

KIND



KIDS IN NEED OF DEFENSE

ANNUAL
REPORT

2013





KIDS IN NEED OF DEFENSE

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.



The names of all children in this report have been changed to protect their identity.

Letter from Board Chair

To say that this is an extraordinary time to be working with unaccompanied children would be an understatement. The numbers of these children coming to the United States have been rising significantly since October 2011, escalating further throughout this year, reaching historic levels by December 2014.

The majority of these children were fleeing violent gangs, many of which were forcibly recruiting children, threatening and attacking those who refused to join. These children felt that they had no choice but to come to the United States and seek protection.

KIND supporters rose to the occasion, volunteering additional time, attorneys, and other resources to help KIND reach more children, who were being referred to us in large numbers and very quickly. The stakes for these children are very high — life or death in many cases — and thanks to our supporters, more have attorneys to protect them from being sent back to grave harm.

In addition to facilitating legal representation, KIND has been advocating for increased protections for these children, including access to counsel, appropriate return and reintegration programs for children who cannot stay in the US, and funding to support the government's response. With the unprecedented number of children, even more is needed to ensure their representation and protection. About 70 percent continue to present their case in immigration court without an attorney.

You will read about KIND's work in 2013, our

accomplishments and activities of which many of you were an important part, and the reason we continue to grow in capacity and success. You are the heart of KIND, and without question, on the front lines of a historic human rights emergency that reaches to the core of our values as a nation and a people — the protection of the most vulnerable and the basic right to life and safety, and what many of these children have lost — a childhood.

Sincerely,



A handwritten signature in black ink, appearing to read "Brad Smith", written over a light blue circular stamp.

Brad Smith,
Board Co-Chair,
Executive Vice President and General Counsel,
Microsoft

Seeking Safety and Protection

Why would a child leave her home community and all that she has ever known to travel hundreds, if not thousands, of miles, on a journey she knows is very dangerous, to come to a country she knows nothing about? The answer in the majority of cases is complete desperation. These are children who see no other choice. As one child told an attorney, "It's flee or die."

Gangs are increasingly targeting children in the Central American countries of Honduras, Guatemala, and El Salvador for forced recruitment, and their governments are unable to protect them. Numerous children have reported being attacked, and family members and friends killed for refusing to join these gangs.

Violence in the Central American countries from which most of the children come has skyrocketed, with the region becoming one of the most dangerous in the world. Honduras has the highest murder rate in the world, while El Salvador and Guatemala rank fourth and fifth, respectively.

Many girls referred to KIND are survivors of sexual and gender-based violence from which they are unable to escape. Some of the children referred to KIND are trafficked to the US and suffer from being exploited for sex and labor.

A number of children referred to KIND are also victims of severe domestic violence. The child protection systems of these three top sending countries are weak, and children facing harm at home often have nowhere to turn for assistance in escaping the abuse and for finding safety in their community.

No Child Should Stand Alone

Unaccompanied children are not provided attorneys in their deportation proceedings and must find their own representation. KIND firmly believes that no child should ever have to go to court without an attorney and a full and fair chance to tell their story of why they fled to the US. Without representation, children are unable to present their claims to an immigration judge and defend against a government attorney who is arguing for the child's deportation. Our immigration system is inordinately complex, even for trained attorneys, adversarial, and designed for adults, with few accommodations made to acknowledge the unique experiences, vulnerabilities, and needs of unaccompanied children.

