

A Year in Review

KIND 2014



KIND played a pivotal role in responding to the unprecedented unaccompanied child migration emergency that began in May and continued throughout the summer.

More than **60,000** children fleeing violence and abuse and seeking safety in the U.S. were apprehended by the end of September 2014 - **three times** more than the previous year and **ten times** the historical norm.

Thanks to our supporters, new and old, we were able to add more staff and additional resources around the country to help meet the incredible need for legal representation for these uniquely vulnerable children. We were particularly successful in bringing new corporations on board and in expanding our relationships with existing law firm partners. KIND now has more than **270 law firm, corporate, bar association, and law school partners** who

have agreed to represent children referred to KIND. We have trained more than **10,000 attorneys** nationwide since 2009, making great strides in our goal to create a robust national network of trained attorneys to help unaccompanied children make their cases for US protection. We have been referred more than **7,600 children**, and helped many gain status in the US.

We successfully broadened our advocacy for unaccompanied children in Central America and Mexico to help ensure that protection of migrant children becomes a priority in the region wherever they are in their journeys - en route, in the US, or returning to their home countries.

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Legal Services

In addition to the extraordinary need for pro bono representation, so-called “rocket docket” -- created to hasten decisions in unaccompanied children’s cases -- heightened the enormous urgency in finding attorneys quickly. In addition to **seven new staff attorneys** supported by foundations and other donors, KIND was able to bring on **six attorneys** through a new Department of Justice representation initiative, justice AmeriCorps, in partnership with Equal Justice Works. We also added **two new attorneys** in Baltimore as part of the new Baltimore Representation Initiative, also funded by the Department of Justice, to represent unaccompanied children at the city’s immigration court.

KIND expanded its work at immigration courts in select cities to reach more children in need and began to conduct regular screenings and legal orientations on juvenile docket days in collaboration with other legal service providers. Also, in a significant advance, we now provide direct representation

to children living in Maine, New Hampshire, Vermont, and Rhode Island, through our two justice AmeriCorps fellows in Boston.

We benefited greatly from the generosity of key law firm partners which assigned associate attorneys to our offices for a period of time. Two such associates joined our Los Angeles office, one from Orrick, Herrington & Sutcliffe and one from K&L Gates, while Paul Hastings provided one to our New York office. This intensive volunteer resource greatly increased KIND’s capacity to serve even more children in those locations.

KIND continued its focus on helping unaccompanied child survivors of sexual and gender-based violence gain US protection, while also collaborating with other service providers to ensure these vulnerable clients receive the services they need, including psychological counseling and medical treatment.



KIND Highlight: Amicus Brief

KIND filed an amicus curiae with the New Jersey Supreme Court with nongovernmental organization partners represented by Lowenstein Sandler, to challenge a precedential decision on Special Immigrant Juvenile Status that would greatly reduce the number of children protected in New Jersey.



New Partnerships

We added **33 new firm partners** and expanded our relationships with others. From the start, law firms have formed the backbone of KIND's legal services work. We also brought numerous new corporate partners on board to create more innovative and effective approaches to pro bono. **New corporate partners include:** Amazon, AT&T Mobility, Capital One, Chevron, Credit Suisse, Exelon-Constellation Energy, Exxon Mobil, Fred Loya Insurance Group, JPMorgan Chase-Corporate, JPMorgan Investment Bank/Global Emerging Markets, McKinsey & Company, Morgan Stanley, Oppenheimer Funds, Signature Bank, Southern California Edison, The Walt Disney Company, Viacom, and Warner Brothers.

KIND participated in a groundbreaking meeting hosted by the **Attorney General of California, Kamala D. Harris**, to discuss the legal representation needs of unaccompanied children in the state and how to address them through increased pro bono support. This meeting was the start of significant new attention by the state to the needs of unaccompanied

children residing in California, including a legislative initiative to support their legal representation.

