KIDS IN NEED OF DEFENSE

THE TIME IS NOW

Understanding and Addressing the Protection of Immigrant Children Who Come Alone to the United States

February 2013

Vision Statement

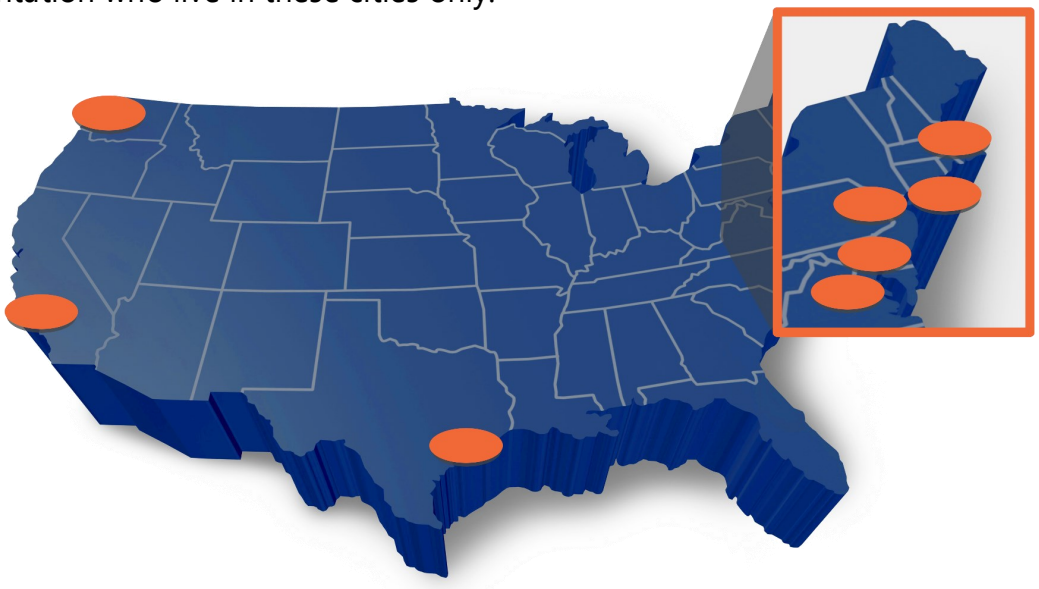
KIND serves as the leading organization for the protection of children who enter the U.S. immigration system alone and strives to ensure that no such child appears in immigration court without representation. We achieve fundamental fairness through high-quality legal representation and by advancing the child's best interests, safety, and well-being.

KIND is grateful for the support of the John D. and Catherine T. MacArthur Foundation.

The mission of Kids in Need of Defense (KIND) is to provide pro bono legal counsel to children who enter the US immigration system alone. KIND's vision is to ensure that no such child appears in immigration court without an attorney. KIND aims to achieve fundamental fairness through high-quality legal representation and by advancing the best interests, safety and well-being of unaccompanied immigrant and refugee children.

For children who must return to their home country either through voluntary departure or removal, KIND implements a pilot project in Guatemala to ensure their safe and effective return and reintegration. In addition, KIND advocates for better protection of unaccompanied children through law, policy, and practice.

KIND has field offices in seven cities nationwide – Baltimore, Boston, Houston, Los Angeles, New York City, Newark, and Washington, DC, and an affiliate in Seattle, Volunteer Advocates for Immigrant Justice. KIND receives referrals of children in need of pro bono representation who live in these cities only.



METHODOLOGY

KIND has a database in which demographic information about all the unaccompanied children referred to KIND for pro bono legal representation is entered. The quantitative analysis in this report is derived from this database and is based on all children referred to KIND from January 1, 2009 (when KIND became operational) to December 31, 2011.

Additional analysis on the children referred to KIND in Fiscal Year 2012 is included in a separate section, to capture those who entered the United States as part of the "surge" in child arrivals that started in October 2011 and which can be compared with Office of Refugee Resettlement statistics during the same time period. Lastly, figures on KIND referrals from October 1, 2012 - January 31, 2013 are reported to provide a sense of the continuing surge in Fiscal Year 2013.

The report also includes qualitative research in which the cases of individual children were analyzed to understand the reasons they migrated to the United States and the factors that led them to make the decision to leave their homes and communities. The cases of 126 children from El Salvador, Guatemala, Honduras, and Mexico – the countries of origin of 83.9 percent of children referred to KIND – were examined in-depth through a combination of a review of long-form interviews KIND staff conducted with the children, information provided by the children's pro bono attorneys, and, in some cases, by the children themselves through one-on-one interviews. The cases of children from other parts of the world referred to KIND in relatively significant numbers – Haiti, China, and West Africa – were also examined in detail.

All children's names in the report have been changed to protect the child's identity. In some instances only the region, not the country from which the child originated is named, as requested by the child for reasons of confidentiality and fear of retribution.

INTRODUCTION

Comprehensive immigration reform (CIR) is an opportunity to re-work the U.S. immigration system to ensure that it is fair, leads to greater prosperity, and protects the most vulnerable among us. Ensuring a safe haven from persecution and other abuse to those in desperate need is one of the core values upon which the United States was built.

Undocumented immigrant children are among the most at-risk, their lack of status leaving them open to abuse, exploitation, and other harm by those who want to take advantage of their precarious situation. But perhaps the most vulnerable of these are unaccompanied immigrant children – children who come to the United States without a parent or legal guardian. For any reform to be truly comprehensive, the needs of this growing population of uniquely vulnerable children must be addressed.

The migration of children and adolescents worldwide has been increasing,[1] and children coming to the United States alone from other countries has been accelerating significantly in recent years, doubling in the last year alone. While the reasons children come to the U.S. are as varied as their countries of origin, they largely share one trait: desperation. Abuse, persecution, conflict, forced marriage, abandonment, severe deprivation, female genital mutilation, natural disasters, and family separation are among the ills that drive many to

Limitations

It is important to note that the children referred to KIND have been pre-screened to determine whether they are potentially eligible for a form of relief, required by the funding that supports KIND and other organizations that work to find pro bono representation for unaccompanied children. This screening takes place when they are in the custody of the Office of Refugee Resettlement (ORR) and is conducted by nongovernmental organization staff that work in the ORR-run facilities. This vetting of cases may affect the sampling of cases covered in this report.

leave their home communities and all they have ever known to make the life-threatening journey to the United States where they often know few people, if anyone, who can help them.

As the number of unaccompanied children coming to the U.S. grows, so does the urgency to understand why they are coming and to address the root causes of their flight. While poverty and potential work opportunities in the United States are often cited as reasons undocumented adults and children, particularly from Central America and Mexico, migrate to the United States, the push and pull factors are more nuanced. They often point to significant child protection gaps in the home country that must be addressed.

Protection concerns do not end when the child enters the United States alone and is apprehended by U.S. officials. These children must then face an incredibly complex and daunting labyrinth of laws, policies, and procedures – the U.S. immigration system – that was designed for adults without the consideration of children. More than half of them must do so without a lawyer and without a comprehensive set of protections, in the form of relief from deportation, which encompass the many reasons these children would be endangered if they were deported.

As we reform our immigration system, we must also change the framework that governs our treatment of children within it. We must treat these minors, regardless of where they are from or their immigration status, as children first and provide the protections that all children need and deserve. To best do this, and craft laws and policies that fit this framework, we first need a comprehensive understanding of why these many thousands of children are migrating to the United States alone every year.

All children's names in this report have been changed to protect their identity.

KIND is uniquely positioned to answer this question as the organization has been referred more than 4,589[2] children since it became operational in January 2009. As part of KIND's work finding pro bono representation for unaccompanied children, KIND conducts in-depth intakes with the children after they have been referred to KIND; by analyzing our data and a selected number of these children's stories more in depth, KIND has been able to gain a greater understanding of the push and pull factors that led them to come to the U.S.

The main focus of the report is unaccompanied children from Central America and Mexico as they comprise nearly 84 percent of the children referred to KIND. Also included, but to a lesser extent, is an analysis of children who came alone from other countries and regions around the world and referred to KIND in relatively significant numbers.

It is KIND's hope that this report will serve as a roadmap to a re-thinking of U.S. laws, policy, and practice towards unaccompanied children and lead to comprehensive reform that is based on a deeper understanding of their unique vulnerabilities and on a framework in which their well-being and protection are paramount.

Who Are Unaccompanied Children?

An "unaccompanied alien child" is defined in the Homeland Security Act of 2002 as a child who a) has no lawful immigration status in the United States; b) has not yet attained 18 years of age, and 3) with respect to whom (i) there is no parent or legal guardian in the United States or (ii) no parent or legal guardian in the United States available to provide care and physical custody.[3]

Children under the age of 18 traveling without a parent or an adult guardian have always been a part of global migration flows; within the past decade or so, their numbers have grown significantly.[4]

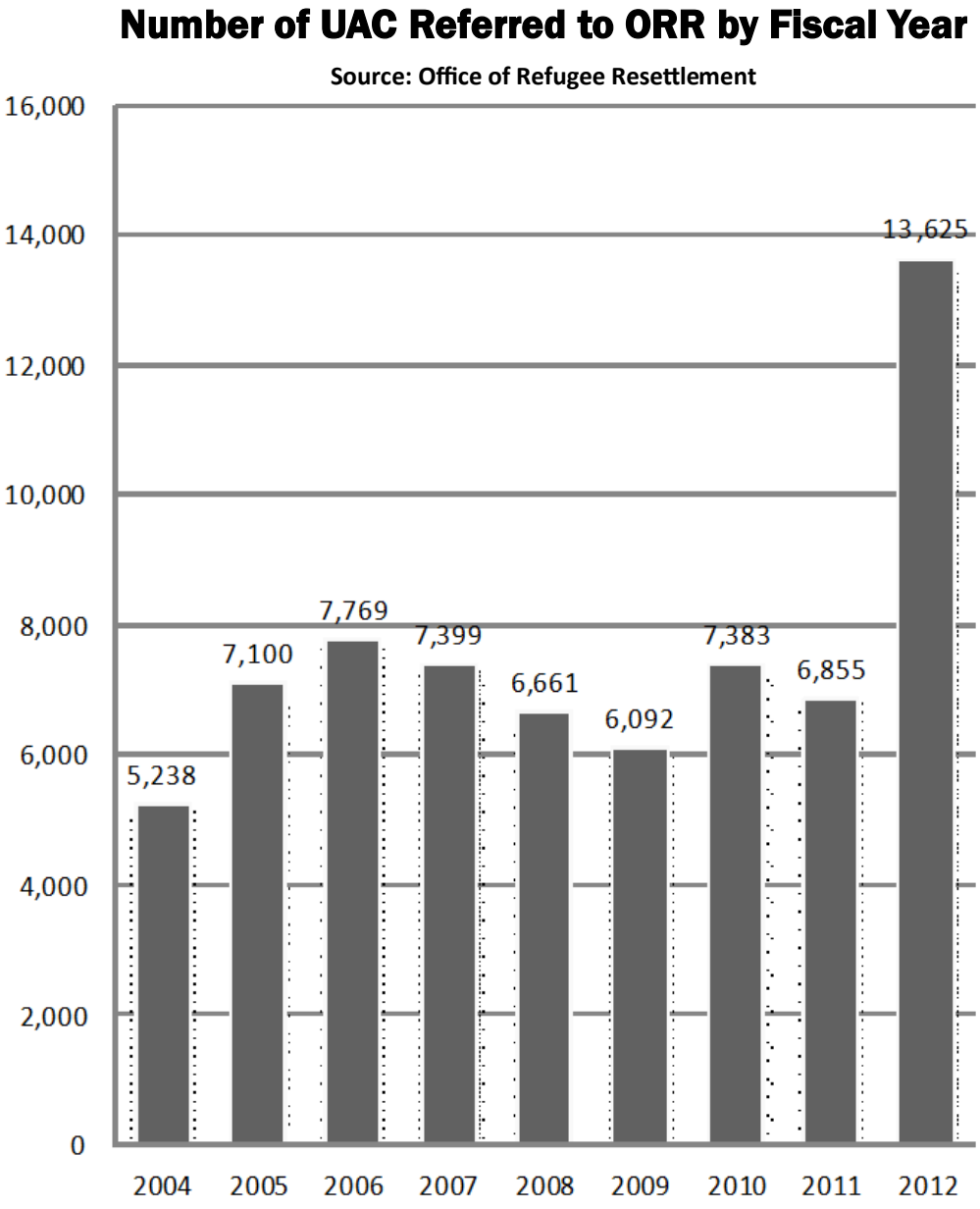
The United States serves as a leading destination for thousands of children who migrate every year without a parent or legal guardian. They are escaping severe abuse and violence, persecution, extreme deprivation, and other human rights abuses such as female genital mutilation or forced marriage; others have been abandoned, or trafficked, and some are seeking work, hoping to go to school, or are trying to reunify with family members, many of whom had left the children behind years before. The children's migration can also be, and very often is, the result of a combination of these factors.