Success Story

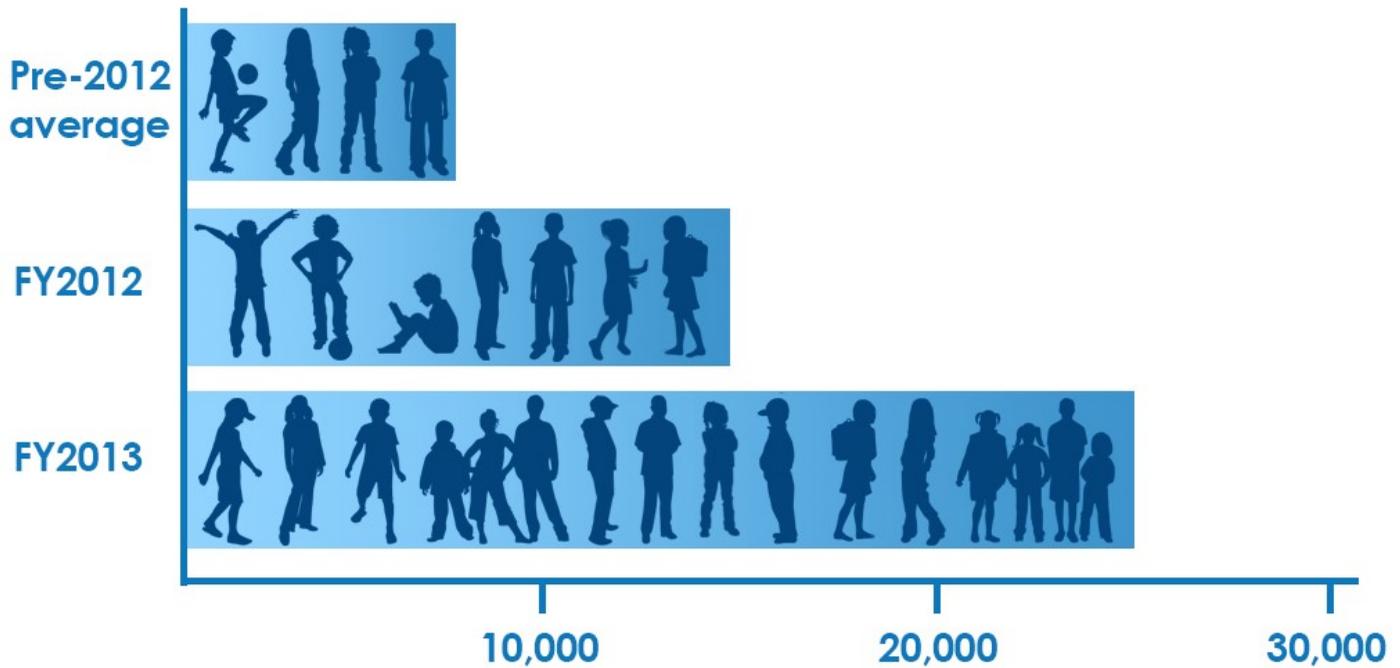
Attacked and Alone

When Olivia was 14 years old she was attacked by several masked men while walking to a store nearby her indigenous Mayan community in Guatemala. The men drugged her and raped her for four

days. Her family, worried when Olivia did not come home, contacted the police but nothing was done to search for their missing child. Olivia was eventually released when her family was able to pay the ransom the kidnappers had demanded. Olivia and her family then made a report to the Guatemalan police and asked for help. Despite clear medical evidence of sexual violence, the police refused to help. With no one to protect her, Olivia was terrified of leaving the house and unable to go

to school. Her family started receiving calls and threats that Olivia would be attacked again. Facing near certain violence and perhaps death, Olivia decided to make the journey to the United States. She was referred to KIND, which matched her with a pro bono attorney. Olivia and her family were thrilled when Olivia was granted asylum in 2013.

Influx of Unaccompanied Children into the United States



Source: Department of Homeland Security

Unaccompanied children are referred to KIND from the U.S. Department of Health and Human Services (HHS), which is charged with their care, custody, and placement with a sponsor. Many children are transferred to HHS within 72 hours of being apprehended at the border by Customs and Border Protection (CBP). Unaccompanied children from Mexico, however, must be screened by CBP, which determines if the child is eligible to be referred to HHS: if they are being trafficked, at risk of being trafficked, or express a fear of returning home. If no concerns are triggered, CBP can immediately return the Mexican child back to Mexico.

Once a sponsor is found for a child in HHS custody — 85 - 90 percent of children are released to a sponsor within an average of 30 days — the child is released to the city where the sponsor lives while the child's immigration case proceeds through the system. If a child is being released to one of the eight cities in which KIND works, we can receive a referral to find a pro bono attorney for the child.

KIND then activates our pro bono network in the city to which the child is released and finds a pro bono attorney among our diverse group of law firm, corporate, and law school partners. The lawyer will then represent the child throughout the child's immigration proceedings.

FACT: Children are 5 times more likely to gain US protection when they have an attorney by their side.



