

## Commentary

### Help's out there for immigrant kids

By WENDY YOUNG

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Juan was 16 years old when he fled Guatemala for the United States to escape a life of abuse. His alcoholic father regularly beat him and forced him to work from a young age. Juan endured severe hardship on his journey to the U.S., and often wondered if he'd survive. Juan (not his real name) ended up in immigration court in Texas, where authorities are seeking to send him back to Guatemala.

More than 8,000 children like Juan come to the United States alone each year; many are seeking safe haven from human rights abuses, domestic violence and trafficking. When they are caught, they are put in immigration proceedings to decide whether they can stay or must return home. More than half of these children, some of whom are remarkably young, must face these proceedings without the help of a lawyer or guardian. The U.S. government does not provide people in immigration proceedings — even children — with a lawyer, even though the government is represented by a lawyer. Children who have viable claims are often not able to present them and are sent home, where their well-being, even their lives, may be in danger.

But Juan is one of the lucky few; he has a pro bono attorney who is helping make his case to stay in the United States so he is not sent home to face more abuse.

The good news is that more vulnerable children will have access to free lawyers and other basic protections thanks to the passage of a law that for the first time requires that children's well-being be considered foremost by officials who pick them up entering the United States. The Trafficking Victims Protection Reauthorization Act of 2008 says that when children come here without documents and without a parent or legal guardian, officials are to act according to the best interests of the child — and not according to an archaic and outdated system that was never designed to handle children.

The law requires the government to facilitate the representation of children by pro bono attorneys in the private sector. This opens the door to innovative public/private partnerships at no cost to the government that will make a real difference in these children's lives.

Now the law needs to be fully implemented and the government needs to do its part. It must institute procedures that give children a fair opportunity to share their experiences of abuse and trauma. Judges and lawyers must be trained so that they don't inadvertently cause children more trauma. Imagine being a young teenager and having to tell lawyers and a judge who you have never met your story of being sold to traffickers. Or having to describe beatings by your father, and showing a stranger the 10 scars that attest to this brutality. Compassion must be shown so that children are not sent home to face further harm or even death.

In 2004, Edgar Chocoy faced exactly that. He told an immigration judge that gangs in Guatemala would kill him if he were forced to go home. He was denied asylum, sent back to Guatemala and murdered 17 days later.

If children are returned, they must be sent home with assistance. Currently, children are abandoned in airports in their home countries rather than assisted to reunify with their families.

Ensuring that this important law is implemented will not only help vulnerable children alone in Texas and nationwide, but will save our government time and money, and give the United States an opportunity to serve as a role model by demonstrating our commitment to protecting children in desperate need within our borders.

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