A common misperception is that most children (and adults) leave their countries for economic reasons. The push factors behind child migration are far more complex. As UNICEF noted, "the vast majority of migrants have all suffered some kind of constraints on their rights in their country of origin. Additionally, migrants may be escaping various kinds of abuse and violence, as well as armed conflict, aiming to reduce risk exposure by moving to a safer region or country."[5]

Regardless of the reasons these children come to the U.S., most are desperate, having decided or been forced to undertake a dangerous and even life-threatening journey hundreds, if not thousands, of miles away from home to a country that they know little, if anything, about and where they know few people, if anyone. Most don't speak English and don't understand U.S. systems, laws, culture, or their rights as unaccompanied children.

An average of 7,000 of these children have come to the U.S. each year since 2005, but the numbers have been changing dramatically more recently. The number of children who came to the United States and were placed in U.S. Department of Health and Hu-

man Services (HHS) custody in Fiscal Year 2012 rose to unprecedented levels, topping out at 13, 625 by September 30, 2012. The number of children placed in HHS custody continues to rise in Fiscal Year 2013, with about 1,400 children entering HHS custody in November 2012 alone, as compared to 797 the previous November.[6] Government sources have informally shared that they project a possible 24,000-26,000 child arrivals by the close of Fiscal Year 2013.[7] (The children who came as part of the surge will be discussed in a later section of the report).



Children come from all around the world and travel to the United States in a variety of ways – train, car, bus, foot, plane, and boat. KIND has been referred children from 66 countries. More than 90 percent of the unaccompanied children who are apprehended by U.S. officials and subsequently placed in removal proceedings come from El Salvador, Honduras, Guatemala, and Mexico.[11] They range in age from toddlers to teenagers.

What happens to unaccompanied children apprehended by U.S. officials near the U.S. border?

Children who cross into the United States without a parent or legal guardian and are apprehended by U.S. Customs and Border Protection (CBP) are automatically put into deportation (or removal) proceedings; within 72 hours the children are placed into the custody of the U.S. Department of Health and Human Services (HHS).[8] While the child is in custody, HHS attempts to find an appropriate sponsor – a family member or family friend – to whom the child can be released and who will assume care for the child while the child's deportation case is pending in immigration court. After an average stay of 50 days, more than 90 percent of the children are released from HHS custody to a sponsor with whom they will live until the end of their immigration proceedings.[9] KIND works to find pro bono representation for children referred to it who have been released from HHS custody to a sponsor.[10] The U.S. immigration system does not provide lawyers to immigrants, regardless of their age, or inability to understand the proceedings.

Some children enter the country with human smugglers. The smugglers are often paid by an adult in the child's life, or sometimes by the child her/himself. Others are victims of human trafficking.

Before or after entering the United States, these smuggling arrangements can turn into trafficking for work, as exemplified in some KIND cases, or sexual exploitation. Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking in persons as:

> *the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*[12]

It can be hard to distinguish between trafficking and smuggling.[13] While human trafficking is a crime against a person, human smuggling is defined as a crime against a country's borders. The relationship between the smuggler and migrant is a commercial one that ends after the border crossing has been achieved. Those being smuggled may become victims of other crimes, however, including human trafficking, as mentioned above.

A child's family or the child her/himself may have agreed for the child to be smuggled into the United States, but once the child is in the country, she or he may then be trafficked into forced labor or prostitution. At times, children do not realize that they are being sent to the U.S. by their parents to work. They have been told that they are going to the United States to attend school or to live with a relative, when in fact they will be

forced to work in the underground economy to pay the debt incurred by their journey and to send money home.

Whether a child came to the United States with a smuggler or trafficker, or traveled on his or her own, all children without the guidance and protection of their primary caregivers are more vulnerable and at risk of becoming victims of violence, exploitation, discrimination, or other human rights abuses.[14] A child migrating alone signals a much deeper protection issue that has caused them to leave their homes, family, and community.

It is important to note a common misperception: unaccompanied children have no family in the United States. In a number of cases they do – a parent, aunt, uncle, or older sibling, or some other adult relative with whom they can live throughout their immigration proceedings if released from federal custody. However, the fact that an unaccompanied child is with a family member does not mean they are no longer at risk.

Family reunification does not necessarily change an unaccompanied child's inherent vulnerability. Unaccompanied children are at risk from the time they arrive in the United States, throughout their time in U.S. custody, when they are with a sponsor, and during their immigration proceedings, as they try to make their case for U.S. protection and against deportation. Non-parental or non-guardian sponsors do not have a legal responsibility to care for the child, unless a guardianship is established, increasing the child's vulnerability.

The very fact that these children crossed a border and traveled hundreds or thousands of miles without a parent or legal guardian points to a serious issue regarding the child's well-being and familial situation. Even children reunified with a parent or legal guardian often have not seen them in many years; some children were so young when their par-

ent(s) left that they don't remember the parent at all. Their parent(s) may have started a new family in which the child does not have a comfortable place. In some cases, the child's sponsor is undocumented and fears being identified. A number have never met the uncle or aunt, or family friend to whom they are released. These situations make these children uniquely vulnerable and put them at risk of harm and exploitation.

As such, these children remain uniquely vulnerable and deserve particular protection. In addition, the fact that a child reunifies with a relative or family friend in the United States does not change the fact that the child is still in deportation proceedings alone and must make a case for relief from removal on their own merits. Given the formality and complexity of the U.S. immigration system, and the lack of appointed counsel, the child's vulnerability is also therefore evidenced in the adjudication process.

Children Referred to KIND

The majority – 93.5 percent – of the 3,417 children who have been referred to KIND from January 2009 - December 31, 2011 are from Latin America and the Caribbean. The large majority of these children – 73.3 percent — are from Guatemala, El Salvador, and Honduras. Together with Mexico, that number rises to 83.9 percent. Children from Ecuador and Haiti are the next sizable populations for whom KIND received referrals.

The top sending country among children referred to KIND is El Salvador (39.9 percent), followed by Guatemala at 19.9 percent, Honduras – 13.7 percent – and Mexico at 10.6 percent.

As a comparison, the breakdown by country of origin of the children who entered HHS Office of Refugee Resettlement care in Fiscal Year 2011 (October 1, 2010 - September 30, 2011): Guatemala (36 percent); El Salvador (25 percent); Honduras (20 percent); Mexico (12 percent); Ecuador (3 percent); other (4 percent).

It is interesting to note that El Salvador is the country from which the large majority of the children referred to KIND come from, whereas the majority of the children in ORR's care are from Guatemala. The reason for the difference between the figures is unclear but could have to do with the fact that KIND is referred only children who have a potential claim for a form of immigration relief.

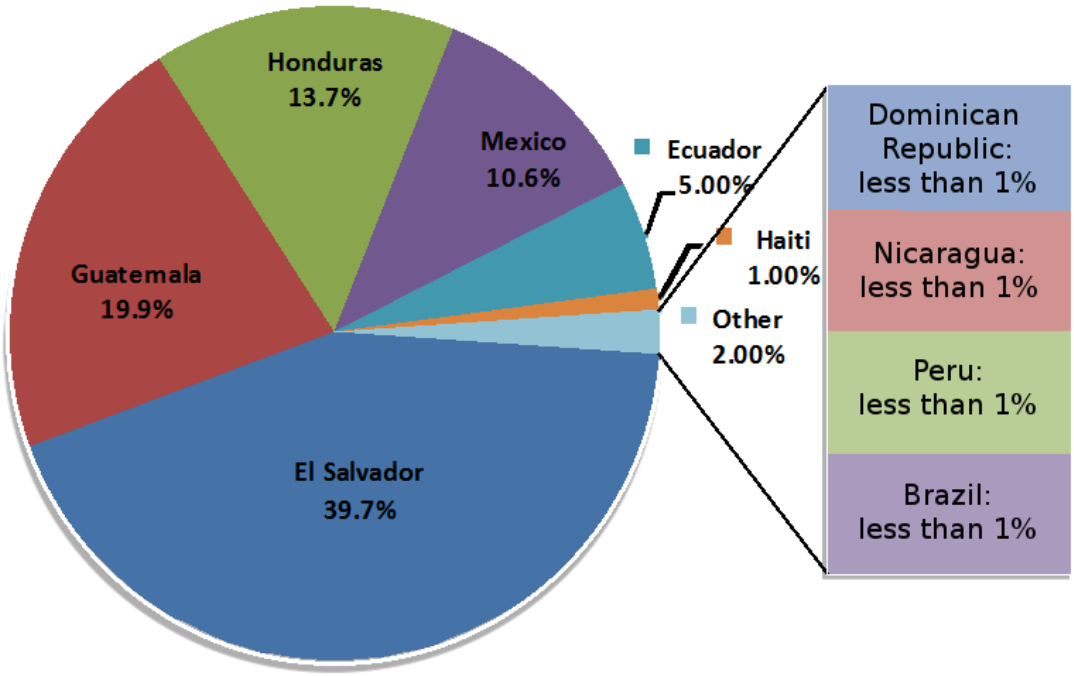
Until late 2008, unaccompanied children from Mexico were largely turned around at the border and sent back to Mexico. Legislation passed by the U.S. Congress in December 2008, however, required U.S. Customs and Border Protection to also screen unaccompa-

Unaccompanied Children Referred to KIND

January 1, 2009 - December 31, 2011

3,417 Children

77% boys, 23% girls



nied children from Mexico for vulnerabilities and protection concerns, and if found, to transfer their care and custody to the U.S. Department of Health and Human Services Office of Refugee Resettlement, as is the process with unaccompanied children from all other countries.[15]

It is unclear whether this policy is being effectively implemented as the number of unaccompanied children from Mexico referred into Office of Refugee Resettlement care and custody has been relatively low since the new policy was put in place in March 2009. In a 2011 report, Appleseed found that an "overwhelming" number of unaccompanied children from Mexico were still being quickly repatriated.[16] While U.S. Border Patrol reports apprehending 13,974 unaccompanied children from Mexico in FY 2012, Office of Refugee Resettlement statistics show that only 8 percent of the 13,625 unaccompanied children referred to ORR in FY 2012 were from Mexico (1,090 children).[17] The screening of Mexican children at the U.S. border is an issue that is being addressed by advocates, but is not a focus of this report.

