

Principles for Children in Immigration Reform

As our nation's leaders move forward with the important task of reforming the federal immigration system it is critical that they consider the specific needs of children and youth. Children of immigrants currently comprise 1 in 4 of all children in the U.S. and represent the fastest growing segment of the child population. The number of unaccompanied immigrant children entering the U.S. has also reached record-setting numbers in recent years, with more than 14,000 children coming into the custody of the Office of Refugee Resettlement in fiscal year 2012.

Despite the significant impact of immigration policy on children's lives, children have historically been disregarded and often intentionally excluded in U.S. immigration policy decisions. Even the youngest children have few special protections under current immigration law and their best interests are often considered irrelevant in critical decisions regarding their own or a parent's ability to enter or stay in the United States. Furthermore, complicated laws determining immigrant eligibility for federally funded services have created significant barriers for children in immigrant families. As a result, both children who are immigrants themselves as well as U.S. citizen children with immigrant parents continue to face high rates of family separation, emotional trauma, economic instability, poor educational outcomes, and limited access to critical services and programs.

The consistent failure of immigration policies to consider children's well-being, protect children's rights, and promote family unity has had devastating outcomes. The Department of Homeland Security reports that 205,000 parents of U.S. citizen children were deported in the 26 months between July 2010 and September 2012. It is estimated that 5,100 children are in the U.S. child welfare system due to a parent's immigration detention or deportation, and thousands of U.S. citizen children have moved abroad with their deported parents. Currently, 5.5 million children in the U.S. live in mixed-legal status families and are at risk of being separated from a parent at any time, and 1 million undocumented children under the age of 18 face limited access to a higher education and only temporary legal means to join the workforce.

Unaccompanied immigrant children are a particularly vulnerable segment of the child population. These children cross our borders every day seeking refuge, safety, and protection, and often reunification with family members. In addition to facing harm in their own countries, they also endure dangerous journeys where they are subject to violence, abuse, exploitation, and the high risk of becoming victims of trafficking. Once entering the U.S. these children encounter a new set of risks as they confront our complex laws and systems. Unaccompanied immigrant children are subject to the same harsh conditions as adults in border patrol stations, face immigration courts alone without guaranteed legal representation, have to defend against removal by proving eligibility for forms of relief designed almost exclusively for adults and which require the same burden of proof adults must meet, and are often repatriated or released without assessment of their safety and irrespective of their best interests.

The fact is that America's future prosperity will depend on our ability to ensure that *all* children have a fair shot at achieving their full potential. As the youngest and most vulnerable members of our society, children are the most deserving of protection under the law, and every child should have access to the services and resources they need to grow and thrive. **Thus, any long-term solution to our immigration system must take into account the unique needs of children and protect and promote their fundamental rights and overall well-being.**

As advocates for children, we urge Congress and the Administration to incorporate the following principles in immigration reform:

- **A direct, clear, and reasonable pathway to citizenship.** Any pathway to citizenship must be open, affordable, safe, and accessible to children in need of status, including beneficiaries of Deferred Action for Childhood Arrivals (DACA), undocumented children under the age of 21, and unaccompanied immigrant children.
- **Protection and promotion of children's fundamental rights.** Our immigration system must uphold children's constitutional rights and ensure equal access to critical public services, programs, and economic supports for children and their families. The protection of fundamental rights also includes ensuring all children receive legal representation before all immigration authorities and, for all unaccompanied children, the appointment of an independent child advocate from the moment of detention throughout the course of any immigration or other related court proceedings.
- **Ensure that enforcement efforts have appropriate protections for children.** In all enforcement actions, including those along the border, the best interests of the child should be a primary consideration and children must be given the benefit of the doubt during any investigation, inquiry or detention. There should be appropriate and accountable training policies and protocols for interacting with and screening children that reflects a humanitarian and protection-oriented approach, prohibits the use of force with children, and creates reasonable and safe conditions for children while in or released from the custody of all arms of the federal government.
- **Keep families together.** All policies regarding admissibility, enforcement, detention, and deportation of children and their parents must duly consider the best interests of children, including enabling immigration judges to exercise discretion in admission and removal decisions based on the hardship to U.S. citizen and lawful permanent resident children. The immigration system must be updated by resolving current backlogs and ensuring family-based immigration channels are adequate for future migration without lengthy family separation.

