



Written Testimony of

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*Regarding*

The Prevention of Trafficking and Abuse of Unaccompanied Children

**For a Hearing of the**  
**Senate Committee on the Judiciary,**  
**Subcommittee on Border Security and Immigration**

*“TVPR and Exploited Loopholes Affecting Unaccompanied Alien Children”*

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My name is Bishop Joe Vásquez. I am the Catholic Bishop of the Diocese of Austin, Texas and the Chairman of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration. The Committee on Migration oversees the work of the Department of Migration and Refugee Services (MRS) within the USCCB. On behalf of the USCCB/MRS, I would like to thank the Senate Committee on the Judiciary, Subcommittee on Border Security and Immigration, as well as Subcommittee Chair Senator John Cornyn (R-TX) and Ranking Member Senator Dick Durbin (D-IL), for the opportunity to submit this written statement for the record.

The care of unaccompanied children fleeing violence in Central America is of great importance to the Catholic Church. In this testimony, I highlight the need for existing protections for unaccompanied children to combat human trafficking and also to ensure safe placement and strong integration into communities. I also offer a few key recommendations for improved care of these children and for increased protection against trafficking and exploitation.

### **U.S. Conference of Catholic Bishops & Catholic Social Teaching**

While the Catholic Church recognizes governments' right to control their borders and enforce immigration laws, we also hold a strong pastoral interest in the welfare and humane treatment of unaccompanied immigrant children. The protection of immigrant children is an especially important issue for the Catholic Church, as one of Jesus' first experiences as an infant was to flee for his life from King Herod with his family to Egypt. Indeed, Jesus, Himself, was a child migrant fleeing violence, and the Holy Family is the archetype of the refugee families we see today, both at our borders and around the world. The Holy Family faced the same difficult migration circumstance as thousands of children fleeing to the United States each year.

The Catholic Church in the United States has played a critical role in the care of unaccompanied children, and the USCCB/MRS has been a leader in the protection of and advocacy for this vulnerable population. Since 1994, the USCCB/MRS has operated the "Safe Passages" program. This program serves undocumented immigrant children apprehended by the Department of Homeland Security (DHS) and placed in the custody and care of the Office of Refugee Resettlement (ORR), within the Department of Health and Human Services (HHS).

Through cooperative agreements with ORR, and in collaboration with community-based social service agencies, the Safe Passages program provides community-based residential care (foster care and small group home placements) to unaccompanied children in ORR custody, as well as family reunification services (pre-release placement screening and post-release social services for families). In fiscal year 2017, the USCCB/MRS Safe Passages program served 1,294 youth who arrived as unaccompanied children—1,042 through the family reunification program and 252 through the residential care programs.

Our work assisting these children is rooted in the belief that they, like all God's children, were created in His image and have a unique and sacred dignity.

## The Northern Triangle – A Refugee Crisis

We know from the extensive presence of the Catholic Church in El Salvador, Guatemala, and Honduras (the Northern Triangle of Central America) and from over three decades serving this population that these children are fleeing for their lives. Violence in the home and at the community and state level is a primary factor forcing children to leave the Northern Triangle. As a result, many of these children present extreme international protection concerns. Given their vulnerability, they deserve and need our protection and our compassion.

In our years of service, we have seen firsthand the human consequences of violence and impunity in the Northern Triangle. We urge you to look beyond statistics and rhetoric and see that these are children. Children such as:

- **Karen**, a young teen from El Salvador who began to be tormented by the MS-13 gang after winning a beauty pageant in her small town. The gang started by trailing Karen and her younger sister on their way home from school. The situation quickly escalated, however, and the gang demanded \$10,000 from Karen’s family, saying that they would murder both girls if the fee was not paid. The girls fled for their lives, unaccompanied and seeking protection in the U.S.

Karen quickly learned English, excelled in her studies, and was granted asylum in 2017. She recently won a scholarship and looks forward to attending college and working towards her dream of becoming a pediatrician. “I want people to be proud of me, to see all I’m trying to do,” she explained. “People think we are bad people. . . We don’t come because we want to come; we come because of conflicts so we can survive. We want to make things better, not give problems.”<sup>1</sup>

- **Manuel and Lucas**, 9- and 11-year-old brothers from Honduras. The boys’ father was a local police officer who was working to combat gang violence in the community. When he was murdered by gang members, his mother fled to the U.S. and left the boys with their grandmother. Unfortunately, the boys were also forced to flee when the gang found them and murdered their grandmother.