The reasons these children came alone to the United States are complex but most of the children referred to KIND, regardless of where they are from, have said that violence caused them to leave. In the top four sending countries – Guatemala, Honduras, El Salvador, and Mexico – children said this violence often took two forms: gang violence, including threats directed at the child or their families, and long-term domestic violence by a caregiver.

One notable exception is the children from Haiti who came to KIND for help. While KIND was working with a small number of Haitian children before January 2010, the number of these children increased comparatively significantly after the calamitous earthquake. The referrals to KIND since have been children sent by parents to a family member or friend in the United States so the child could be safe from the instability,

deep deprivation, violence, and disease that have exacerbated conditions in Haiti since the earthquake.

Most of the children from China with whom KIND works were forced to come to the United States by their parents who incurred enormous debts to snakeheads – human smugglers – for their children's passage. The children were expected to work to help their family survive deep poverty.

The majority of children from West Africa referred to KIND fled abuse, abandonment, the loss of a caretaker, or a combination of these factors. Forced marriage and female genital mutilation were also reasons children from this region have given for their flight.

Extreme poverty is a common denominator underlying many of the push factors that cause the child to migrate. The World Bank's Human Opportunity Index (HOI), a statistical tool that calculates how personal circumstances impact a child's probability of accessing the services necessary to succeed in life, has rated Central America near the bottom of its list.[18] The countries in the region with the lowest HOI scores – El Salvador, Guatemala, and Honduras – are also the countries whose nationals comprise the large majority of KIND's clients.

Another shared trait in each of these sending countries is the lack of a robust national child protection system to address these push factors. While these countries have ratified the Convention on the Rights of the Child – only the United States and Somalia have not – implementation is lacking, in large part due to lack of resources and pervasive poverty.

As children from Guatemala, El Salvador, Honduras, and Mexico comprise the large majority of KIND's caseload, the next section of the report will focus on the reasons children from these countries have given for their flight to the United States.

Why Do Children from Central America and Mexico Come to the United States Alone?

Nearly 84 percent of children referred to KIND come from Guatemala, El Salvador, Honduras, and Mexico. This section of the report will focus on children from these top four sending countries and their reasons for coming to the United States alone. Forty percent of KIND's referrals from January 1, 2009 - December 31, 2011 were of children from El Salvador; nearly 20 percent were from Guatemala; 14 percent of KIND's referrals were from Honduras; and nearly 11 percent were from Mexico.

Proximity to the United States explains in part why so many children from this region come to the United States alone, but what drives them to leave their homes and communities in the first place? As with the majority of children referred to KIND as a whole, these children have said that violence was the main reason they left their home communities for the United States.

Violence

In times of armed conflict and other violence, particularly when civil society starts to fracture as a result and lawlessness prevails, children are the most vulnerable to abuse, sexual violence, exploitation, and even death. Gangs and other armed groups take advantage of the security vacuum and can use the most vulnerable to advance their own ends. The disappearance, death, or separation from a caregiver puts the child even more at risk. The destruction of the country's economy, which often occurs in times of violent conflict, can cause families to separate to find work to help the family survive.

While the civil wars in Central America in the 1980s have often been cited as a basis for the violence in the region today, the World Bank in an empirical analysis found that past conflicts in the region could be seen as helping to drive current violence as they

"increased the supply of guns in circulation" or "established violence as a norm for conflict resolution."[19]

Violence is common in the lives of the children referred to KIND, as hundreds described seriously abusive home situations and growing gang violence in their communities.

Gang violence: minors as targets of forced conscription

> *Aaron, the oldest of several siblings living in Guatemala, left school at the age of 12 to earn money to help support his family. He worked on a farm for more than 12 hours a day, and gave almost all of his earnings to his family. While on the farm, Aaron was targeted by gang members, who also worked on the farm. The gang bullied Aaron, and their threats escalated into death threats and an attack with a machete and other weapons. Shortly after this attack, Aaron left Guatemala in search of protection in the United States.*

Aaron's situation is not unique among children with whom KIND works. Nearly 30 percent of the children in the sample reviewed from the top four countries of children referred to KIND – Guatemala, El Salvador, Honduras, and Mexico – said that violence and intimidation by gangs have made numerous communities from which migrant children originate unsafe. They migrated because their refusal to join a gang made them or their family a target of the gang's violence.

Growing up in countries that are still in the process of addressing economic and social instability as a result of war and armed conflict increases the likelihood that children in these societies will face gang recruitment or become a target of their violence. The increasingly prevalent gangs in Central America often act with impunity, as police are

powerless to control them. Ninety-eight percent of serious crimes in Guatemala reportedly go unsolved, for example.[20]

As relayed in the experiences of the children described below, gangs single out children, mostly boys, once they enter adolescence, and threaten to hurt them or their families if they fail to do the gang's bidding. The gangs are known to the community but it is not always clear with which group they are affiliated. A number of children referred to KIND report – and can show proof of – violence directed at them, including beatings and stabbings for refusing to join a gang. Some escaped death or had relatives who were murdered by the gangs. There is no question that refusing a gang's pressure to join them can be enormously dangerous.[21]

Alberto's parents separated shortly after he was born. When he was a toddler, his mother moved to the United States; Alberto was placed in the care of his grandmother, who remained in El Salvador. His father was seldom involved in his life and provided no financial support. When Alberto reached adolescence, he was scouted by gangs in his community and pressured to join. They followed him to school; Alberto would take different routes, but they would ultimately find him. On one occasion, they chased him with loaded guns and shot him. The gangs made a list of people who refused to join and posted it in the town; everyone on that list would be killed. Alberto's name was on the list. Fearing for his life, Alberto would only leave his home to go to school. He did not attend a community festival because he was afraid the gang would find him there. One of Alberto's cousins who had also refused to join the gang was killed by gang members at the festival. Alberto's mother made arrangements for him to the come to the U.S. soon after.

Many of the children with whom KIND is working said that they did not report gang threats or violence to the police because they feared that the police would inform the gangs, who would retaliate against them, which is not unusual.[22] The violence perpetrated on the children can be extreme.

> *When Manuel, who is from Mexico, was 16 years old, a notorious Mexican gang attacked his uncles and kidnapped two cousins at a community event. The gang demanded ransom, but even when it was paid, they did not release Manuel's cousins. Shortly afterwards, the gang began to target Manuel and his brothers to force them to join. The gang ransacked Manuel's house, stole and destroyed items, and took over his family's farm. Manuel went into hiding. The gang continued to hunt for him, and kidnapped one of his brothers and two of his cousins. They also raped several of the female members of his family. Manuel managed to flee Mexico but still worries about his siblings who remain there.*

Children with family in the United States reported extortion and threats by gang members who wanted remittances that the child's family received from the United States. A prevalent form of intimidation practiced by gangs is extortion known as "renta" – the regular financial payments that non-gang members are forced to give to gang members so that the gang members will not inflict physical harm on them.[23] Some children referred to KIND explained that they migrated because members of gangs knew that they had relatives in the United States and believed the family was receiving remittances, and forced the children – by way of violent assaults – to pay renta. Children have told KIND that gangs particularly target households receiving remittances in which there is no male adult.

Gangs, particularly in El Salvador, are known to kill those who do not or cannot pay renta.[24] Children in this region reported many situations in which a family member, neighbor, or schoolmate was killed for refusing to pay renta.

Orlando, 16, came to the United States from El Salvador because his life was threatened by gangs that demanded that he pay renta. Orlando said his hometown is overrun with gang violence. When Orlando became an adolescent, the gangs started to target him with violence because they knew that he was receiving money from siblings in the United States. Orlando was physically assaulted by the gangs who threatened to continue harming him until he paid renta. Though Orlando's parents took good care of him, they could not protect him from the gangs and encouraged him to migrate to the United States to join a sister who had come a few years before.

Some of KIND's female clients told of being sexually abused or raped by gang members who wanted them to join the gang as their "girlfriends." As with the boys who are targeted, these girls had no one to turn to for protection. Girls living in households without adult males are particularly at risk of sexual violence from gangs.

Yasmin, a 17-year-old girl from Guatemala, fled to the United States after having been repeatedly physically assaulted and raped by members of a local gang. Her childhood had been happy, but when Yasmin became a teenager, she began to be targeted by gang members in her community. A gang member wanted Yasmin to be his girlfriend but she refused his advances. Her older sister was also harassed and threatened. One day, when Yasmin and her sister were walking home from church with their grandfather, gang members grabbed her sister and raped her in front of Yasmin. Because Yasmin recognized the boys who assaulted her sister, she began to receive death threats. She reported the threats to the police, who did

not act. After another of her siblings was murdered by the gang, Yasmin and her sister fled to the United States to join an older brother.

A 16-year-old girl from El Salvador girl fled her country because a member of the local gang was trying to force her to be his girlfriend. The gang member's harassment began with verbal sexual advances and threats, and escalated to physical and sexual violence. He threatened to kidnap and kill her if she continued to refuse his advances. Because girls her age had been threatened and hurt before in similar circumstances in her community, her parents sent her to the United States to live with her older sister.

Finding refuge in another part of the country of origin is virtually impossible. Children referred to KIND have said that they could not evade the gangs by moving to another part of the community or to a different area because of the extensive reach of the gang. Gang members in one community would often contact fellow gang members in other communities, alerting them to those who may have moved there in an attempt to hide, a number of children said. They said that many gangs have a network through which they pass information, including photos of those they are targeting.

The mother of a child referred to KIND who is from El Salvador started a rumor that her son was dead in hopes that this would stop the gang members from looking for him. The gang members did not believe her story and continued searching for the boy even after he had fled to the United States.

Because there is usually no one to go to for protection, families at times send their children to the United States in order the escape the fate of their older siblings.

An 8-year-old girl from El Salvador fled to the United States seeking protection from gang members who had kidnapped her two older sisters. After two weeks in

captivity, her sisters managed to escape and have since relocated twice after gang members discovered where they were hiding. The girls still live in El Salvador, with a relative, and are continually harassed and threatened by gang members. The 8-year-old's mother did not want the young girl to share the fate of her older sisters so she made arrangements for her daughter to be brought to the United States.

While the majority of the KIND cases in which a child has fled gang violence are from El Salvador, a smaller number of children from Guatemala also reported fearing gangs in their communities, particularly those living in the indigenous regions of the Western Highlands.

Edmond, a 15-year-old boy from Guatemala, fled to the United States after members of a gang murdered his brother. The gang began planting drugs in the fields and reportedly killed entire families in order to take over their lands for drugs. On one occasion, Edmond's older brother told the group to leave. A few weeks later, he was murdered. After his brother's death, Edmond's family told him to leave Guatemala so that he would be safe.