Endorsing Organizations

National and International

Alianza por los Derechos Ninas Ninos y Adolescentes

Alliance for a Just Society

American Civil Liberties Union (ACLU)

American Federation of Teachers (AFT)

American Immigration Council

Americans for Immigrant Justice, formerly Florida Immigrant Advocacy Center

America's Promise Alliance

Asian & Pacific Islander Institute on Domestic Violence

Asian American Justice Center (AAJC), member of Asian American Center for Advancing Justice
ASISTA Immigration Assistance
Association for Childhood Education International
Association of Farmworker Opportunity Programs (AFOP)
Ayuda
Breakthrough
Capital Area Immigrants' Rights Coalition
Casa Esperanza
Catholic Legal Immigration Network, Inc. (CLINIC)
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for the Vulnerable Child
Children's Defense Fund (CDF)
Christian Church (Disciples of Christ) Refugee and Immigration Ministries
Church World Service
Clergy and Laity United for Economic Justice
Concerned Educators Allied for a Safe Environment (CEASE)
Congressional Coalition on Adoption Institute (CCAI)
Department of Anthropology, Georgetown University
Emory Child Rights Project
First Focus
Foster Care to Success Foundation
Foster Family-based Treatment Association
Franciscan Action Network
Franciscan Federation
Franciscan Friars
Franciscan Friars, TOR
Franciscan Sisters
Franciscan Sisters of Little Falls Leadership
Franciscan Sisters of the Atonement (International)
Franciscans for Justice
Futures Without Violence
HAIS (Hebrew Immigrant Aid Society)
Healthy Teen Network
Hoyas for Immigrant Rights
Immigration Equality
Immigrant Legal Resource Center
IMUMI (Instituto para las Mujeres en la Migración)
International Detention Coalition
Kids in Need of Defense (KIND)
Leadership Team of the Felician Sisters of North America
Legal Services for Children
LULAC Council 7226
Lutheran Immigration and Refugee Service

Lutheran Social Services of New England
Main Street Alliance
MomsRising.org
NAFSA: Association of International Educators
NAKASEC
National Asian Pacific American Women's Forum (NAPAWF)
National Association for the Education of Homeless Children and Youth (NAEHCY)
National Center for Adoption Law & Policy
National Domestic Workers Alliance (NDWA)
National Education Association (NEA)
National Immigrant Justice Center
National Immigration Law Center (NILC)
National Latina Institute for Reproductive Health
National Latino Children's Institute
OneAmerica
Providential Support Service
Sin Fronteras (International)
Sisters of Saint Francis of Perpetual Adoration (International)
Sisters of St. Francis (International)
Southern Poverty Law Center
Tahirih Justice Center
TESOL International Association
The Advocates for Human Rights
The Coalition to Abolish Slavery & Trafficking (CAST)
The Episcopal Network for Economic Justice
The Young Center for Immigrant Children's Rights
U.S. Committee for Refugees and Immigrants
United Methodist Church, General Board of Church and Society
United Methodist Women
United States Conference of Catholic Bishops (USCCB)
United We Dream
Women's Refugee Commission
Youth Law Center

State and Local Organizations

Arizona

Children's Action Alliance
Coalicion de Derechos Humanos
Kino Border Initiative
No More Deaths
Somos America/We Are America Coalition
The Florence Immigrant & Refugee Rights Project
University of Arizona, Center for Latin American Studies

Arkansas

Arkansas Advocates for Children and Families

California

Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice

California Immigrant Policy Center

California Pan-Ethnic Health Network

California Primary Care Association

Children's Defense Fund

Children's Hospital Oakland

Children Now

CLUE Santa Barbara

Coalition to Abolish Slavery & Trafficking

Esperanza Immigrant Rights Project, Catholic Charities of Los Angeles, Inc.

