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THE OTHER REFUGEE CRISIS

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By Claire R. Thomas

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Every day, there are stories in the news of people fleeing war, violence, famine, persecution, and other horrors in their home countries to find safety and basic dignity in distant foreign lands. But absent from the current media are the accounts of the “other refugee crisis,” one that is happening much closer to the United States. Central American women and children, who are victims of domestic violence, child abuse, extreme poverty, state neglect, and terrorization by gang members in their home countries of El Salvador, Guatemala, and Honduras, flee for their lives to their northern neighbor daily. Many seek reunification with loved ones, but often experience kidnapping, extortion, sexual assault, forced labor, and other forms of violence on the journey north.



Photo credit: CARA Family Detention Pro Bono Project

Current and historic U.S. policies—including involvement in Latin American civil wars, mass deportations, and failed attempts at curtailing drug trafficking—have played a significant role in perpetuating some of the root causes of contemporary violence in Central America. Yet, rather than share in responsibility for the effects, the U.S. government

mistreats those seeking refuge. While unaccompanied children are detained and eventually released to an adult “sponsor” who can care for them during their deportation proceedings, family groups remain detained. These families, often young mothers and their children, are housed in remote locations in Texas and Pennsylvania, denied medical care, subjected to sexual assault, and left without counsel to argue their release from detention and their right to seek asylum in the United States. Despite a federal judge ordering the release of refugee mothers and children from detention in July 2015, these asylum-seekers are still being detained. What’s more, these detention facilities, called “Family Residential Centers,” have applied to the states in which they are situated for child care licenses, so that they can further circumvent legal settlement agreements and detain women and children for longer periods of time. Immigration detention is a for-profit industry, with a daily quota mandated by Congress of over 33,000 beds at private prison corporations throughout the United States. And, not surprisingly, profits are increasing, thanks to contracts to run facilities like the South Texas Family Residential Facility, which has bed space for 2,400 detainees.

Over two days in January 2016, the Obama Administration conducted raids and round-ups of 121 Central American immigrants throughout the United States. Women and children arrested during these raids were put into immigration detention, and many were deported back to the countries from which they fled. These raids started up again in May, presumably in order to further deter Central American women and children from making the dangerous journey to the United States—despite studies and numerous articles pointing out that violence, murder, and deplorable conditions in the Northern Triangle countries, and not U.S. immigration laws, are the root causes of migration.

While the U.S. State Department has recognized El Salvador and Honduras as among the most dangerous countries in the world and has evacuated the Peace Corps from El Salvador, deportations to these countries continue. Many deportees, including unaccompanied minors, did not receive notice of their removal hearings and many did not have counsel, as there is no appointed counsel in immigration removal proceedings.

24 June 2021

Dear Mr. President,

My name is Ingrid Vanessa. I am 7 years old and I am detained in Texas with my mom. I have been here a long time.

I feel sad because sometimes they give us bad food and I don't want to eat it anymore. I don't feel good.

I like to go to school because I like to learn. I like to learn the colors in English and then color with them. I also like computers.

I would be very happy to leave here. It is so ugly. I want to live my father and uncle who live in Washington. I want to eat my cream and play with my Daddy and Mommy together. Like we used to play.

Signature:

INGRID
Ingrid Vanessa



Photo credit: CARA Family Detention Pro Bono Project

The mothers and children detained at these centers have either been apprehended at or near the southern border of the United States without visas allowing them to lawfully enter, or have been apprehended in the interior United States and brought to the center during the raids conducted by U.S. Immigration and Customs Enforcement (ICE). Some have walked with their children to the pedestrian crossings at the U.S.–Mexico border and asked for protection from the U.S. Customs and Border Protection (CBP) officer. Legally speaking, these women and children are “asylum-seekers” applying for asylum at a port of entry to the United States, instead of refugees, as the latter refers to formal designation given to individuals outside of the United States who are formally resettled in the interior. Current immigration law calls for the immediate or “expedited removal” of non-U.S. citizens seeking entry (admission) to the United States (Immigration and Nationality Act §235(a)(1)). However, if the non-U.S. citizen—in this case, a mother with her children—

expresses a fear to return to her home country or an intention to apply for asylum to an ICE or CBP officer, she and her children will be detained and then given a Credible Fear Interview (CFI) before an asylum officer. During this CFI, the asylum officer determines whether there is a “significant possibility” that the woman could establish eligibility for asylum in the United States (INA §235(b)(1)(B)(v)); this is commonly understood as a “substantial and realistic possibility of succeeding” on an asylum case in the future before an immigration judge.