Arriving to the U.S. unaccompanied, they were transferred to the custody of ORR and eventually reunited with their mother. USCCB/MRS provided the family with vital family reunification services – assisting with school enrollment, providing education on the immigration court process, linking the family to legal counsel, and connecting the boys with counseling services to address their past trauma. Manuel and Lucas ultimately won their asylum cases and are adjusting well to their new community.<sup>2</sup>

The trauma and persecution these children faced in their home countries highlights the Northern Triangle governments’ inability to adequately protect children due to corrupt or inadequate law enforcement and legal systems, as well as limited social welfare and child protection infrastructure.

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<sup>1</sup> Alice Kenny, *Beauty Queen Targeted by MS-13*, CATHOLIC CHARITIES ARCHDIOCESE OF NEW YORK (Jan. 17, 2018), <https://catholiccharitiesny.org/blog/beauty-queen-targeted-ms-13-gang>.

<sup>2</sup> Identifying information changed to protect client confidentiality.

In a time when the immigration debate has become increasingly polarized, it is easy to focus on statistics and fears, rather than faces and stories. But as the stories above clearly illustrate, these children are refugees.

### **Preventing Persecution and Trafficking of Unaccompanied Children**

Once an unaccompanied child arrives at our border, we have a moral obligation to ensure his or her safety and wellbeing. As Pope Francis has said: “Among migrants, children constitute the most vulnerable group, because as they face the life ahead of them, they are invisible and voiceless.”<sup>3</sup> Unaccompanied children are particularly vulnerable to human trafficking, domestic servitude, and other exploitative situations – in part, like any child, due to their age and inherent desire to trust and please adults. In the case of children in a forced migration context, prior victimization in their home country or during their journey to the United States, debts incurred for smuggling fees, and their undocumented status are all characteristics that put them at heightened risk and make them easy prey for traffickers and others with ill intent.

Recognizing these unique vulnerabilities to trafficking and exploitation, Congress passed critical protections for unaccompanied children in the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. Under the TVPRA, transfer of apprehended unaccompanied children from non-contiguous countries (e.g., Honduras, Guatemala, and El Salvador) to ORR is required within 72 hours.<sup>4</sup> These children are subsequently placed into immigration court proceedings. This automatic transfer, which has come under recent attack, is a vital safeguard to ensure that persecuted and trafficked children are afforded a meaningful chance at protection.

For children who are not afforded this automatic referral (i.e., children from Mexico and Canada), screening by Customs and Border Protection (CBP) for trafficking and protection concerns is currently inadequate and leaves many children vulnerable to trafficking and exploitation. In its 2015 report, the Government Accountability Office (GAO) found that 95% of Mexican unaccompanied children from fiscal years 2009-2014 were returned to Mexico, despite frequent indicators of trafficking or fear of return.<sup>5</sup> The GAO report also found that CBP often did not correctly apply trafficking indicators, did not routinely ask follow-up questions to rule out all trafficking concerns, and did not ask questions pertaining to the risk of trafficking upon return to Mexico.<sup>6</sup>

We greatly respect the work of CBP agents and recognize their contributions to defend our borders and make us safe. However, they are law enforcement officers – not trained asylum officers or

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<sup>3</sup> Pope Francis, *2017 World Day of Migrants and Refugees Message* (September 8, 2016), available at [https://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco\\_20160908\\_world-migrants-day-2017.html](https://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20160908_world-migrants-day-2017.html).

<sup>4</sup> Trafficking and Victims Protection Reauthorization Act (TVPRA) of 2008, § 235 (2008).

<sup>5</sup> See GOVERNMENT ACCOUNTABILITY OFFICE, UNACCOMPANIED ALIEN CHILDREN: ACTIONS NEEDED TO ENSURE CHILDREN RECEIVE REQUIRED CARE IN DHS CUSTODY 24, 27-36 (JULY 2015), available at <https://www.gao.gov/assets/680/671393.pdf>.

<sup>6</sup> *Id.*

child welfare experts. The protections codified in the TVPRA are needed to ensure that child trafficking is identified and addressed. Consequently, rolling back TVPRA protections would undoubtedly lead to increased numbers of children being returned to the hands of their traffickers and abusers.

### **Ensuring Safe Placements & Promoting Community Integration**

Facilitating release of unaccompanied children to family or “sponsors” pending their immigration removal proceedings is a humane and fiscally-sound policy. In addition to the moral and humanitarian concerns, detention of children is incredibly costly and an unnecessary use of government resources.<sup>7</sup> It is vital, however, to ensure that children are not released to unsafe situations, that families are supported and connected to community resources, and that they understand the need to appear for their immigration court proceedings.