KIND Facts 2013

66

KIND has worked with children from 66 countries

5,500

More than 5,500 children had been referred to KIND by the end of 2013

6,000

Over 6,000 lawyers trained by the end of 2013

\$60m

KIND has received over \$60 million in pro bono assistance since 2009

191

KIND has partnered with 191 law firms, corporations, and law schools since 2009

No immigration experience necessary

KIND trains the attorneys who volunteer with us and mentors them throughout their cases to ensure they have all the information and tools they need to present the best case possible. In addition to in-person trainings, KIND has an online manual and videotaped trainings to help our attorneys access information whenever they need. Very few of KIND's pro bono attorneys have immigration experience before taking their first case.

KIND had trained more than 6,000 attorneys by the end of 2013 to create a robust national network of lawyers experienced in representing unaccompanied children. Firms often take numerous cases in their offices across the country and establish significant in-house expertise in these cases.

KIND field offices held numerous trainings in 2013 and trained many hundreds of attorneys nationwide. For example, KIND's Washington, D.C. office participated in a large joint training and pro bono recruitment effort with five well-respected nonprofit organizations, which was hosted by Fried Frank Harris Shriver & Jacobson LLP.

In Newark, NJ, KIND co-sponsored, along with local law schools, the City Bar Justice Center, Lowenstein Sandler LLP, and local nonprofits, an event to develop strategies to increase the recruitment of high-quality pro bono representation for immigrants. Department of Justice staff also attended the event, which was held at Rutgers University School of Law, as did staff from the office of Senator Robert Menendez (D-NJ).



"They are children. Getting to see them through the process and seeing the change they go through from a scared child in immigration court to this new-found confidence and even happiness is amazing."

– Meredith Stewart,
Partner, Pappas, Lenzo & Stewart LLP

KIND also held a firm wide asylum law training for Nixon Peabody LLP attorneys in the firm's Los Angeles, New York, Boston, and Washington, DC offices.



FACT: 90% of these children have family here in the US who will care for them.

Voices of Our Partners



"I am constantly stunned by the way people in this world treat each other, the way folks are victimized and the strength and courage that it takes for people to flee persecution that they suffer."

– Ronald Schechter, KIND Board Member and Partner, Arnold & Porter LLP

"It took different methods of Spanish interpreters, writing, listening, and talking to discover the extent of their [two young girls] sexual abuse. They couldn't initially say the details of their abuse because they were so young, afraid, and ashamed."

– Praveena Swanson, Associate, Proskauer Rose LLP



"Kids always need defense because they can't stand up for themselves to protect their rights."

– Mariya Deryugina, Associate, Crowell & Moring LLP

Success story

Trafficked to the U.S.

Mary has endured trauma that no one, let alone a teenage girl, should ever experience. Growing up in South America, Mary was beaten and

abused by her family members. She was forced to work various jobs instead of attending school and went hungry because her family often did not give her food. When Mary was a teenager, a woman offered her the opportunity for a better life in the US. The woman said that her friends would give Mary a safe home in the US and pay for her travel expenses. Mary accepted the woman's offer and agreed to travel with the woman to the US. Soon thereafter, Mary discovered that the woman had lied about her true intentions. In fact, the

woman and her friends were sex traffickers. Mary suffered repeated sexual and physical violence before she was abandoned in the US near the border with Mexico. Mary was taken into custody by US Immigration and Customs Enforcement officials and, eventually, transferred to Massachusetts where she now happily lives with a foster family. KIND matched Mary with attorneys at Mintz Levin LLP who helped Mary gain a green card.

KIND Honors

KIND's host firm and outstanding pro bono partners in Los Angeles, Holland & Knight LLP, nominated KIND as a recipient of the Non-Profit Organization of the Year Award in the Los Angeles Business Journal's 2013 Nonprofit and Corporate Citizenship Awards. KIND was honored as one of four finalists and received an award for our work.

2013 Gala and Honorees

On April 30, 2013, KIND honored law firms and corporations that have changed the lives of children who came alone to the United States in search of safety and protection. KIND's Annual Gala Dinner, "**Coming Together for Children Alone**", also included special guests **Victoria Reggie Kennedy**, **Philip Glass**, and Pulitzer Prize winning journalist **Sonia Nazario**, author of *Enrique's Journey*.

KIND presented its Innovation Award to Wyndham Worldwide and its Momentum Award to American Express. KIND also honored three prominent law firms with its Allegiance Award: Holland & Knight LLP; Lowenstein Sandler LLP; and Simpson Thacher & Bartlett LLP.