Gang activity in El Salvador

Fifty-eight percent of children referred to KIND from El Salvador in the sample who reported persecution as the reason they came to the United States said that gang violence and intimidation caused them to flee.

El Salvador, the smallest country in Central America, has one of the highest homicide rates in the Americas, (trailing only Honduras) – 66 per 100,000 [25] people and significant levels of gang-related violence.[26] El Salvador has the highest concentration of gang members in the region, with 323 gang members for every 100,000 citizens, double the level of Guatemala and Honduras.[27] According to UNICEF, forty percent of adolescents the agency surveyed said that gangs existed in their neighborhoods.[28] A 2010 UNICEF poll reported that 70 percent of the 12 to 17-year-old respondents in El Salvador said that gang intimidation and family disintegration caused by domestic abuse had sparked their desire to leave the country.[29]

Eduardo, 17, grew up with his parents and two younger sisters in southeast El Salvador. When Eduardo was seven years old, his father moved to the United States to earn money for the family. When Eduardo was 11, his mother also moved to the United States. She left him and his sisters in the care of their paternal grandmother, who treated the children well. Though life at home was good, life outside of home became difficult for Eduardo when he began to be approached by local gang members. They wanted to take money and goods that his mother had sent to him from the United States. They beat him and stole his belongings. Eduardo said he never went to the police or to the hospital because he didn't want to expose his family to increased violence and because the police "never do anything." When he was in his mid-teens, two of his close friends were kidnapped and murdered by gang members. Eduardo's grandmother, fearing for his life, sent him to the United States.

Forced Migration: Trafficking, Kidnapping, and Sexual Violence

The top countries of origin of victims of trafficking to the United States in Fiscal Year 2011 were Mexico, Philippines, Thailand, Guatemala, Honduras, and India, according to the U.S. State Department.[30] Of the 7,500 unaccompanied children in the care of the Department of Health and Human Services (HHS) during that same period, 42 were believed to be victims of trafficking.[31]

These figures show the vulnerability of unaccompanied children in Central America to trafficking to the U.S. and also how few victims are found. Underreporting of trafficking has been an historic problem, as the deeply underground nature of trafficking networks makes it difficult for victims, particularly children alone, to escape. The very small number of children from KIND's four top sending countries believed to be trafficking victims

follows the same pattern and again underscores the difficulty in surfacing these children and helping them gain freedom.

The line between smuggling and trafficking can be blurred, as mentioned previously, as when smuggling turns into trafficking. Discerning the difference is difficult as it depends on the level or coercion or "choice" of the migrant.[32]

> *Karen, 17, came to the United States from Central America because she had been threatened and then kidnapped by men in her community. She feared for her life and asked that relatives in the United States help her to escape. These relatives paid a coyote $3,000 to bring Karen to the United States and said they expected to be reimbursed by Karen as soon as possible. Karen was told that if she watched her relatives' children, in lieu of payment, the value of the work would be deducted from her debt. This arrangement continued for a number of months, but then Karen found work outside the household and couldn't watch the children anymore. Karen's relatives were not happy. They beat her on several occasions, prohibited her from leaving the house, and disconnected the house phone so that she could not call for help. They also told Karen that if the police were called to the home, she would be deported.*

A small percentage of children from the region reported to KIND being kidnapped and held against their will on their way to the United States. Kidnapping of Central American migrants en route to the U.S. is not uncommon. Mexico is a large source, transit, and destination country for trafficking. Mexican gangs have a history of kidnapping migrants and holding them for ransom, or forcing them to work for drug cartels or on marijuana farms; many migrants are killed every year.[33] Those most vulnerable to human trafficking in Mexico include women, children, indigenous, and undocumented migrants.[34]

A 17-year-old Honduran girl who was a survivor of repeated rapes by members of her community was on her way to join her mother in the United States when she was kidnapped by a Mexican gang. During her captivity, she was raped and tortured. The gang eventually let her go. She made her way to the U.S. border and was apprehended soon after crossing.

A young teenage boy from El Salvador also told of being kidnapped by a gang in Mexico. The gang demanded ransom from the boy's father in the U.S. before releasing him. The child then continued his journey to the United States and was apprehended near the border by U.S. Border Patrol. A 14-year-old boy told of his coyote being ambushed by an armed group – possibly drug traffickers. They kidnapped the boy and demanded money from a relative in the United States for his release.

Children have also reported being held in the United States while coyotes demanded additional money for their release. One boy was forced by the smugglers to be a lookout and received little food and water while being held in a house with other migrants. In the instances in which the child was held in the United States, the child was rescued by U.S. authorities when they raided the smugglers' safe house. A recent example is a news report citing a February 21, 2013 raid on a house in Houston in which 30 people were found, including two teenagers, after a report of kidnapping. Three suspected smugglers were charged with kidnapping.[35]

Three girls within the sample group reported being sexually assaulted on their journey to the United States by a coyote or a member of the group with which they were traveling. Admitting to being a survivor of such abuse is often very difficult and the low reporting by these children should not be taken as low prevalence.

Domestic violence: Caregivers who abuse, abandon, or neglect children

Two brothers from Guatemala fled to the U.S. at the ages of 13 and 15 to seek protection from their abusive father. Their mother had left for the U.S. years before. Their father was continually physically abusive. On one occasion he held a gun to the elder brother's head and pulled the trigger. The gun's chamber was empty; the father then beat the boy over the head with the gun. Shortly after this incident, the boys fled Guatemala and reunited with their mother in the U.S.

In addition to violence in their communities, many unaccompanied children from this region reported suffering severe violence in their homes, perpetrated by their parents, other relatives, or non-relative caregivers which caused them to flee to the United States.

Twenty-six percent of the 126 children in the sample from Central America and Mexico reported fleeing their home country due to severe abuse of a variety of forms. They have reported physical, sexual, and mental abuse, most often perpetrated by their parents or guardian.

Child abuse is "a very serious and substantial problem" worldwide.[36] Many countries do not have systems in place to protect child victims.[37] UNICEF and the Economic Commission for Latin America and the Caribbean reported that Latin America and the Caribbean have the highest rate of violence affecting women and children, mostly in the forms of physical punishment, sexual abuse, neglect, and exploitation.[38]

The U.S. State Department has reported that child abuse is a serious problem in El Salvador, Guatemala, and Honduras.[39] Such prevalent violence against children calls for a

strong national child protection response, but in many countries in the region, this is lacking due to limited resources.

For the purposes of this paper, KIND is defining this abuse as domestic and emotional abuse, which are behaviors used by one person in a relationship to control the other.[40] It can be physical, sexual, emotional, economic, or psychological.

Nearly 20 percent of the sample of children referred to KIND in the top four sending countries in this region said that they were most often abused when one of the parents, most often the father, drank heavily, which in many cases, was often. In these cases, the father was unemployed and would beat family members regularly; the mother was often unable to prevent or stop the abuse, was too afraid to try, or was a victim herself. International Social Service-USA reports that in Guatemala, decades of violence and hopelessness have led to the heavy drinking that often leads to abuse.[41]

> *Kevin, a 14-year-old boy from El Salvador, came to the United States to flee his alcoholic father's physical abuse. His father frequently came home drunk and would punch Kevin in the face, giving him bloody noses on many occasions. Once, while chasing Kevin with a belt and hitting him in the knees, the boy's father spilled a large pot of food that was cooking on the stove on Kevin, which severely burned half his body. Kevin still bears the physical scars.*

Children referred to KIND also described the neglect and abandonment that drove them to the U.S. Often, the child's flight was spurred by a combination of abuse, abandonment, and neglect.

> *Seven-year-old Rosa's mother died in El Salvador when she was four years old. Rosa's father, the child's sole caretaker, would often drink until he was incapacitated and unable to care for Rosa. The girl had a medical condition that needed regu-*

lar attention; her father would not take her to doctor's appointments to treat her illness. Neighbors took Rosa in and cared for her until arrangements were made for her to join her aunt in the United States.

Fifty-four percent of Central American children in the sample served by KIND lived in a household in which one parent had gone to the United States to earn money to support the family, usually the father, often when the child was very young. The migration of a family member is often considered "a domestic survival strategy," according to UNICEF, without which the family would be in dire need.[42] If there was only one parent in the household to begin with, or if both parents went to the United States, the child would most often be left with someone close to them – an aunt, uncle, grandparent, or family friend. Many KIND children have been separated from their parents for a number of years; some barely remember them, if at all.

Research has shown that migration of the breadwinner or other key household members can have disruptive effects on those left behind.[43] A study in Mexico found that migration is a key cause of family disintegration and increases a child's vulnerability to violence, abuse, and exploitation, among other risk factors.[44]

Many of the children KIND works with were abused, neglected, or abandoned by the non-parent caregivers who were entrusted with their protection. Children have reported to KIND many instances in which their relationship with their caregiver had ended, became deeply strained, or untenable in some way, leaving the child with no one to care for him/her. Relations between the child and the caregiver can start out well and then deteriorate, leading to abuse, or can be difficult from the start, particularly if the caregiver has concerns about being able to care for his or her own family with limited financial means. A child is often introduced into an already crowded and overburdened household.

Cecil was seven years old when he migrated to join his parents in the United States. His parents left him in the care of his aunt when they migrated. Initially, things were fine at his aunt's home, but after a while she started to keep the money that his parents sent for his care; Cecil's aunt was very poor. Cecil reported that while living with his aunt, he was "punished a lot." He told of daily abuse, including beatings with wire cords and belts which left marks on his body. His parents arranged for his migration.

Without parents, children are more vulnerable, even if left with other family members, as there is usually no formal or legal guarantee that the family member will care for the child. The risks of kinship care have been outlined in research, for example, UNICEF found that children in kinship care in Africa were more vulnerable to increased poverty, abuse, neglect, exploitation, and unequal treatment in the household.[45]

Miranda, a 17-year-old girl from El Salvador, told of a long history of abuse at the hands of her stepmother with whom she and her father lived. Miranda's father became ill when she was a young teenager. Miranda's stepmother forced her to take on the bulk of the family's chores; her half-siblings did not have to work. Miranda's stepmother threw rocks, water, and sticks at her regularly. Miranda often hid her bruises and other evidence of maltreatment from her sickly father. After her father's death when Miranda was 14, she moved between the homes of relatives and friends, and then decided to migrate to the U.S.

A small number of children who have been abused reported that their mother had fled the country for the United States to escape domestic violence. The Pan American Health Organization surveyed 12 countries in Latin America and the Caribbean and found that intimate partner violence against women is widespread.[46] The children in these circumstances said that after their mother left, their father began to regularly beat them instead.

A mother left her child with her family in El Salvador to flee to the United States to escape her husband's abuse. The child began to be sexually abused by family members after the mother's departure. The mother of another child, from Guatemala, fled to the United States to escape her abusive husband and left her son in the care of his grandfather. The boy ultimately ended up back in his father's household and was severely abused.

Three Honduran siblings were abandoned by their father after their mother migrated to the United States to flee her husband's abuse. They were subsequently abused and neglected. Together, they came to the United States in search of their mother.