Family reunification services promote safe placements and facilitate family and community integration after reunification. These services include screening of placements prior to the release of children to relatives or family friends pending their immigration proceedings (“home studies”), as well as support to families after unaccompanied children are released from ORR custody (“post-release services”). While home studies and post-release services are valuable tools, we believe them to be under-utilized. We commend ORR’s recent efforts to increase post-release services but note that all family reunification services should be expanded and provided to a much greater number of children.

The limited use of these services has resulted in children being released to situations of abuse, abandonment, neglect, and trafficking. These are youth like Juan,<sup>8</sup> who was released without services to his half-uncle in Florida. Shortly after his reunification, Juan’s uncle withdrew him from school and sent him to work in the fields with his two cousins (who had not been in the care of ORR). This forced labor continued until Juan’s cousin was injured and brought to the Emergency Room, where the injury raised abuse concerns. Child Protective Services investigated the situation and removed the children from the home, placing the children in state custody. From our work, we know that Juan’s story is more common than we think. We cannot let this happen to children.

To ensure that child trafficking is identified, we look to robust protection measures. Family reunification services, providing a connection to a child welfare professional trained to identify and respond to any such indicators, are one such measure that put children at a decreased risk of trafficking and exploitation. Additionally, with these short-term case management services and monitoring by child welfare professionals, it is more likely that children will appear at their immigration proceedings, enroll in school, and integrate into their communities — mitigating risk for future entry into the public child welfare system.

We must ensure that all children – regardless of their immigration status – are offered safety, support, and care in the United States.

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<sup>7</sup> *Id.* at 66 (estimating that the average cost to the taxpayer to keep an unaccompanied child in an ORR shelter is \$248 per day).

<sup>8</sup> Identifying information changed to protect client confidentiality.

## Recommendations

1. **Address Root Causes of Migration.** Congress should ensure robust appropriation of funds to address the root causes of forced migration from Northern Triangle countries. Such funding should support the efforts of Northern Triangle countries to strengthen their humanitarian and child protection responses, to include developing and improving education and child welfare systems, increasing opportunities for youth development, and providing safe spaces and alternatives to gang entry and migration. An example of programming that achieves these goals is the Catholic Relief Services “YouthBuilders” initiatives in Honduras and El Salvador. Government assistance must not solely be focused on enforcement but on strengthening protection systems and communities. We must address these issues to help ensure that children are not forced to make the dangerous journey north.
2. **Maintain Existing Protections for Children.** In order to continue to fight human trafficking, which Pope Francis has rightly deemed “a crime against humanity,” we must safeguard our existing anti-trafficking protections. The TVPRA, including the automatic referral system for children from non-contiguous countries, is vital to ensuring that unaccompanied children are not returned to persecution or trafficking. Proposals to undermine or eliminate these existing safeguards are inhumane, run counter to basic child protection principles, and should be firmly rejected.
3. **Ensure Safe Placements and Facilitate Community Integration.** In accordance with domestic child welfare best practices, Congress should urge ORR to increase the number unaccompanied children and families receiving family reunification services. While we were pleased to see the rates of post-release services improve slightly last fiscal year, ORR still provides family reunification services for less than thirty-two percent of children released from its care (with only seven percent of these children receiving home studies). Expanded family reunification services would increase protection for these children and allow for them to be linked to local resources, educated on immigration court processes and requirements, and also provide monitoring of the child’s safety and well-being, promoting the overall safety of our communities. We note that such programming should focus on strengthening the family to best promote long-term placement stability and integration.
4. **Support Safe Repatriation.** Congress should provide funding to ensure that repatriation of unaccompanied children to the Northern Triangle, when appropriate, is accomplished safely. It is recommended that the U.S. government work with governments and non-governmental organizations in the region to provide repatriation and re-integration programs. Such programs will ensure that children are returned safely to appropriate caregivers and provided with follow-up services to help them reintegrate into their communities – with the goal of preventing re-migration.

## **Conclusion**

How we respond to the children arriving at our border is a test of our moral character. In the words of Pope Francis, we must “not tire of courageously living the Gospel, which calls you to recognize and welcome the Lord Jesus among the smallest and most vulnerable.”

We urge you to reject proposals and legislation that are rooted in fear – that seek to treat unaccompanied children not as children seeking protection, but as threats and criminals. As always, USCCB/MRS stands ready to offer our assistance to Congress and ORR to strengthen protections for unaccompanied children to prevent and mitigate situations of human trafficking, exploitation, abuse, and neglect.