A successful CFI does not grant the woman or her children any type of legal immigration status, such as asylum, in the United States. Instead, it allows her to seek to leave the detention facility and have her case transferred to an Immigration Court in whichever state she chooses to live. Unable to legally work in the United States and likely not eligible for any type of public assistance, the mother and her children depend on friends, family, and the kindness of strangers to survive in the United States, while at the same time trying to find an attorney to represent them in removal (deportation) proceedings before an immigration judge. It is during these formal removal proceedings that the woman and her children will seek an application for legal relief to remain in the United States, such as an application for asylum. As there is no appointed counsel in immigration removal proceedings, the woman will have to find an immigration attorney to represent her and her children.

Statistics show unequivocally the difference that representation makes in immigration removal proceedings. But when detention facilities are at least an hour’s drive from a metropolitan area—as is the case with the facilities in Dilley and Karnes, Texas—an immigration attorney who practices removal defenses is difficult to find, even if the detained individual has sufficient funds to pay for a lawyer.



Photo credit: CARA Family Detention Pro Bono Project

Enter the CARA Pro Bono Project, a volunteer-based organization created in the summer of 2014 by the Catholic Legal Immigration Network, the American Immigration Council, the Refugee and Immigrant Center for Education and Legal Services, and the American Immigration Lawyers Association. In order to best manage the high caseload, CARA has established a system in which volunteer teams each commit to one week of intensive work at the South Texas Family Residential Facility, a detention center in Dilley, Texas, approximately 80 miles southwest of San Antonio. Spanish-speaking attorneys, attorney and interpreter teams, law students, and other interested individuals sign up for the challenge of using their knowledge and skills to serve refugee women and children fleeing violence in Central America.

Volunteers with CARA participate in a short before-departure briefing session, and then a longer orientation session on the ground in Texas the Sunday night before they begin a week of service. Attorneys and advocates from CARA oversee the day-to-day operations of volunteers at the detention facility and assign them projects and tasks. One of the most important is explaining to the women who are detained in the facility the process for being released, which involves either a positive decision on a CFI or Reasonable Fear Interview, a process similar to a CFI for those women who have a prior removal/deportation order. Volunteers explain the concept of asylum or other forms of legal protection and help women articulate their claims when they appear without counsel before trained asylum officers. They discuss the role of CARA and the volunteers; assist women to prepare for

their interviews; and, if the women receive negative decisions, help them with reviews before the immigration judge. Volunteer attorneys represent women who are eligible for bond at bond determination hearings before an immigration judge.

This systemic incarceration and deportation of women and children is a denial of due process rights, and is, quite frankly, inhumane. To be clear, while being granted asylum in the United States is discretionary, the ability to apply for asylum is a right under both U.S. domestic law and international treaty obligations. But this right to apply for asylum does not matter if seeking protection becomes a farce for those facing the incredibly complex world of immigration law without counsel. While the current Obama Administration dithers, detains, and departs mothers and children, as well as unaccompanied children, to Central America, violence in the region escalates and the rule of law continues to deteriorate. Detention has not served its supposed intended deterrent effect, as more individuals attempt to seek protection at the doors of the United States out of desperation over failed policies.

Sadly, many are not aware of the daily detention of asylum-seeking mothers and children on U.S. soil, nor are they aware of the multi-million-dollar industry of private immigration detention facilities profiting from the misery of these displaced individuals. To change this narrative, more people need to speak out in their communities and share what is happening to these brave mothers and children seeking protection and basic dignity in the United States. They can volunteer as *pro bono* attorneys or legal assistants with the CARA Pro Bono Project in Texas, share their language expertise as interpreter/translators, raise funds to support the legal representation effort, or help by recruiting volunteers from the legal or medical communities. Everyone can help to end family detention.

Read updated piece: [Immigration Under Trump: “The United States is full. Go Home”](#)