When a caregiver situation unravels, there are often few people in the community to whom the child can go for help. The children have said that members of their local community rarely intervened to stop the abuse, considering the violence a personal issue that should be dealt with within the family without outside interference. Most often, children do not report abuse to authorities because they believe no one will protect them. The United Nations has found that in Central America, even when reports of abuse – of adults and children – are high, most violence is classified as an assault, which can include relatively minor offenses as well as seriously violent ones, and that few countries in the region report the genders of those involved or even the relationship between the actors.[47]

Children left with grandparents often described situations in which the grandparents became ill, died, or were no longer able to work and support the child.

A young, sick Honduran girl was left in the care of her grandparents when her mother moved to the United States to earn money to pay for the girl's doctors. Eventually, when the child was 10 years old, she joined her mother in the United

States after her grandparents were unable to care for her due to their age and ailing health.

Sexual abuse by caregiver

Under one percent of the children in the sample KIND cases from Central America were sexually abused by their caregivers, had no one to protect them from it, and had nowhere else to go. It is important to understand, however, that this type of abuse is very often not reported by victims, particularly those with little power, such as children. As noted previously, the low reporting of this violence should not be taken necessarily as low incidence.

The U.S. State Department has reported that rape of children is a "serious and widespread problem" in El Salvador that is underreported due to "societal and cultural pressures on victims, fear of reprisal against victims, ineffective and unsupportive responses by authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted."[48]

Janice, from El Salvador, was frequently raped by her father from the age of five until she was 13 years old. She would try to fight her father off, but he would beat her if she did not submit. During the last two years of this abuse, the child's mother became aware of it, but felt powerless to protect her daughter. The mother encouraged her daughter to run away. Janice eventually made it to the United States, where she joined siblings who had moved here years before.

Similar scenarios played out for other KIND children from El Salvador, including a young girl from El Salvador who was sexually abused by her father, step-grandfather, and step-uncles. Her mother had left for the U.S. years before to escape abuse by her husband. Another girl from El Salvador had been raped by her father from the age of eight. She

gave birth to a daughter as a result of the rapes at age 13. In another case, a girl was abused for 12 years.

Child forced to leave the home

Mario, a 17-year-old boy from Mexico, had suffered years of abuse from his alcoholic father. When his parents separated, his father left the home. Soon after, his mother's boyfriend moved in. The boyfriend insisted that Mario work and essentially become the sole provider for the household. He never attended school. Eventually, Mario's mother made him leave their home. Mario stayed with an older brother briefly, but when his brother got married, he no longer had room to accommodate Mario. Mario came to the United States.

A small number of KIND's clients reported that after their father left the home, their mother entered a relationship with another man – sometimes they would get married but often would not – and that this man would move into the home. The children who had lived in these circumstances said that the adult male resented them, often abusing them – verbally and/or physically – and eventually encouraging their mother to make the child leave the home.

Antonio lived with his mother in Guatemala and had no contact with his father. When he was six years old, his mother married another man. Antonio's stepfather and his family beat him regularly, and at times, forced him to sleep in the street. When he was eight years old, Antonio ran away but his mother found him and made him return home. Upon his return, he was forced to work in his stepfather's grocery store. Initially, Antonio was allowed to go to school after leaving work, but soon after, his stepfather forced him to stop attending. Antonio ran away again. This time, he reached his aunt's house. His aunt put him in touch with his father,

who was in the United States. His father made arrangements for Antonio, then 10 years old, to join him.

Girls abused by live-in boyfriends

A very small number of the girls referred to KIND reported domestic violence by their live-in boyfriends as their reason for coming to the United States.

Seventeen-year-old Rebecca, from Guatemala, explained that her father died when she was only a few months old and that her mother migrated to the United States when she was one year old. Rebecca was raised by her maternal grandparents and her aunt. Shortly after turning 16 years old, Rebecca met Alonzo, 18, and moved in with Alonzo and his family. Rebecca reported that Alonzo began beating her immediately upon her arrival in the household. She said that he did not work and was frequently drunk and very violent. Rebecca eventually fled to a neighbor's house for protection, but when Alonzo found her there, he beat her and threatened her life. Rebecca told her mother about the abuse; her mother made arrangements for Rebecca to be brought to the United States.

Family reunification

Nearly 11 percent of children sampled from the top four sending countries said that they came to the United States because there was no one left in their home community who could care and provide for them. In some cases the child made the journey with no assistance after having decided to migrate on his/her own; in others, particularly if the child was under 12 years old, a parent or relative sent for the child after learning that the child no longer had a caretaker or was in danger in some other way, often paying a coyote to bring the child to the U.S. In many cases, family reunification was one reason among many as to why the child came to the United States, as noted previously. A com-

bination of violence at home or in the community, coupled with other factors often contributed to the flight.

Tighter border controls in recent years have made it harder for a parent to return to the home country to rescue a child from an abusive situation or to bring the child to the United States if the caregiver is no longer available to provide care. In other situations, parent(s) may have been planning to return to the home country at some point to bring the child to the United States, but then decided it was too risky to do so, as border security increased. The Department of Homeland Security (DHS) deported a record number of immigrants in 2011: 391,953.[49] In FY 2012, DHS broke its own record and deported nearly 410,000 immigrants.[50] In these situations, parents seem to be increasingly deciding to send for their children rather than returning home to retrieve them.[51]

A boy from Honduras reported that his mother left him in the care of her sister when he was six years old, when she went to the United States to work. The child's father left when the boy was very young. The child's aunt and cousins abused the boy for years, denying him food, shelter, and beating him. When the boy was 12 years old he decided to go to the United States to try to find his mother and escape the abuse.

When Elisa was seven years old, her mother migrated to the United Stated to escape her husband's physical abuse. Elisa and her siblings were left in the care of their maternal grandmother and uncle. Elisa reported that her uncle was physically abusive towards her. He constantly beat her with a belt, which left marks all over her body. After a particularly severe beating, she was taken to the hospital and fitted with a neck brace, which she had to wear for many months. Elisa's grandmother witnessed most of the abuse but did not intervene. Elisa eventually told her

mother about the abuse; her mother arranged for Elisa to join her in the United States.

Arturo, a 16-year-old boy from Oaxaca, Mexico, was raised by his grandparents. His mother was never involved in his life. Later in his childhood, Arturo reconnected with his father. His father moved to the United States to work and wanted Arturo to join him so that he could also earn money. Once Arturo arrived in the United States, he and his father found odd construction jobs working in a variety

Coyotes

Coyotes – human smugglers – have brought most of the children referred to KIND to the U.S. Once dominated by local coyotes charging relatively small sums, the business has changed as larger, well-organized syndicates have entered the smuggling industry in Mexico.[52] Over the years, coyotes have become more sophisticated in their operations, as technological advances have allowed them to streamline and add further complexity to their business.[53]

A coyote often charges thousands of dollars per each individual that he helps smuggle into the United States. The family of one unaccompanied minor paid a coyote $7,000 to bring her to the United States. She travelled with a group of 100 people. The poorest migrants often opt for a "pay-as-you-go" approach, which is less secure as a number of different coyotes may be involved from point to point. In 2008, migrants traveling from Central America were charged up to $10,000.[54]

Children reported that they were not provided adequate amounts of food, water, or shelter during the journey. They said they were often cold, hungry, and thirsty, and that they had to sleep in the desert with little protection. Some of the girls referred to KIND said they were raped by the coyotes or others in the group on the trip to the United States. There was no one who could protect them from this violence.

Many children alone report that they spent weeks or months waiting in houses – safe houses – along the border until the coyote deems that it is safe for them to cross undetected by border patrol. Some children report being held by coyotes until more money was paid for their release (see section on kidnapping).

of states. Arturo's father was eventually deported to Mexico leaving Arturo without a guardian. Arturo's father was then murdered. Arturo's grandparents were too old and poor to resume responsibility for his care.

Death of both parents

Because of widespread violence and civil unrest in many of the home countries of KIND clients, a small number of the children referred to KIND are orphans.

Five siblings, aged five to 16 years old, came to the United States from Mexico after both their parents were murdered. The children lived with their parents in Ciudad Juarez, near the Texas border. The oldest child told KIND that their father had a lucrative construction business, which caused many in the community to be envious. One day when their father was taking the younger children to school, a van pulled up and someone shot and killed their father. The mother and children were not injured. Troubled by her husband's murder and fearing for her family's safety, their mother made preparations to move to another city. A month after their father's murder, the family, with the help of an uncle and cousin was loading their vehicle with belongings when two vans pulled up and someone shot at them, hitting their mother. Bleeding, she took her 8-year-old daughter and ran to the back of the house. One of the gunmen followed her and shot her numerous times while her child was still holding her hand. The children's uncle was also murdered. A couple of days after witnessing the murder of their mother and uncle, the children's grandmother brought them to the U.S. border and asked U.S. officials for help in protecting the children.

The Role of Poverty

"The most perverse form of denial of child rights is poverty, because poverty makes it impossible to satisfy those needs that are basic rights."[55]

> *Michael, 16, from El Salvador, came to the United States to support his family. He grew up with his parents and siblings in a small village. He often did not have enough money to eat lunch. Every day after school, Michael worked on a farm to earn a few dollars a day to help support his family, but it was not enough. His parents didn't object when he said he was going to the United States.*

Children have told KIND that they came alone to the United States in search of opportunity, such as a job or the chance to go to school. Many described a life of deep deprivation with a shortage of food, inadequate shelter, little or no healthcare, no access to education, and few, if any, family members with jobs. In some cases, the family forced the child to find work in the United States, while in other cases, the child felt that it was his/her duty to the family to leave for the U.S. to work and send remittances home.

> *Marissa, a 17-year-old girl from Mexico, was told by her father that he didn't want her in the house anymore and that she had to go to the U.S. to work and send money to him. Often drunk, Marissa's father physically and emotionally abused her on many occasions. Marissa begged her father to let her remain at home so that she could finish school, but he forced her to leave to go to the U.S.*

The push factor that causes children to come alone to the United States to seek opportunities to help their family can be subtle. Though they had not been asked by a parent to go to the United States, they felt that they could not remain living at home and had to seek opportunities elsewhere. A 16-year-old Guatemalan boy came alone to the United States so that he could work and send money needed for his ill mother's medical

care. He said he was the only one in the family who could help her. His father did not want him to go.

The Human Opportunity Index

The analysis through which The World Bank has calculated a child's ability to access basic services in Latin American and the Caribbean, the Human Opportunity Index (HOI), has determined that children in Central America – in El Salvador, Guatemala, and Honduras in particular – have the lowest scores in the region.[56]

Children referred to KIND from this region often describe many of the negative circumstances outlined in the HOI. According to the HOI, the playing field for children in this region is "uneven from the start" because they do not have an equal chance of accessing opportunities as children from outside the region.[57]

For example, a significant percentage of children in the sample from the four top sending countries in this region – El Salvador, Guatemala, Honduras, and Mexico – reported living in a female-headed household prior to their migration to the United States.[58] Households headed by women are one of the most important factors in determining inequality of opportunity for children in the region, the HOI says.[59] In these families, the father of the child often had either abandoned the family when the child was very young or left to work in the United States years previously to support the family.

Lack of access to education

The majority of children referred to KIND from this region have only a grade school education, as do their parents. A small percentage of the children KIND serves can barely read or write in Spanish, some not at all.