Families & Criminal Justice (formerly the Center for Children of Incarcerated Parents)

Immigration Center For Women and Children

Kids in Common, a program of Planned Parenthood Mar Monte (California and Nevada)

Latino Health Alliance

Modoc Child Care Council

Public Counsel

Southwestern Law School Immigration Clinic

The Children's Partnership

United Advocates for Children and Families

University of California Davis School of Law Immigration Clinic

Colorado

Immigrant Legal Center of Boulder County

Rocky Mountain Immigrant Advocacy Network

Servicios de La Raza

Sisters of St. Francis

Delaware

Delaware Family Voices

Florida

The Center on Children & Families, University of Florida Levin College of Law

UNO Immigration Ministry

Georgia

Georgia Rural Urban Summit

Illinois

Center for the Human Rights of Children, Loyola University Chicago
Chicago Legal Advocacy for Incarcerated Mothers
Franciscan Sisters of Chicago
Illinois Coalition for Immigrant and Refugee Rights

Indiana

Justice & Peace Office for Oldenburg Franciscans

Iowa

Iowa Justice For Our Neighbors
Luther College Office for Campus Ministries
Unitarian Universalist Fellowship of Ames

Louisiana

Jesuit Social Research Institute, Loyola University New Orleans

Maine

Maine Children's Alliance
University of Maine School of Law, Cumberland Legal Aid Clinic (Refugee and Human Rights Clinic)

Maryland

Advocates for Children and Youth
Grossman Law, LLC

Massachusetts

Applied Developmental & Educational Psychology Department, Boston College Lynch School of
Education
Center for Human Rights and International Justice, Boston College
Immigrant Integration Lab, Boston College
Migration and Human Rights Project, Boston College
Political Asylum/Immigration Representation Project

Michigan

Casa Latina
CMSJ Consulting L3C
Washtenaw Interfaith Coalition for Immigrant Rights

Minnesota

Immigrant Law Center of Minnesota
Interfaith Coalition on Immigration
Law Office of Allison Anastos
Sisters of St. Francis, Rochester

Montana

Sisters of St. Francis, Savannah

Nebraska

Center for Legal Immigration Assistance

Nebraska Families Collaborative

New Mexico

For Families LLC

New Mexico Children Youth and Families Department

New Mexico Forum for Youth in Community

New Mexico Voices for Children

Pegasus Legal Services for Children

New Jersey

Advocates for Children of New Jersey

American Friends Service Committee

Family Voices NJ

IRATE & First Friends New Jersey

Missionary Sisters of the Immaculate Conception

Reformed Church of Highland Park, NJ

Rutgers School of Law - Camden

Statewide Parent Advocacy Network

Stockton College

New York

Catholic Charities

Coalition for Asian American Children & Families

Feerick Center for Social Justice (Fordham University Law School)

Legal Aid Society (NYC)

Maya Media Corp.

Northern Manhattan Coalition for Immigrant Rights

The Door's Legal Services Center

North Carolina

Action for Children NC

North Carolina Immigrant Rights Project

Ohio

Church of Our Saviour Episcopal/La Iglesia de Nuestro Salvador

Franciscan Sisters of the Poor

Sisters of St. Francis, Sylvania

Oklahoma

University of Tulsa College of Law Legal Clinic

Oregon

Immigration Counseling Service (ICS)

Pennsylvania

Advocacy Committee of the Sisters of St. Francis of Philadelphia

Advocacy for Justice and Peace Committee of the Sisters of St. Francis of Philadelphia

HIAS Pennsylvania

Pennsylvania Council of Churches

Sisters of St. Francis of Philadelphia

Sisters of St. Joseph Welcome Center

Rhode Island

Family Voices Rhode Island

Rhode Island KIDS COUNT

South Carolina

South Carolina Appleseed Legal Justice Center

South Carolina Department of Social Services

Tennessee

Franciscan Friars

Texas

Alternatives Centre for Behavioral Health

American Gateways

Cabrini Center for Immigrant Legal Assistance of the Archdiocese of Galveston (Houston)

Center for Public Policy Priorities

Diocesan Migrant & Refugee Services, Inc. (DMRS)

Dominican Sisters of Houston

Fabens ISD

Human Rights Initiative of North Texas

Paso Del Norte Civil Rights Project

Texans Care for Children

Utah

Voices for Utah Children

Virginia

Voices for Virginia's Children

Washington

Children's Alliance

Episcopal Church

OneAmerica

PAVE

Stop the Checkpoints

Washington Department of Corrections

Wisconsin

Capuchin Justice & Peace Office, Milwaukee

Wisconsin Council on Children and Families