaction with the unaccompanied minors was in Spanish. I have taken the research I have done this summer and used it to begin constructing a framework for my senior independent study: Victims in a Broken system: Unaccompanied Immigrant Children as a Symptom of Failed Policy (working Title).

The United States has a long history of immigration policy. The most notable of the laws is the Homeland Security Act of 2002. This Act abolished the former Immigration and Naturalization Services and consolidated all immigration enforcement related agencies under the Department of Homeland security. However, the groundwork for our immigration system was set up as early as 1952 with the passage of the Immigration and Nationality Act (INA). The INA along with the sting of legislation that was passed in it's wake set the foundation for the United States immigration enforcement strategy, which can be best described as an enforcement-based deterrent strategy. This strategy entails securing the border between Mexico and the United States by implementing policy that strengthens agencies such as the Border Patrol (BP) and Immigration and Customs Enforcement (ICE), as well as funding the construction and development of the walls and security devices used to catch immigrants. As of now The United States is spending nearly \$6 billion dollars annually on maintaining this enforcement-based strategy. The idea is that migrants will be deterred from entering the United States due to the buffed up border zone. It is important to remember, however, that the primary focus of this strategy is not immigration enforcement but protection of national security.

The Homeland Security Act and the enforcement-based deterrent strategy are very much the result of the events of 9/11. Created in the wake of a new and dangerous threat to the security of the United States. However, the policy adopted from the legislation has unfairly associated illegal migration flows, with the likes of highly criminal organizations such as narcotics traffickers, and terrorism. The overwhelming population of undocumented immigrants is neither terrorist nor criminal. Nonetheless, because of this legislation influenced association many residents of the United States now consider immigrants to be a dangerous population and therefore, support the policy.

Because of this support and wrongful association, the United States has created an extremely flawed policy that has little to no affect on undocumented immigration. Immigration is not a criminal problem but an economic one. Every year migrants come to this country in search of work to be able to provide or their families and give their children a better future. The enforcement-based strategy therefore, because it does not attack the roots of the immigration has fairly reverse and negative affects on immigration flows. Instead of preventing the continued flows of migration to the United States, the enforcement-based strategy has simply changed the way in which undocumented immigration works. Earlier when U.S. border enforcement was more relaxed immigrants would flow in and out of the country in a pattern known as circulatory migration. In this model immigrants would come for short periods of time and return back to their countries of origin taking the money they had earned. Often migrants would take multiple trips. Now, since border enforcement has been upped on a gigantic scale crossing the United

States border has become an extremely difficult task, and death has become a serious factor. Instead of deterring immigrants from coming to the U.S., the enforcement-based strategy has simply rerouted migration flows to enter through the expansive desert. The risk of crossing the desert coupled with the upped border security has had a serious impact on undocumented migration. However, this impact is not related to the numbers coming but instead the number of immigrants who are staying. Because enforcement is so tight it is impossible for immigrants to flow in and out of the country as they did before with circulatory migration. Instead immigrants are coming to the United States and staying for long periods of time sometimes permanently. As immigrants become rooted in the United States the result is often a second form of migration: family reunification.

Immigrants who stay in the States for long periods of time have the tendency to promote the migration of their family members as well. A key portion of these family members are children. With more rooted connections in the United States, more immigrants are sending their children to join friends or family so that they are able to work or have access to the benefits of United States society, such as education opportunities. The result has been an increase in the migration of minors, who often travel alone. These minors have become a key issue in present day immigration.

The increase of a population of immigrant minors traveling to the United States has also subjected many of these children to detention and removal proceedings. As more children come more are being detained by ICE and the BP. These children have thus become victims of a system that was designed for adults.

This places the children in a confusing situation where they receive very little information or legal advice regarding their situation, and where they are often detained for long periods of time. This can be accredited in part to the fact that these children, instead of being treated as a welfare population, are being treated as a criminal population that may pose a threat to National Security. This security focused dogma and the enforcement practices of United States immigration enforcement agencies has resulted in numerous human rights violations and the unjust treatment and detention of these children.

In my independent study I will seek to identify the reasons behind why this situation has arisen within the United States political framework, and also to expose the reality of the situation regarding unaccompanied immigrant minors and why they must be treated as a welfare case instead of a population that threatens United States national security. We must be able to see the flaws in United States immigration policy in order to accept the negative impact it is having not only on the lives of immigrants, but in some cases the lives of United States citizens as well.