**Contribution of Catholic Charities, Archdiocese of New York to:**

**CMW-CRC Joint General Comment on the Human Rights of Children**

**in the Context of International Migration**

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1. **Introduction and Background**

Over the course of the past five years, the United States has experienced a surge of arrivals of unaccompanied and accompanied migrant children fleeing violence, persecution, abuse, and social, political, and economic chaos in Central America. In 2014, over 50,000 unaccompanied children from El Salvador, Guatemala, and Honduras sought protection in the United States; this was 21% more children than the previous four years combined. That same year, approximately 50,000 children accompanied by a parent or guardian also sought to enter the country. While the number of arrivals in both categories slowed in 2015 partly as a result of the implementation of a southern border security plan by the Mexican authorities, the pace of apprehensions for 2016 indicates that the same total number of children—100,000 or more unaccompanied and accompanied—will make their way to the United States in 2016. Approximately 12,000-14,000 will resettle in New York State. All of these children and families will have been detained and placed in deportation proceedings in the immigration courts. All of them will join, either temporarily or permanently, new communities of family, faith, school, and work.

The arrival and presence of children is a continuing modern-day phenomenon that is inadequately addressed by existing remedies. It confronts legal norms—as existing laws insufficiently address the refugee experience of children—and poses new integration challenges. The Convention on the Rights of the Child (CRC) and the Convention on the Protection of the Rights of All Migrant Workers and Their Families (CMW) contain provisions that establish specific obligations related to the rights of children affected by migration. Setting aside questions about the legal application of these treaty obligations, the objective of this short overview is to provide a regional perspective on the needs and challenges presented by child migrants and to offer a short description of the response of Catholic Charities in New York. The broader intent is to support the call for human rights responses and solutions to the child-migration phenomenon as guided by the principles contained in the CRC and CMW.

1. **Catholic Charities Community Services, Archdiocese of New York**

Catholic Charities Community Services (CCCS) provides human services to New Yorkers of all religions who are in need. The newcomer, the family in danger of becoming homeless, the hungry child, the emotionally challenged and developing youth are among those for whom we have a particular concern. Our work is grounded in the belief in the dignity of each person as made in the image of God and the building of a just a compassionate society. CCCS provides a comprehensive range of professional human services, including: immigration legal services; refugee resettlement services; child migrant protection; English instruction; eviction prevention; case management to help people resolve financial emotional, and family issues; assistance for the blind and visually impaired; sports and recreation for youth; and supportive housing for adults with mental illness.

1. **Child Migration Challenges**

Detention. The mandatory detention of child migrants—under Immigration and Nationality Act Section 235—whether they are accompanied or unaccompanied, should be discontinued. The nature of detention is regarded by the mental-health professional and academic communities as a major contributing factor to mental deterioration, despondency, suicidality, anger, and frustration. There is ample empirical evidence of the detrimental impact of short- and long-term detention on the wellbeing of immigrant families and children, including those who are separated and in the community. While shelter care for unaccompanied children is necessary where appropriate, indiscriminate detention policies that are predicated on principles of deterrence are ineffective, harmful, and counterproductive.

Counsel. Because there is no right to a government-appointed lawyer in immigration court, children and families must rely on scarce non*-*governmental agency attorney representation, private *pro bono* lawyers, or expensive fee-based private attorneys. Given the relative indigence and low economic status of most children and their families and the dearth of free lawyers, as a practical matter this means that over two-thirds of children are not represented by counsel in court. Claims for relief, which include asylum, special immigrant juvenile status, U-Visa and T-Visa Certification, to name a few, are complex, costly, and protracted, sometimes requiring up to three years to complete. Court statistics for the past years show that 73% of cases will succeed when represented by counsel while only 15% will succeed without counsel.

Trauma. Many unaccompanied minors are in need of on-going mental health services, due to trauma suffered in their home country or on the journey to the United States. Most children have been the target of or witness to serious violence and death, while a majority of girls have experienced sexual abuse. Most children were separated from their parents and suffer symptoms of abandonment/attachment, parent authority conflict, and the externalization of their mental health condition through PTSD, depression, and anxiety. But the lack of Spanish-language and low-cost mental health providers, combined with a cultural resistance to intervention, leaves the majority of children exposed and alone to the vagaries of their traumatic condition.

Education and Work. Older, indigenous youth, particularly those who are 17 at the time of entry, have no opportunity to enroll in high school and have no meaningful access to equivalency programs. This is so because of a lack of Spanish programs and because of the children’s comparatively low literacy. As a result, these children are more likely to seek full-time day-laborer employment to sustain themselves and their families and to pay off debts, further marginalizing them socially and economically.

Social Risk. Because of their unique status, even once in the United States, children are at continued risk of human trafficking, gang violence, labor abuse, and other forms of exploitation.

1. **The Response and Work of Catholic Charities**

For over thirty years CCCS has worked with vulnerable migrant children who are seeking assistance. In the past ten years we have focused on the needs of children from Central America and have developed over a dozen programs across three general areas—legal services, shelter/detention intervention, integration support—to meet them in a way that holistically incorporates their human, social, and legal needs.

Legal. CCCS helped marshal two multi-agency (8 partners) collaborative projects for the deportation defense of unaccompanied and accompanied children appearing on the accelerated court docket in New York. The goal has been to provide representation for the thousands who cannot afford private counsel. CCCS alone represented over 400 children in 2015.

Shelter/Detention. CCCS provides know-your-rights presentations and individual consultations in 11 shelter/detention facilities in New York State. In 2015 we provided presentations and consultations to over 2,800 detained children and met with over 1,600 parents to offer them rights and responsibilities orientations.

Integration Support. CCCS: provides case management/transitional resettlement support to over 1,000 children and families who seek assistance with education, housing, health, and services access each year; operates the national Children’s Call Center for referrals and support to over 5,000 individuals each year; provides rights and responsibilities orientations to parents and custodians in 180 yearly seminars; has developed a soccer program with South Bronx United for youth (who met Pope Francis in September 2015); provides English instruction; has established *Terra Firma,* an innovative medical-legal partnership program with a local family clinic, where 100 particularly vulnerable unaccompanied children each year can receive medical, psycho-social, legal, and case management support in one place with a dedicated team of experts.

1. **Conclusion**

Parallel, complementary solutions to the legal and human problems posed by the continuing exodus of Central American youth are critical to ensure the vitality of a generation of children in New York and in our neighbor states in the South. Ultimately, the United States must work to tackle the root causes of violence and structural poverty facing the region, which would eliminate the need for people to flee in the first place.

*(Catholic Charities is the Caritas member for the USA)*