Eleven percent of children referred to KIND from the sample group from El Salvador, Guatemala, Honduras, and Mexico said that they left their home for the United States

because they wanted to get an education. They believed that they would have a better chance of going to school in the U.S. and have the opportunity for an education beyond primary school. They understood that the more education they had, the more opportunities they would have for their future. Previous research has shown that it can be hard to discern migration for education from other forms of migration, such as for work.[60]

Many of the children reported that they had to stop attending school after 6th grade to work, most often in agriculture, to support the family. Often, these children lived in remote areas hours from the nearest school, for example, in the remote Western Highlands of Guatemala. These children could not spare the time to travel to school as it would take away from the time they needed to work.

Others could not go to school because they were the sole breadwinner of the family. Some of the children referred to KIND had never been to school, working since they were very young.

USAID reported that in some of the Latin American and Caribbean countries in which it works, as many as four out of ten students do not complete primary school, and even more do not go on to secondary school.[61] Of those who enroll in secondary school, at least 40 percent do not graduate.[62]

A young girl from Honduras told KIND that she stopped going to school in her home country after 6th grade because her parents did not have the money to continue paying for her to attend school. She said she came to the United States because school is free. A 15-year-old boy, also from Honduras, said after his parents forbade him from going to school, he decided to come to the U.S. so he could continue his education.

Haiti

Fifi, a three-year-old Haitian girl, was orphaned as a baby. Her mother died shortly after giving birth. She was in the process of being adopted by a couple her family knew when the earthquake struck. The earthquake reduced the family's home to rubble. They felt they could not care for Fifi because much of what they owned

Guatemala's indigenous Mayan population

The large majority of the children KIND works with from Guatemala are indigenous Mayans who live in the most remote and impoverished area of the country, the Western Highlands. Access to education, health care, and employment is difficult for those in the region. For example, 53.5 percent of indigenous young people in Guatemala aged 15-19 have not completed primary education, as compared to 32.2 percent of non-indigenous youth.[63] The average number of years in school of non-indigenous Guatemalan young people over 15 is 5.7 years compared to 2.5 years for indigenous youth.[64] Indigenous peoples' poverty rates are 2.8 times higher than the rest of the population in Guatemala.

Language can also be a barrier to education and employment as many of the indigenous people in Guatemala speak a Mayan language rather than Spanish. Lack of ability to speak Spanish can be an impediment to accessing job opportunities and can cause children to drop out of school at a young age. The inability to communicate also increases a child's vulnerability to abuse and exploitation.

was destroyed in the earthquake. They also feared for Fifi's safety in the great instability that followed the earthquake. They sent her to the United States to be raised by a relative who has become Fifi's legal guardian.

For a country already stunted by deep poverty – ranking as the poorest country in the Western hemisphere[69] – and destabilized by violence,[70] the January 12, 2010 earthquake that struck Haiti was another debilitating blow. The magnitude 7.0 quake claimed more than 220,000 lives and injured about as many;[71] more than one million Haitians were left homeless, many relegated to displacement camps during the government's slow recon-

Impact of natural disasters

Poverty in Latin America and the Caribbean is often connected to past decades of social and economic instability caused by natural disasters such as hurricanes and earthquakes.[65] Developing countries are more susceptible to serious destruction by natural disasters because of poor infrastructure and weak government safety enforcement. Natural disasters not only devastate a country's environment and resources, but often change the dynamic of communities and individual households. Countries that were already struggling to stabilize their economies are especially hurt when a natural disaster occurs. Periods of increased migration from countries in Central America to the United States have followed natural disasters, such as Hurricane Mitch in 1998, two earthquakes in El Salvador in 2001, and Hurricane Stan in 2005.[66] Migration correlates highly with natural disasters in developing countries.[67]

Migration of families after a natural disaster follows a number of patterns: sometimes parents try to leave the country with their children; other times, the parent will migrate to find money to support the family or a family will send their children to another country to remove them from the privations and dangers that result from the disaster.

Save the Children estimates that natural disasters spurred by climate change will increase migration and that 175 million children every year for the next decade will be affected.[68] Children are more likely to become separated or orphaned in natural disasters, and the loss of a family's livelihood, or educational opportunities for children can become push and pull factors to drive a child to migrate for work or for education.

struction efforts.[72] Approximately 190,000 homes were destroyed by the earthquake or were in need of repair.[73] The earthquake destroyed or severely damaged 30 hospitals.[74] By summer 2012, the State Department reported that more than 1.1 million have moved out of temporary tent camps;[75] as of October of 2012, according to CNN, 370,000 remained homeless, still living in the camps.[76]

Sexual violence and assault

Sexual violence was widespread in Haiti before January 2010 and has been exacerbated by conditions since the earthquake.[77] According to Amnesty International, more than 250 cases of rape in several camps were reported in the first 150 days after the earthquake.[78] The limited assistance the authorities previously provided has been undermined by the destruction of police stations and court houses,[79] which has made reporting sexual violence more difficult.[80]

KIND's Haitian child caseload pre-January 2010 earthquake

Prior to the January 12, 2010 earthquake, four children from Haiti had been referred to KIND, including a five-year-old and one-year-old brother and sister, who came to the United States to reunify with their mother.

The other two children came to the United States before the earthquake seeking protection from violence in Haiti. One, a 16-year-old girl had been sexually assaulted by a neighbor for several years. After gaining the courage to tell her parents, the man was arrested. Her relief was short-lived because she began to be threatened by other neighbors whom she witnessed selling drugs. Her family sent her to live with her aunt in the United States.

The other, a seven-year-old Haitian boy, was sent to the United States to live with friends of the family when he was three years old, shortly after the boy had been kid-

napped on the streets of Haiti. He was unharmed, but his mother, who had been kidnapped once herself and been a victim of other assaults, feared for the boy's safety. The boy's father had been murdered before he was born. The boy's mother later died in the earthquake.

Haitian children referred to KIND after the January 2010 earthquake

Between January 12, 2010 and December 31, 2011, 27 Haitian children were referred to KIND, including five pairs of siblings, or 80 percent of KIND's total caseload of Haitian children in the time period reviewed for this report. The children – 52 percent male, 48 percent female – ranged in age from three to 18 years old. All of these children came to the United States within a year of the earthquake, most within the first six months after the earthquake.

The majority were sent by their parents or other caregivers to live with a family member or family friend in the United States to escape the violence, insecurity, and lack of services in Haiti. The children's families lost their homes and livelihoods, and felt that they could not protect their children, particularly those living in the displacement camps. The large majority of these children were sent to live with aunts, uncles, or adult cousins. Three were sent to live with non-relative family friends.

Some of these children reported seeing the earth swallow their homes and the buildings around them. One child recalled riding in the car with his mother and sister when the earth began to shake. He saw the house nearby disappear. His mother stopped the car because the houses began to spill into the road. Sixty-eight percent of KIND's Haitian clients were sent to the United States because their homes were destroyed.

When the earthquake hit, 15-year-old James was in a car with his parents and two brothers, ages eight and twelve, on their way home. The destruction caused by the quake made it impossible for them to reach their house for a few days. When they finally arrived home, they found it nearly destroyed. Wary of the ensuing after-shocks that could potentially topple their home and crush them inside, James' parents gathered their children and slept in the family car. The family had to wait in long lines with thousands of other people hoping to get food and water. James' school was also completely destroyed. With no home and no school, and little access to food and water, James' parents decided to send their children to live with their uncle and aunt in the United States where they would be able to access basic services. Their parents stayed behind hoping to rebuild their home, their business, and a semblance of the life they once knew.

Numerous children were unable to continue their education because their schools lay beneath the rubble. According to the U.S. State Department, 3,978 schools were destroyed or severely damaged.[81] Forty-eight percent of KIND's Haitian clients' schools were destroyed in the earthquake. Nearly 50 percent of KIND's Haitian clients reported that both their homes and schools were obliterated in the earthquake**.** One child referred to KIND not only lost his school, but also several classmates. The school's director – his uncle – also perished in the quake.

Kenny, a 16-year-old Haitian boy, arrived in the United States shortly after the earthquake. He enjoyed his life in Haiti, although he often did not have enough to eat. The earthquake destroyed his home and his school. When Kenny's parents lost their jobs due to the earthquake, they thought it best to send him to the United States for his safety and to continue his education. Kenny now lives with his cousin in the United States and is attending his local high school.

As of December 2011, the U.S State Department reported that more than 600 semi-permanent furnished classrooms had been constructed, which enabled about 60,000 children to return to school following the earthquake.[82]

Ecuador, Dominican Republic, Nicaragua, Peru, and Brazil

The majority of children referred to KIND from Ecuador, Dominican Republic, Nicaragua, Peru, and Brazil had been left by their parents when they were very young, and were hoping to reunite with them in the United States after their care situations unraveled.

Juli, a 13 year-old girl from Ecuador came to the U.S. to reunify with her mother after fleeing physical abuse by her maternal grandparents. Juli's mother left her in the care of her parents when Juli was 6 years old. Juli's father has never been in her life. According to Juli, the abuse by her grandparents began shortly after her mother's departure and increased when her grandparents drank alcohol. Juli did not tell her mother about the abuse until she was 12 years old. Her mother asked that another relative open up their home to Juli whenever she needed to escape her grandparent's abuse. In the meantime, Juli's mother worked to save money for a coyote to bring Juli to the United States. Juli was apprehended by U.S. officials after she crossed with the coyote and others into the United States.

Eight-year-old girl Hanna left Peru because there was no one who could care for her and provide her with a stable home environment. Hanna had been left in the care of her maternal grandparents after her parents migrated to the United States. Hanna's grandfather died of a disease that was a stigma in their community, causing her family to become a target of humiliation, verbal, and physical abuse by their extended relatives. Hanna's grandmother was forced to move around constantly as she tried to hide to avoid the harassment. In the meantime, Hanna was left without supervision and regular care. Hanna's parents became concerned and made arrangements for her to join them in the United States.

Marco is a 17-year-old boy from Brazil who migrated to the United States because he no longer had a caregiver. When Marco was born, his mother wanted to leave him at the hospital because she could not afford to take care of him. A friend of his mother intervened and offered to raise Marco as her own. Marco never knew his biological father and was never in contact with his mother. When his adoptive mother moved to the United States, Marco travelled to join her.

China

The large majority of the 17 children from China referred to KIND are from Fujian Province in East China, which is known for its high levels of migration.[83] The children were smuggled to the United States by snakeheads — human smugglers — who are often members of organized crime in China. Fujian province is relatively well off and therefore its residents are able to pay the significant fees the snakeheads charge.[84] Children referred to KIND report fees of just under $100,000 on average. According to a report by the Australian Institute of Criminology, Chinese traffickers make between $2.4 and $3.5 billion each year.

These children describe a variety of situations that led to their being sent to the United States. In some cases the children knew why they were going to the United States – to work, in many cases – but in others they did not know. Some went willingly while others were forced by their parents. Most describe months-long journeys that took them to multiple countries in many parts of the world, ending up crossing from Mexico into the United States.