Victoria Reggie Kennedy, Co-Founder and President of the Board of the Edward M. Kennedy Institute for the United States Senate, welcomed guests and served as the evening's emcee. Ms. Kennedy started the evening off by saying, "Kids in Need of Defense – KIND – what a wonderful name. In the Washington world of alphabet soup where acronyms have no real meaning, KIND is the wonderful exception. The name says it all. KIND. Compassion, caring, reaching out to the children who are the most vulnerable and alone in this country,



Brad Smith presents the Innovation Award to Wyndham Worldwide, which was accepted by EVP and General Counsel, Scott McLester.



Brad Smith (left) and Wendy Young present the Allegiance Award to Gary Wogens, Chairman and Managing Partner, Lowenstein Sandler.

separated from their parents, thrust into the immigration court system and threatened with deportation, all through circumstances totally out of their control."

Pulitzer Prize-winning journalist and author Sonia Nazario gave the keynote speech. Nazario has spent 20 years reporting about social issues, including as a reporter for *The Los Angeles Times*. In 2003, her story of a Honduran boy's struggle to find his mother in the US was published first as a series by *The Los Angeles Times* and later as a book, *Enrique's Journey*.

KIND Board Co-Chair and Microsoft Executive Vice President and General Counsel Brad Smith highlighted KIND's success. "I'm proud to reflect on all that the organization has accomplished," he said. "Five thousand seems to be the benchmark this year—almost 5,000 children have come to KIND for assistance and more than 5,000 attorneys have been trained to help them. Case by case, we are making a difference. Children who are fighting for their childhoods, and in some cases their lives, are being granted protection, because KIND and its volunteers are by their side."

Smith also announced that the Microsoft Challenge Campaign, launched in November 2012 with a dollar-for-dollar match by Microsoft, raised more than \$300,000 in support of KIND.

Equal Justice Works Fellow Highlights 2013

Equal Justice Works Fellows worked in several KIND offices and made important strides towards helping children who suffered particular harm in their home countries. KIND's Los Angeles Fellow, sponsored by Microsoft, worked to advance understanding in Los Angeles family courts about claims by unaccompanied children who were abused, abandoned, or neglected, also known as Special Immigrant Juvenile Status (SIJS) claims. One case involved a 16-year-old boy who left El Salvador to escape his abusive father and to reunite with his mother in Los Angeles. The young boy had suffered such brutal beatings that he still experienced pain in his lower back and suffered from anxiety attacks and nightmares even months after arriving in the US. The EJW Fellow, co-counseling with a pro bono attorney with family law experience, assisted the child and his mother and successfully obtained SIJS findings on his behalf.

KIND's Washington, DC EJW Fellow (sponsored by The Morrison & Foerster Foundation) and Boston EJW Fellow (sponsored by Microsoft and The Sidley Austin Foundation) have made tremendous progress in working with



unaccompanied child survivors of sexual abuse. In one case, a young girl from El Salvador who was abandoned by her father at a young age, began being sexually abused by members of the MS-13 gang. After escaping to the US, she was terrified at the prospect of being sent back. KIND's EJW Fellow, sponsored by the Morrison & Foerster Foundation, successfully worked to get her SIJS so she could safely stay in the US.

A Perfect Union — KIND and VAIJ

KIND united with Volunteer Advocates for Immigrant Justice (VAIJ), an organization in Seattle that provides pro bono representation to unaccompanied children, adults, and refugees. The result is an even stronger KIND that will be able to reach more children in desperate need of representation. VAIJ was co-founded by Microsoft and the ABA Commission on Immigration 10 years ago and has been enormously successful in helping hundreds of immigrants and refugees gain lawful immigration status and security from abuse and persecution. In fact, VAIJ's success inspired Microsoft to join with UNHCR Special Envoy Angelina Jolie to co-found KIND in 2008. VAIJ and KIND have partnered together in the past to multiply their impact and now, as one organization, this work will be even more effective. With this merger, KIND added a Seattle office.



FACT: Only one in 10 unaccompanied children without an attorney gained U.S. protection.

Public Education and Outreach

Comprehensive immigration reform received a boost in June 2013, when the Senate passed a bill that would have provided important new protections to millions of immigrants. KIND successfully ensured that language that helped increase the protection of unaccompanied children was written into the bill, S.744, including appointed counsel and support for return and reintegration programs for these children. The House of Representatives' companion bill, H.R. 15, included the same language, but was not voted on by the House.

In addition, KIND worked with Representative Roybal-Allard (D-CA)'s office on return and reintegration language in the Child Trafficking Victims Protection Act, which she introduced in July 2013.

