

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
Hearing on “The Unaccompanied Children Crisis: Does the Administration Have a Plan to  
Stop the Border Surge and Adequately Monitor the Children”  
February 23, 2016**

Today’s hearing on the treatment of unaccompanied children in the United States is extremely important. These children are fleeing horrific, heartbreaking violence in El Salvador, Honduras and Guatemala. They face murder rates many times higher than children in Iraq and Afghanistan. Their governments are unable or unwilling to protect them. They come here seeking safety and refuge. And too often, we are failing them.

We have placed these children in homes with people who often have not been appropriately screened. We are pushing them through a fast track immigration process, often without lawyers. And now we are picking them up in raids and deporting them back to the dangerous conditions from which they fled.

The Administration’s “deterrence” approach is wrong, it is not working -- and it *will* not work. These children are fleeing for their lives. They will not be deterred. As Pope Francis said last week, this is a “humanitarian crisis” and he urged us to open our eyes and our hearts to those suffering violence and show them mercy.

These children are particularly vulnerable and many of them can qualify under our laws for humanitarian protection in the United States. But our immigration system is extremely complex. We expect children and those with little education, who do not speak English and have suffered serious trauma, to navigate it without legal guidance. Some of them are as young as three years old, and often show up before an immigration judge unrepresented when they are summoned to present their case for relief.

This is unacceptable and it contradicts everything we stand for. That is why I am a cosponsor of “A Fair Day in Court for Kids Act,” which would provide a lawyer for every unaccompanied child. And why I plan to reintroduce the Refugee Protection Act in the coming weeks.

The Administration itself has acknowledged the violence in the Northern Triangle as a humanitarian crisis. As Ranking Member on the Appropriations Subcommittee on State and Foreign Operations, I routinely hear from the Administration about how devastated and dangerous these Central American countries are. In fact, a Department of State Congressional Notification from last month warned that El Salvador risks “losing an entire generation of young people due to violent conflict” and notes that the already stunning rates of violence increased dramatically “following the deterioration of a gang truce forged in 2012, driving a surge of migration of unaccompanied children to the United States.”

How can the Administration justify requesting three-quarters of a billion dollars in fiscal year 2017, on top of the same amount appropriated in fiscal year 2016, to address the violence and other causes of migration, and simultaneously defend deporting these children back to those same countries and commend the Mexican Government for doing the same?

There should be a broad consensus that the risks faced by these vulnerable children are life-threatening and that they need legal protection and care.

Instead, we are failing these kids. Take, for example, the story of Mario, a teenager from El Salvador. The armed group that controls his neighborhood repeatedly threatened to kill him. He twice reported the threats to police, who never did anything. They assaulted him five separate times. They killed his friend. When Mario finally fled to the United States he brought a copy of the police report. A U.S. immigration official took it from him, threw it away, and said it wasn't going to help him in this country.

Mario, and children like him, face violence and possible death if they are returned to their home countries. We know that because some like Mario who have been sent back, have been killed. It is outrageous that we are making it so difficult for these children to make a claim for protection in the United States. We must do better.

I commend the Administration for recently announcing it will establish a new refugee screening process for nationals from El Salvador, Guatemala and Honduras. And I am encouraged by some of the recent changes at the Department of Health and Human Services that will help ensure these children are safe and protected even after they have been placed with a sponsor. But, overall, I remain deeply disappointed by the Administration's response to this humanitarian crisis.

I am heartened to hear concerns over the wellbeing of these children expressed by both sides of the aisle. I hope that that concern extends beyond expressions of outrage at this hearing and results in the additional resources necessary to *actually* protect them. An important place to start is approving the contingency fund aimed at supporting these children.

These children should not become pawns in some larger immigration debate. They are, by and large, victims of terrible violence. They come seeking help and protection because we are a great nation with a long history of protecting those who cannot protect themselves. We must stand with these children, not use them in political games.

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