Whether they were aware of it or not, the children were being tasked with repaying the large debt their parents incurred in sending them to the United States. The failure to do so could result in harm being inflicted on the remaining family in China. Or, the mi-

grant's family in China might be forced to pay the debt to prevent their child from being harmed.[85]

Ping's parents paid snakeheads to bring Ping, 15, to New York to live with an "aunt." She was told she would work and go to school. She had never met the aunt. Ping was apprehended at the U.S. border by U.S. officials; the snakehead ran away. Ping was placed in foster care at the outset of her immigration case. She remained in touch with her parents, who told her to go back to the snakeheads – who were trying to contact Ping at the foster care facility – because the debt needed to be paid. Ping was scared of the people trying to contact her and ultimately told her parents that she would not go with them.

Su's parents forced Su to leave their home in the Fujian Province with a snakehead against her will – her father physically dragged her to them – because her parents wanted her to work in the United States to support the family. Su, 17, reported that she had not been treated well since the birth of her brother when she was four years old and that her parents wanted to focus the family's limited resources on him.

One child policy

China's one child policy rewards parents who have only one child with preferential hospital treatment and land allowances, and punishes those who have more than one child by at times jailing and/or fining them, and often making them choose between which child to educate. Preference is often giving to the male child.[86]

Li is 17. Against her wishes, her parents entered into an agreement with snakeheads to transport Li to the United States. Her parents told her that they would no longer support her because they wanted to focus their limited resources on

her 11-year-old brother. Although Li pleaded to stay in China with her family, she was given no choice but to leave China with the snakeheads. She was told that she was to work in the United States and pay off the debt owed to the snakeheads.

Zin was smuggled into the United States when she was a teenager. Zin's parents already had one child when her mother became pregnant with her. Zin was sent to be raised by a childless couple. When Zin was four years old, she rejoined her family and as a result, her family had to pay a fine to the government. Zin's presence became a financial burden to her family. They arranged for a snakehead to bring her to the United States. Zin traveled through Hong Kong, Russia, Cuba, and Mexico, and finally crossed into the United States where she was apprehended by U.S. authorities.

Religious persecution

According to Amnesty International, those in China who practice a religion outside officially sanctioned channels, including Christians, Muslims, and Buddhists, face harassment and persecution.[87]

One of the children referred to KIND from China attended a Christian meeting that was raided by governmental officials. Though she was not caught, her family feared that the authorities would find out that she was there, and come looking for her. As a result, they sent her to the United States.

Another child was among very few Christian students who attended her school. She was constantly harassed by her classmates. She reported that her parents helped build a church that was subsequently destroyed. Her family sent her to the United States so she would be safe and enjoy religious freedom.

Africa

KIND was referred 40 children from Africa from January 1, 2009 - December 31, 2011. These children mostly were from West Africa and came to the United States to find safety from political persecution or domestic violence.

Political persecution

Ahmed is a 17-year-old boy from Guinea. When Ahmed was 13 years old, he travelled to the United States with his father. Two days after arriving, Ahmed's father returned to Guinea, leaving him in the care of a family friend. Ahmed is a member of a tribe that supports a particular political group in Guinea. Due to his family's association, they were targeted for reprisal. Ahmed's father was involved in several physical altercations with members of the opposition and Ahmed's life was threatened as well. On one occasion, while on this way to school, Ahmed and his friends were attacked with baseball bats and badly injured. Ahmed's father brought him to the United States in order to protect him from further harm.

Political persecution drove 17-year-old Muhammad, from Ivory Coast, to the U.S. Muhammad's father was in the military and also an active member of a political party that consisted of many of his tribe's people. Muhammad's family was related to the president of the party. Muhammad's father gave public speeches in support of the political party; as a result, the family was targeted by members of an opposition party. One day, Muhammad's father went to work and never returned. It was rumored that he had been captured and killed by members of the opposition party. That same day someone came to Muhammad's house and warned his family that the opposition wanted to kill them because of their father's association with the ruling party. Muhammad was specifically named, as the oldest son. His family was able to flee before their home was burned to the ground. They eventually

made it to a neighboring country where they lived with a family friend. Muhammad's family believed that the government of the Ivory Coast would be able to find them. They made arrangements to send Muhammad to the United States.

Female genital mutilation and forced marriage

Mary and Sarah are sisters from Mali. When Mary was 11 years old, she was the victim of female genital mutilation. Although Mary and her mother opposed the procedure, her mother could not stop the mutilation. Sarah was approximately three years old when it was performed on her. Both girls have ongoing health problems because of the procedure. They were also victims of domestic violence by male members of the household. The girls' mother passed away when both were very young and the violence, including rape, intensified. Mary fled Mali with her sister after learning that her father was going to force her to marry a much older man who already had multiple wives. Mary feared the man greatly and realized that if she did not marry him, she would be killed. The girls' maternal relatives helped them flee to the U.S.

Sixty-five percent of girls in Mali are married by the age of 18, the third highest rate in the world. Only Chad (71 percent) and Chad (77 percent) have higher rates.[88] The World Health Organization reports that in Guinea, the prevalence of FGM in females 15-49 is 95 percent, and in Mali it is 85.2 percent.[89]

Mariam, 15, is from Ivory Coast. After her mother and father passed away, her uncle arranged for her and her siblings to live with him in Guinea. The uncle beat Mariam and her siblings, refused to feed or clothe them, or send them to school. The uncle also threatened Mariam and her sisters with female genital mutilation. After a few months, Mariam and her siblings fled back to Ivory Coast, where they stayed with an aunt, but shortly thereafter fled for Mali when it became clear the uncle was coming to take them back. In Mali, the siblings were separat-

ed. Mariam found a family to take her in and feed her in exchange for doing household chores. She saved money and managed to travel by airplane to the United States where she had a distant family member.

The Surge of Unaccompanied Children: October 2011 to February 2013

An historic increase in the number of children being placed in Office of Refugee Resettlement care started in October 2011 and continues to this day. Overall, the reasons these children came during the surge mirror those of the pre-surge children referred to KIND: Increasing violence in their home countries, particularly from gangs, and forced recruitment.

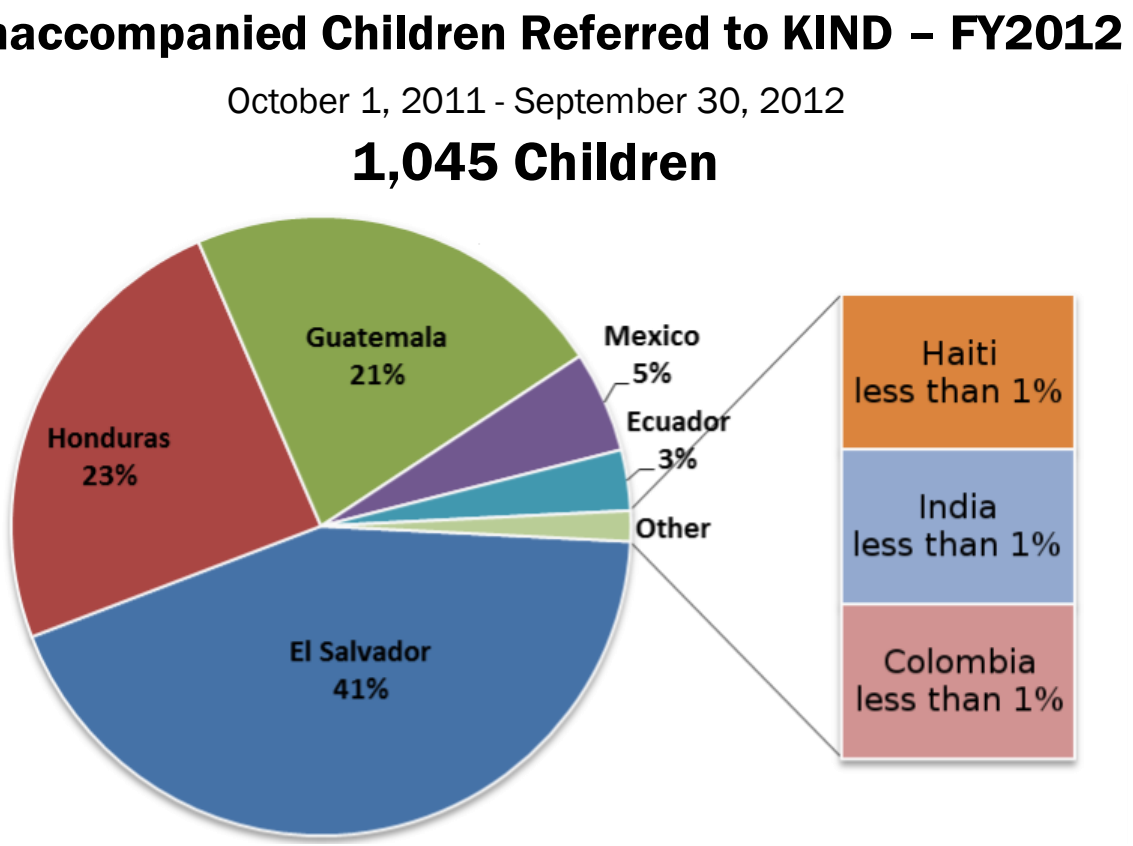
The countries of origin of children referred to KIND are also similar to the pre-surge breakdown. The majority of the children referred to KIND were from El Salvador, but with Honduras as the next top sending country. Again, interestingly, the breakdown does not match that of the Office of Refugee Resettlement, in which Guatemala is the top sending country. Violence was still the main reason children were fleeing from these countries. The majority of children referred to KIND from El Salvador were fleeing gang violence and recruitment, while most of the children KIND is serving from Guatemala and Honduras were fleeing domestic violence and abandonment.

The reasons for their flight, however, overlapped more than in the children referred to KIND before the surge began. In another notable difference, the majority of children referred to KIND since the start of the surge had parents in the United States.

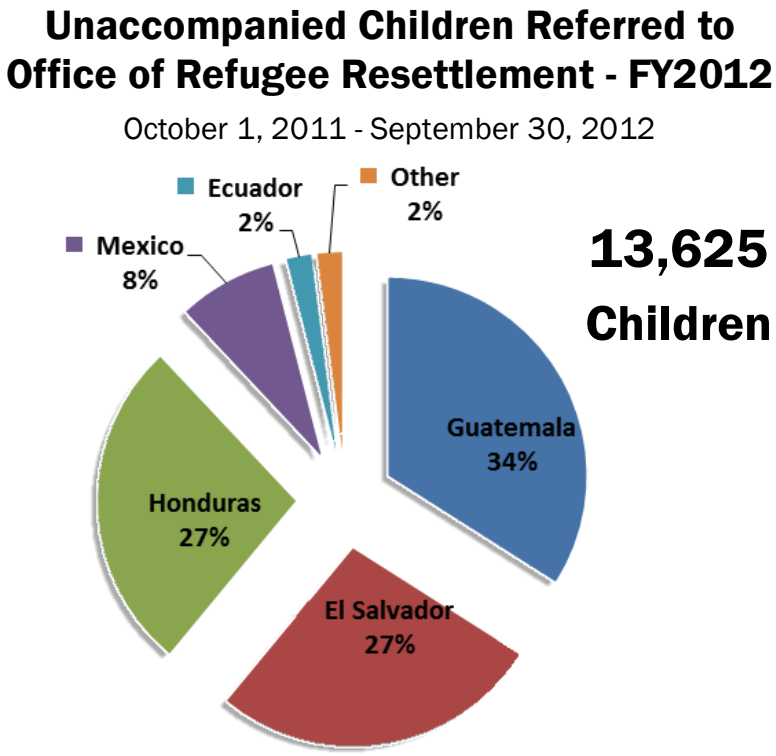
Children fleeing gang violence and forced recruitment, for example, did so hoping that they could reunite with a parent (most often a mother) who had left them many years previously and find safety and protection in the United States with her. Most often, the child's father had abandoned the family when the child was very young. In some cases, the parent, usually the mother, helped arrange for the child to come to the U.S.