KIND's New York office launched a new representation project in collaboration with Columbia Law School and the law firms Troutman Sanders and Paul Hastings. KIND held a training for law students who were then brought in to assist the legal teams at the firms representing unaccompanied children. We have since replicated this project with South Texas College of Law, Greenberg Traurig, and Seyfarth Shaw.

Attorneys and staff from Microsoft's legal department volunteered to take part in KIND's Seattle office's first Intake Clinic as part of Microsoft's Day of Caring. Clinic volunteers conducted legal intakes with children who had been released from custody as part of the process of matching them with pro bono attorneys. In addition to those who volunteered at the clinic, more than **100 Microsoft volunteers** are working with KIND in a variety of ways.

Advocacy

Starting in the spring, KIND met numerous times with the White House, federal agencies, and Congressional offices to find a solution that would bring as much order to the migration flow as possible while preserving meaningful access to asylum and complementary forms of protection available under US immigration law. KIND met with **Vice President Joe Biden**, the **Domestic Policy Council**, and the **National Security Council** as part of a small group of key advocates and experts. We led a briefing with Speaker John Boehner's Working Group on Unaccompanied Children, composed of eight Republican members of the House, and presented at numerous other Congressional staff briefings throughout the summer.

Board member Sonia Nazario testified on behalf of KIND before the **Senate Committee on Foreign Relations** on the root causes of the migration. KIND staff testified before the House Progressive Caucus twice, and helped organize a congressional staff delegation to the region to investigate the root causes of the child migration.

New Support

KIND received a tremendous outpouring of support in the height of the child migration emergency from thousands of new individual donors, schools, and churches, to name a few. We were also thrilled to receive support from a number of **new foundations including**: The Abell Foundation, Annie E. Casey Foundation, Briarwood Farm Foundation, Carnegie Corporation of New York, The Clinton H. & Wilma T. Shattuck Charitable Trust, J.E. Fehsenfeld Family Foundation, George and Patricia Ann Fisher Foundation, Ford Foundation, The Fund for Unaccompanied Children, John & Marcia Goldman Foundation, The Herb Block Foundation, Leonard M. Greene Fund of the Vermont Community Foundation, Newman's Own Foundation, Oak Foundation, Open Society Foundation, Robin Hood Foundation, Texas Bar Foundation, and Unbound Philanthropy. In addition, we received a very generous anonymous gift of \$1 million.

We also received a portion of the \$3 million the state of California made available to increase representation of unaccompanied children in response to the large numbers of children being released to California.



Photo by Edel Rodriguez NYT

Media

The child migration crisis resulted in an unprecedented level of media interest. As a recognized expert, KIND received more than 200 media requests for information and interviews, and was quoted or featured in more than 80 articles and over 60 publications. [KIND Board Member Sonia Nazario wrote an opinion editorial](#) for *The New York Times* on unaccompanied

children based on her investigation of gang violence in Honduras. Website traffic increased by 147 percent compared to the first half of the fiscal year. About 70 percent of those page views were new or "unique visitors" who had not previously visited the site. KIND's Facebook page has also seen a substantial increase in the number of followers and our Twitter followers increased by more than 40 percent.

Success Stories

While all of KIND's offices have had great success with numerous asylum grants for their children, pro bono attorneys with KIND's **Los Angeles** office secured 22 asylum grants in one quarter alone, including four children who resisted gang recruitment and violence and witnessed their siblings killed.

In **Baltimore**, KIND found a pro bono attorney for Ken, a 16-year-old boy from Honduras. Ken was living happily with his grandmother -- his parents had left for the United States many years before -- until the age of 14, when the many gangs in his community started to try to recruit him. Ken refused. Gang members began to send him threatening text messages, saying that they would murder him or his family if he did not join. On three occasions, gang members threatened him in person. The third time, they said, was his last warning. Shortly after, Ken left for the US. Ken's pro bono attorney helped Ken receive asylum.