KIND presented at the 57th Session of the UN's Commission on the Status of Women on unaccompanied children and their particular vulnerabilities, including trafficking, and KIND's work protecting their basic rights and safety.

KIND also testified at a hearing of the Inter-American Commission on Human Rights, "The Situation of the Rights of Children in the Context of Migration in the Americas", in which we highlighted the unprecedented number of unaccompanied children coming to the US, our Guatemala return and reintegration project, and the need to address child migrants as a regional priority.



Success story

Little Protection for Children in El Salvador

Eduardo remembers what it was like playing and going to school in his peaceful beach town in El Salvador

before it was taken over by the MS-13 gang. At 15, Eduardo began receiving threats to force him to join the gang. Eduardo refused for over a year and then, in one day, his life changed forever. While riding a bus into town he witnessed several gang members get on and shoot the driver in the head. Eduardo cooperated with the police and agreed to testify against the men who murdered the driver. At 16, Eduardo was moved to a safe house for six months during the trial but was then released from

witness protection after some, but not all, of the men were convicted. With no one to protect him from the gang members who knew he had testified against them, he fled for the US to live with his father. Eduardo was referred to KIND and was matched with pro bono attorneys from Nixon Peabody LLP. With the help of his attorneys, Eduardo's asylum application was approved in 2013. Eduardo is very happy to be living in safety in the US.

Drawings by Brandon (opposite page) show his journey to the US, and reunion with his mother, from the film I LEARN AMERICA.





Advocacy Day 2013

KIND led teams to Capitol Hill for meetings with Congressional staffers during our 3rd annual KIND-Troutman Sanders Advocacy Day to urge Congress to support the protection and legal representation of unaccompanied children as part of comprehensive immigration reform. The day began with a keynote speech by Fred Humphries, Vice President of US Government Affairs, Microsoft, and advocacy training with Bill Kamela, Microsoft Policy Counsel and H.R. Bert Pena, Partner, Troutman Sanders. KIND pro bono attorneys from a number of law firms and corporations participated, including Alston & Bird LLP, Seyfarth Shaw LLP, Holland & Knight LLP, AT&T, and Turner Broadcasting Systems. Participants described to staffers their personal experience working with unaccompanied children and the vast need for legal services for these children. Closing the day,



KIND staff and Advocacy Day participants in front of Capitol Hill before their meetings.

Acting Associate Attorney General for the Department of Justice, Tony West, gave the keynote speech. Acting Associate Attorney General West recognized the undeniable need for counsel for these children and expressed great appreciation for the work of pro bono attorneys across the country, saying, "KIND

being able to unleash volunteer attorneys is crucial to the children who have entered our system; to put a child in court without counsel is unacceptable and not who we are as a nation."

Success story

Kidnapped and Held for Ransom

Yesenia had suffered two very traumatic events in her life by the age of 14. When Yesenia was very young she was sexually assaulted by an adult neighbor in the home she was living in with her grandparents. Yesenia then set off to travel with her older brother to the US, but the two

became separated in Mexico after three weeks. Yesenia traveled for six more days by herself, before members of the Los Zetas gang kidnapped her. Yesenia was taken to a house where numerous adults and children who had also been kidnapped were being held. She spent 11 days at this house, where she witnessed members of the gang brutally murder two men, was forced to eat spoiled food, and was beaten with a wooden slab. The kidnappers demanded information regarding Yesenia's parents and sent ransom notes demanding money for her release. Yesenia was then moved by her kidnappers to a stash house in

Texas, where she witnessed the murders of two adults and two children. Yesenia was told that if her parents did not pay the ransom, she would be used as a prostitute. Yesenia's parents wired the ransom to the kidnappers and called the police. Federal authorities then raided the stash house, freeing 18 migrants who were held there. Yesenia met with federal law enforcement officials to provide detailed information regarding the criminal cartel. Yesenia was paired up with a KIND pro bono attorney, who helped her successfully obtain a T (trafficking) visa.

Guatemalan Child Return and Reintegration Project

KIND's Guatemalan Child Return and Reintegration Project (GCRRP) reached its third year in 2013. In addition to the coordinated services that KIND and our nongovernmental organization partners in Guatemala provided to children who returned home, KIND significantly expanded outreach and advocacy on the local, national, and international levels to highlight what we learned from the first three years of the project. This work has served as a catalyst to increased return and reintegration programming in the region, and to promote solutions to the root causes that compel children to undertake the treacherous journey to the US alone.