The same was true with children who were fleeing an abusive non-parent caretaker, or whose caretaker was no longer able to care for the child. A larger number of these children than before the surge had parents in the United States with whom they hoped to reunite and regain a caretaker.

As mentioned earlier in the report, increased border security and the record number of deportations could have discouraged parents, who may have previously returned to the



home country to retrieve the child from a dangerous situation, from doing so. Many may have instead chosen to have the child brought to the United States by a coyote.

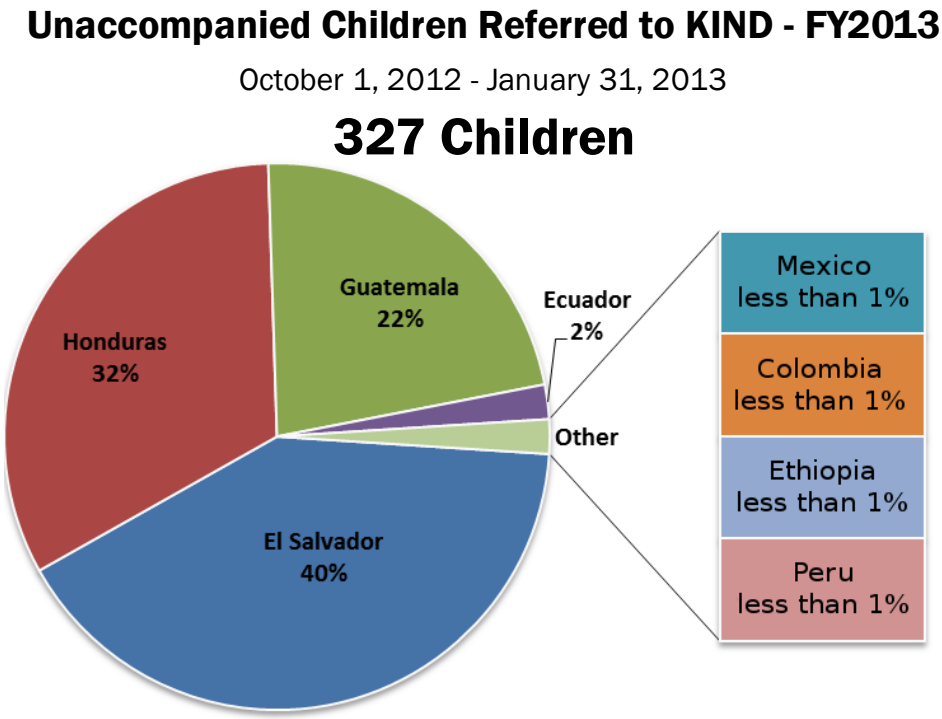


The profile of the children referred to KIND changed in another important way. More girls were referred to KIND than during the time before the surge – 36 percent – (up from 23 percent), while the percentage of boys declined to 64 percent (from 77 percent). It is not immediately clear why the number of girls referred to KIND has increased, but it could also be related to the idea that fewer parents are returning for their children. As girls are more vulnerable to violence, most specifically sexual violence, on the journey to the United States, a parent may have been less inclined to allow their daughter to travel alone before the sizable increase in border security and deportation. The parent may now feel, however, that she/he has no other choice than to send for the daughter unaccompanied.

The surge in unaccompanied children, which has shown no signs of lessening and in fact has been increasing steadily, only amplifies the need to address their protection and craft policies that lessen their vulnerability. Specific recommendations that can be addressed in Comprehensive Immigration Reform, the most viable vehicle at this time to effect change, are included in the recommendations that follow.

CONCLUSION

The United States can do much more to protect the children who have come to it alone for safe haven. While the treatment of unaccompanied children has improved significantly since the children's care, custody, and placement was transferred to the Department of Health and Human Services as part of The Homeland Security Act of 2002, and with the groundbreaking new protections of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the system still does not meet the basic needs of these children. The continuing record breaking number of children placed into Office of Refugee Resettlement care has intensified the problems and thrown into harsh light the inadequacies of the current system and the need for a new way of addressing key protection issues.



The stories in this report, and those of the thousands of other children who have been referred to KIND, paint a stark picture of the pain and ultimate desperation that drove these children to the United States, while also highlighting the need for a response that addresses the complexity of their lives and their reasons for seeking safety, opportunity, and protection in this country.

Comprehensive immigration reform is an important opportunity in which to begin to tackle these issues with a new vision, one that treats unaccompanied children as children first. We have a chance to build an immigration system that accommodates children, with their interests and protection paramount. Our current system which treats children like "little adults" does little to address the realities of the situation today of unprecedented numbers of children alone coming into our system with a large variety of protection needs.

Now is an opportune time to create an improved immigration system, for both adults and children, that will make our country stronger and from which we all, both those born in the United States and those who were not, will benefit and prosper.

RECOMMENDATIONS

- **Provide legal representation for unaccompanied children and child advocates.** As vulnerable children who know little or nothing about the United States legal system, likely don't speak English, and who have survived trauma of a variety of forms in their home country, during the journey to the United States, and/or after they arrived in the U.S., these minors are in desperate need of an attorney to help them make their case for U.S. protection, and of a child advocate who can look out for the child's best interests. Without a lawyer, most children are unable to present their case in a formal proceeding; those with viable claims could be sent back to their home country where their well-being, and even their life, could be in danger.
- **Ensure access to pro bono legal representation and child advocates by housing these services in immigration court on child docket days.** Clustering pro bono attorney and child advocate services at immigration court will ensure that more children in need are identified and represented. The most vulnerable children will have improved access to follow-up services, pro bono attorneys, and child advocates to ensure their best interests are addressed.
- **The best interests of the child must govern the treatment of unaccompanied children in the U.S. immigration system.** The many and varied experiences of the children referred to KIND outlined in this report do not necessarily easily fit the forms of relief available in the U.S., but it is clear that in many of the cases, the child would be endangered if she/he was forced to return to the country of origin. While Special Immigrant Juvenile Status, and its expanded protections in TVPRA 2008, have helped provide safety to a number of particularly vulnerable children, too many others in need of U.S. protection are being denied relief. Instances in which a child has no caregiver in the home country or the primary caretakers are in the United States are clear examples of children who fall outside our current system and whose best

interests are being ignored. Requiring that a best interests standard be met in adjudicating a child's case would go a long way to ensuring that the United States does not return a child alone to a country of origin where the child is likely to be harmed.

- **Ensure that in comprehensive immigration reform no inadvertent barriers are created to prevent unaccompanied children from gaining citizenship.** As nearly all the unaccompanied children served by KIND have been in the United States for a relatively short time (coming to KIND months to a year after their arrival in the U.S.,) they have little, if any means of support and would be unable to pay significant fees that could be required as a path to citizenship in any reform. It is vital that waivers be created for these children so that their particular vulnerability does not turn out to become a liability in their quest for U.S. protection.
- **Require that experts in child welfare play a key role in the screening of children at the U.S. border for vulnerabilities and monitor short-term custody and treatment of unaccompanied children while they are in the custody of U.S. Customs and Border Protection.** Child welfare experts would ensure appropriate screening of children at the border to determine whether the child is at risk, and that all children, including those from contiguous countries are being properly processed. Monitoring of unaccompanied children in CBP custody to ensure they are treated in the most child-friendly way possible would lessen mistreatment and avoid further traumatization.
- **Create a robust repatriation and reintegration program for unaccompanied children who are returning to their home country either through removal or voluntary departure.** Thousands of unaccompanied children are returned to their home countries every year, often to the same situation and dangers that spurred them to leave in the first place. Building on the pilot project mandated in TVPRA 2008, the U.S. government should create a program to ensure these children's long-term safety and the sustainability of their return by helping them access services

such jobs training, education, and counseling that will give them the best chance of re-integrating successfully into their communities. This effort should involve non-governmental organizations with experience working with child migrants.

- **United States international development work targeting youth must also include policies and programs for returning child migrants.** U.S. interagency policy frameworks created under Public Law 109-95, The Assistance to Orphans and Other Vulnerable Children in Developing Countries Act of 2005, such as the U.S. Government Plan on Children in Adversity, should include consideration of the needs of child migrants. The needs of child migrants should be mainstreamed into existing USAID youth programming in the top sending countries, in particular. In addition, the root causes of child migration should be identified and addressed through development programs in sending countries.

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United States Border Patrol

Unaccompanied Children (Age 0-17) Apprehensions

Fiscal Year 2008 through Fiscal Year 2012

Country of Citizenship	FY 2008	FY 2009	FY 2010	FY2011	FY 2012
ALBANIA				1	1
ARMENIA		1			
BAHAMAS			1		1
BANGLADESH				1	
BELIZE	7	2	1	3	4
BOLIVIA		1			
BRAZIL	24	14	18	1	5
BURMA	2				
CAMEROON		3			
CANADA		10	9	11	12
CHILE		4			
COLOMBIA	4	9	3	2	2
COSTA RICA	4	2	2	1	5
CUBA	13	8	3	7	2
DEMOCRATIC REPUBLIC OF THE CONGO		1			
DOMINICA	1				
DOMINICAN REPUBLIC	10	5	16	3	7
ECUADOR	168	123	218	117	200
EL SALVADOR	1,391	1,221	1,910	1,394	3,314
ERITREA		2	1		
ETHIOPIA	1				
GHANA	1				
GUATEMALA	1,388	1,115	1,517	1,565	3,835
GUYANA			2		
HAITI	5	3	5	3	2
HONDURAS	1,578	968	1,017	974	2,997
INDIA	1	1	71	143	23

Country of Citizenship	FY 2008	FY 2009	FY 2010	FY2011	FY 2012
INDONESIA		1			
ISRAEL		1			
JAMAICA			1		
LIBERIA		1			
LIBYA		1			
MACEDONIA	1	1			
MALI				1	
MEXICO	3,369	16,114	13,724	11,768	13,974
MONGOLIA	1				
NEPAL			2	1	
NEW ZEALAND			1		
NICARAGUA	44	18	35	14	43
PAKISTAN				1	
PANAMA				1	
PEOPLES REPUBLIC OF CHINA	14	24	45	15	16
PERU	9	7	20	13	15
PHILIPPINES	1	1			
ROMANIA		1	6	11	16
RUSSIA				1	
SIERRA LEONE		1			
SOUTH AFRICA			2	1	
SOUTH KOREA	2				
SRI LANKA			2	1	2
TANZANIA					1
TRINIDAD AND TOBAGO			1		
TURKEY			1		1
UKRAINE		1			
UNITED KINGDOM				1	
UNKNOWN		1		1	3
UZBEKISTAN		1			
VENEZUELA	2	1			
GRAND TOTAL	8,041	19,668	18,634	16,056	24,481