In **Boston**, KIND's Equal Justice Works fellow obtained an asylum grant for a highly traumatized 11-year-old girl, the victim of repeated sexual assaults by a relative. The KIND fellow collaborated closely with multiple medical and mental health experts prior to the asylum interview. She obtained compelling expert reports to help the Asylum Office understand the claim and the child's demeanor. She also coordinated with intensive psychiatric counseling and care providers to ensure the client could successfully participate in the presentation of her case.

In **New York**, KIND mentored three cases handled by American Express in which



asylum was granted. A Zimbabwean girl gained asylum due to her father's and other family members' concern for their lives on account of her father's support of an opposition party.

KIND's **Washington, DC** office mentored its first successful case involving a sexual orientation-based asylum claim. Nixon Peabody represented a boy who fled El Salvador when he was 14 to escape persecution for being gay and ongoing sexual abuse by a family member. The boy's attorneys argued that he not only had a well-founded fear of persecution through his own experiences, but also because the government of El Salvador has a known pattern and practice of persecuting lesbian, gay, bisexual, and transgendered individuals.

Success Stories

KIND's **Seattle** office had a number of asylum grants in cases handled by Microsoft pro bono attorneys. In one, a 15-year-old girl from Honduras was seeking US protection to escape years of abuse by her father, an alcoholic, who physically and verbally abused her continually. The police refused to intervene to help the girl, whose mother had left for the US when the girl was four years old.

KIND partner Baker Botts in **Houston** succeeded in gaining asylum for a 15-year-old girl from El Salvador who suffered years of severe sexual and emotional abuse by her step-grandfather. The child fled her step-grandfather's house and, with nowhere to live, was taken advantage of by a man twice her age. The authorities discovered them together and arrested him. However, the man was released after one week. His associates began threatening the child and her family, demanding that the child leave El Salvador.

In **Newark**, KIND mentored attorneys in a case in which a 15-year-old girl from Honduras came to the US to escape a gang that kidnapped and raped her sister on several occasions. The gang was known to have done this to a number of other girls in the community. They threatened to rape the girl, too, and began to follow her. The girl and her sister fled to the US. Since then, their mother has received sexual threats from the same gang members. The girl was granted asylum.



Regional Work

Our Guatemalan Child Return and Reintegration Project (GCRRP) continued to be a model and one-of-a-kind in the region, providing vital reintegration assistance for children who must return home, either due to deportation or voluntary departure. With our local nongovernmental partners, we have helped more than **120 children** with family reunification, school enrollment, counseling, skills training, and scholarships.

Based on this work and lessons learned, [KIND wrote a chapter](#) with recommendations on best practices for the safe return and reintegration of unaccompanied children as part of groundbreaking report, [“Human Rights, Children, and Migration in Central and North America: Causes, Policies, Practices, and Challenges”](#), led by the University of LANUS in Argentina and the Center for Gender & Refugee Studies at the University of California Hastings.

KIND helped enhance awareness of child migration in Central America among stakeholders in the region, using the unprecedented migration to underscore the need to create regional standards and coordinate actions to protect child migrants. We are working closely with key civil society partners to develop a regional protection framework and are in constant dialogue with governments and international agencies to encourage laws, policies, and practices that embrace child protection at their heart.

KIND joined the Regional Network of Civil Organizations (RNCOM), a coalition of civil society organizations working to promote the human rights of migrant and refugee populations in Central and North America. The RNCOM also serves as a civil society liaison to the Regional Conference on Migration (RCM), an intergovernmental forum of 11 Central and North American countries that share information and promote dialogue on migration. KIND participated in three general

sessions of the RCM focusing on child migration, making new connections with a variety of organizations with whom we can work and share knowledge.



KIND Highlight: Testified before IACHR

KIND testified at a hearing before the Inter-American Commission on Human Rights on child migration in the Central and North American corridor. We also presented at a conference marking 30 years since the signing of the Cartagena Agreement on Refugees which broadened protections in the region, and at the 2014 Global Forum on Migration and Development to ensure that unaccompanied children were included in the migration debate among a wide range of key international stakeholders.



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