Between October 2010 and December 2013, KIND's GCRRP served over 110 children who chose to participate in the project. KIND and our partners helped returning children with family reunification, psychosocial needs, school enrollment, technical and life skills training, and with connections to community resources. Some received help accessing scholarships, which are greatly needed.

During the summer of 2013, KIND and one of our partners, Colectivo Vida Digna, visited two GCRRP participants who returned to the regions of Totonicapán and El Quiché. Home visits with the children are an important opportunity to better

understand the realities that youth and their families face in Guatemala, including severe economic deprivation, especially in very remote and rural regions.



KIND GCRRP participant with her family in Guatemala

As part of our increased advocacy in the region, KIND participated in the first regional forum on unaccompanied child migration, which was held in Antigua, Guatemala in September 2013. KIND also joined in 2013 the Regional Network of Civil Society Organizations on Migration (RRCOM), a coalition of civil society groups working to promote the human rights of migrant and refugee populations in Central and North America. KIND will continue to expand our network of colleague organizations and our work promoting regional protections for migrant children in countries of transit, destination, and origin.

Helping Mark Return to His Community

Sixteen-year-old Mark recalls going without eating many days. Motivated by the extreme poverty that his family endured regularly and despite his father's objections, Mark left Guatemala in June 2013 for the US. He arrived at the US border two months later, and was apprehended by US Customs and Border Patrol. Mark did not have a sponsor in the US to whom he could be released, so he remained in a Department of Health and Human Services (HHS) shelter while he awaited his immigration hearing. Mark wanted to stay in the US, but he was not granted status that would have allowed him to remain. Mark felt sad, disappointed in himself, and anxious about his return and the debt he incurred

to go to the US. His HHS social worker referred him to KIND for GCRRP support.

Upon his return to Guatemala, one of KIND's partners, Colectivo Vida Digna, conducted a home visit to understand Mark's family situation and the reasons behind his migration. Colectivo Vida Digna has worked extensively with Mark to give him psychosocial support. He is now working on a construction project and is paying off his debt, which concerns him greatly. Mark expressed interest in taking English classes to increase his chances of finding work. Colectivo Vida Digna helped him enroll in a course near his home, is monitoring his progress, and looking for additional vocational training to help expand his opportunities.

KIND in the News

The *New York Times* published an op-ed by KIND Board Member Sonia Nazario highlighting the perilous situation of unaccompanied children in the United States and the need for pro bono attorneys. KIND President Wendy Young and former Immigration and Customs Enforcement Director Julie Myers Wood wrote an op-ed for *The Wall Street Journal* outlining the vital need for representation for unaccompanied children. KIND was quoted in *The Washington Post*, *Newsweek*, *ABC Univision*, and *CQ Roll Call*. A child referred to KIND was interviewed by NPR, and a KIND pro bono attorney and her client were featured in an article in the *Virginia Quarterly Review*.

The New York Times

Op-Ed Contributor

Child Migrants, Alone in Court

By SONIA NAZARIO
Published: April 10, 2013

LOS ANGELES

BELKIS RIVERA, 14 years old, sat in the Los Angeles immigration courtroom, in a black coat and purple scarf, shaking with fear.



When Belkis was 6, the gang that controlled her neighborhood in San Pedro Sula, Honduras, killed her grandmother and then her uncle, and demanded that her brothers join as lookouts. Belkis's mother took the boys and fled to the United States, leaving Belkis behind with family. When the gang started stalking and threatening Belkis, then 13, she followed, making the terrifying six-month journey across Mexico by herself. She was caught by the Border Patrol last September, while crossing into the United States.

Now she faced one more trauma: America's judicial system.

I LEARN AMERICA



The documentary film "I LEARN AMERICA" follows the lives of five young immigrants in the US and their progress in a high school for newly arrived immigrants. KIND found pro bono representation for two of the teenagers featured in the film, Brandon from Guatemala and Sandra from Poland. Nixon Peabody LLP successfully helped them with their immigration status. KIND has been working with the film's directors, Jean-Michel Dissard and Gitte Peng, to help promote better understanding of the challenges new young immigrants face in the US.

"I want to find ways I can help people be proud of who they are and where they came from. I want to help kids who are afraid because they are immigrants, are afraid to go to college, or even to finish high school."

