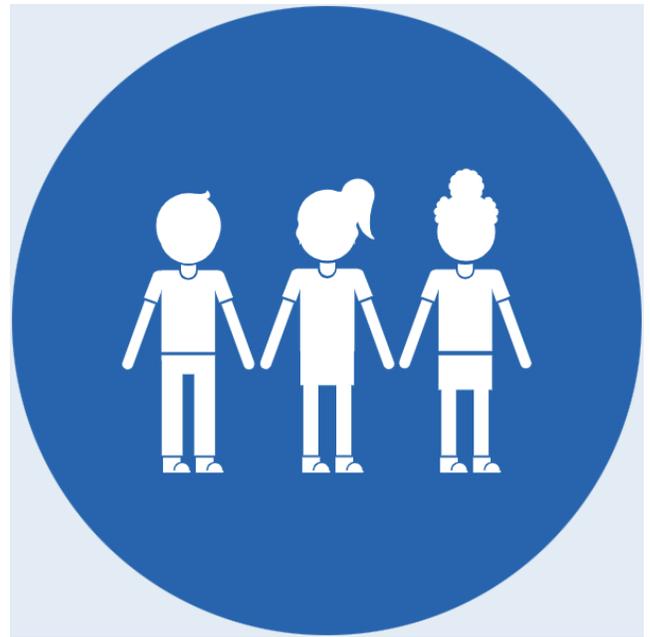


Immigrant Children and Human Rights

Joint Stakeholder Summary Report



Submitted for the 36th Session of the
Universal Periodic Review



**UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA**

UN Universal Periodic Review: Third Cycle Summary of Stakeholder Report: United States of America “Immigrant Children and Human Rights”

UNA-Southern New York State Division is dedicated to building a strong network of global citizens in support of the United Nations. We work hard to inform, inspire and mobilize members of the community to engage with critical global issues central to the work and mission of the United Nations. We include the New York, Brooklyn, Queens, Bronx, Long Island, Mid-Hudson Valley, and Westchester UNA Chapters and groups. The goal of the division is to foster dialogue and awareness in the region, as well as to coordinate with our chapters and the broader UNA-USA network.

Towards the goal of contributing primary-source input for the Universal Periodic Review of the United States in May 2020, the UNA-Southern New York State Division (UNA-SNY) submits this individual stakeholder report with a focus on immigrant children and human rights. To compile this report, the division organized a grassroots consultation with local advocates and organizations. Specifically, this report addresses three issues:

- Effects of Immigration Policies on Children;
- Family Separation Policy and Legal Representation;
- Treatment of Children in Custody

This stakeholder report was compiled through a consultation process in which UNA-SNY held its 6th annual Consultation on Race, Criminal Justice and Human Rights on July 8, 2019. Participants discussed U.S. policies regarding the treatment of immigrant children and asylum-seekers, particularly at the southern U.S. border. The consultation included 44 invited experts and community members as well as a dozen civil society co-sponsors.

A. Effect of Immigration Policies on Children

Beginning in 2017, the Trump Administration issued 19 executive orders or took other actions designed to restrict immigration. They include lowering refugee admissions, financially targeting sanctuary cities, increasing the numbers of undocumented persons arrested, and seeking to end family reunification (often referred to as “chain migration”). The Trump Administration has also significantly restricted the admission of refugees into the U.S. Restrictions on these admissions have had a particularly adverse effect on children whose families are fleeing violence and persecution in their home countries and seeking asylum in the U.S. In September 2019, President Trump instituted by far the lowest ever cap on refugee admissions. In another problematic move, the Trump Administration declared that persons seeking asylum in the U.S. from certain countries in Central America first must seek asylum in a transit country.

B. Family Separation Policy and Legal Representation

The Administration announced in May 2018 a “zero tolerance policy” by which it would prosecute parents who crossed the U.S. border illegally with their children, separate parents from

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For full report please visit: http://bit.ly/UNA_UPR-Immigrant-Children

their children pending resolution of their cases and place the children in shelters or with families. The policy applied to those crossing the border illegally, not those requesting asylum at ports of entry. However, those caught crossing the border illegally would still be permitted to apply for asylum. Furthermore, there is no comprehensive system to track the whereabouts of children after they have been separated from their families, often resulting in a complex and lengthy process of reunification.

There is also concern regarding appropriate legal representation for immigrant families and children as neither children nor adults have a right to legal counsel in immigration court. In the United States, immigrant children who are subject to deportation or asylum hearings are not entitled to court-appointed lawyers.

C. Treatment of Children in Custody

Children arriving at the border, accompanied or unaccompanied, have been taken into custody, separated from their parents or guardians, detained against their will in hostile environments, placed in federal or private detention centers, provided with minimal care, and transferred to other temporary care centers throughout the country. Conditions of confinement are reported to vary greatly, from limited to deplorable, from barracks to cages, and with review by outsiders including members of Congress highly circumscribed or completely prevented. Children subjected to the immigration system face trauma from separation from parents, confinement, questioning, and incarceration. There have also been 4,500 complaints of sexual abuse against unaccompanied immigrant minors held in custody from 2014 to 2018.

The U.S. Court of Appeals on August 19 ruled against the Trump administration, with one judge writing that “assuring that children eat enough edible food, drink clean water, are housed in hygienic facilities with sanitary bathrooms, have soap and toothpaste, and are not sleep-deprived are without doubt essential to the children’s safety.” However, detained migrant children still face inhumane conditions in detention facilities that are detrimental to their physical, mental, and emotional wellbeing.

Recommendations for the United States:

- Extend refugee status to asylum-seekers fleeing domestic and gang violence in their country of origin.
- Ensure that the rights of immigrant families and children are protected no matter their legal status.
- Completely revoke the family separation policy and take all necessary measures to reunite children with their families.
- Provide immigrants, especially unaccompanied children, with legal services during immigration and asylum hearings.
- Provide additional support to immigration judges and attorneys to ensure that cases are reviewed in a timely and thorough manner.
- Seek alternatives to the present detention system, including emphasis on due process, justice and humane treatment.
- Improve conditions of confinement to meet basic human rights standards.

“Migrant children are entitled to all of the human rights established in the Universal Declaration of Human Rights... the International Covenant on Civil and Political Rights (ICCPR), the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Convention on the Elimination of All Forms of Racial Discrimination”
- UNA-USA Southern New York Stakeholder Report