– **Brandon** came to the US from Guatemala when he was 12.

La Jaula de Oro "The Golden Cage"

KIND was excited to work with the producers of the film *La Jaula de Oro* or "The Golden Cage" which depicts how children in Central America traveling alone to the US, many on the top of trains, are often robbed, beaten, sexually assaulted, and kidnapped by gangs during their journey. Some are maimed and many face long periods of time without food or water. A producer of the film, Edher Campos, showed a clip at a KIND event in Los Angeles, and explained their goal of helping the public better understand the lifethreatening journey these children make. *La Jaula de Oro* has been widely recognized in the international community, winning the "Certain Talent Prize" at the 2013 Cannes Film Festival, and other honors.



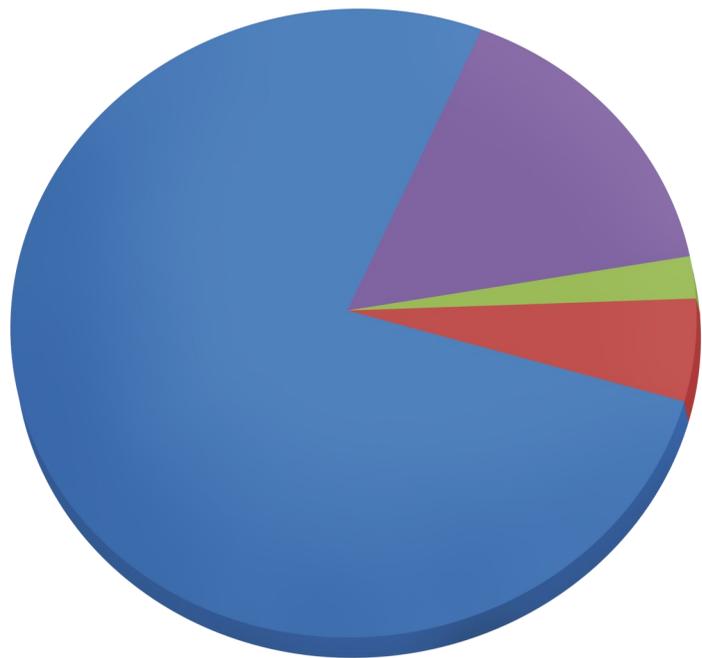
Three teenagers trying to reach the US in "La Jaula de Oro"



Financial Data

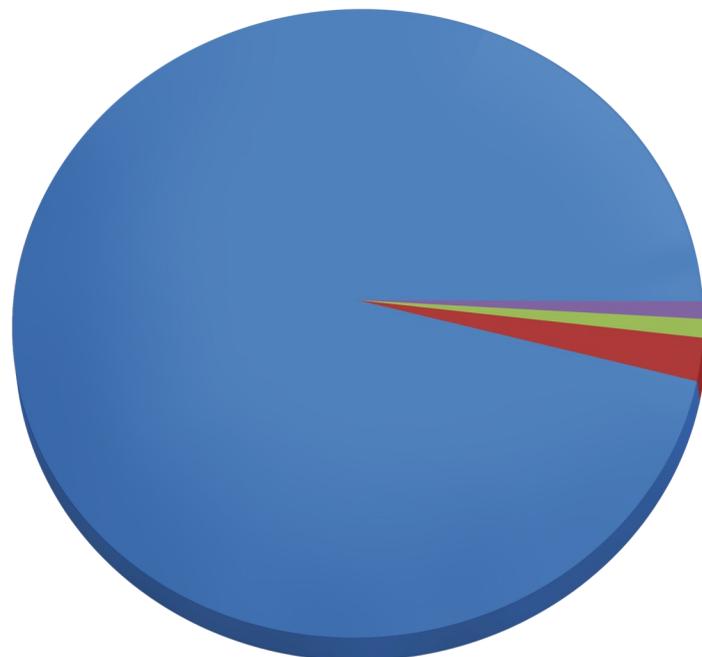
Revenue Percentage

- Donated Legal Services - 78%
- Government Grants - 5%
- Events - 2%
- Other - 15%



Expense Percentage

- Legal Services - 96%
- General and Administrative / Fundraising - 2%
- Guatemala - 1%
- Public Education and Outreach - 1%



*un-audited figures



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**Board and staff who departed KIND in 2014*

***Board and staff who joined KIND in 2014*



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