



PRESBYTERIAN CHURCH (U.S.A.)

OFFICE OF THE GENERAL ASSEMBLY

March 2, 2015

Dear Members of the House of Representatives,

I write to you today on behalf of the General Assembly of the Presbyterian Church (U.S.A.) to express concern about the Protection of Children Act and the Asylum Reform and Border Protection Act.

Just as Christ welcomed the children¹, so strives the church. Presbyterian congregations across the United States gathered together to support the needs of unaccompanied children arriving from Central America in the summer of 2014. Their stories and their faces are forever etched on our hearts and in our minds. The notion that our government could have kept any one of these children in detention longer or required them to participate in a hearing so ordered as to guarantee their return to danger, as these proposed bills would allow, is contrary to our belief in the special place children hold in our faith communities.

The authors and signors of the Trafficking Victims Protection Reauthorization Act (TVPRA) recognized the value and vulnerability of children when they added the provisions protecting unaccompanied minors in 2008. That section of the TVPRA was passed by a bipartisan Congress and signed into law by a Republican president.² The process under the TVPRA was created out of a concern that a child traveling alone from another country could be fleeing genocide, family violence, and/or have become the victim of human trafficking. The protections of the TVPRA have been used to save the lives of thousands of children from countries all over the world since its passage. The tragic arrival of tens of thousands of children last year does not make the need to protect children and ensure that their humanitarian claims are heard any less important. We do not alter our values and obligations to children and the world because it has become inconvenient.

Proponents of diminishing the protections to unaccompanied children in the TVPRA blame the TVPRA for the arrival of thousands of unaccompanied children at our southern border last year. This logic is flawed and altering the TVPRA will not keep children from making dangerous journeys to the U.S. The majority of child arrivals last year were from Honduras, Guatemala, and El Salvador. They were fleeing country conditions, not arriving to take advantage of permissive laws. Proof of that lies in the fact that countries neighboring Honduras, Guatemala, and El Salvador saw a similar increase (712 percent) in the amount of children applying for asylum as well.³

The TVPRA's guarantee of a speedy placement with Health and Human Services and in the least restrictive setting considering the best interest of the child is not a "loophole." Children who arrive alone from noncontiguous countries have traveled a great distance and are likely to have been traumatized and exploited on their journey. Taking them out

of the hands of an immigration enforcement agency and placing them in the care of a social service agency is common sense. This guarantee allows children the time and space to tell their story and have access to counsel. These are not lavish or meaningless guarantees. They are basic due process guarantees that take into consideration the nature and vulnerability of a child far away from home and placed in immigration removal proceedings.

The Protection of Children Act and the Asylum Reform and Border Protection Act would take away these basic due process protections by requiring that children remain in the custody of Homeland Security for thirty days and be subjected to a removal hearing with an immigration judge within fourteen days. These acts further eviscerate due process by eliminating the review process that takes into account a child's ability to make an independent decision about her or his case and forbids the use of government funds for attorneys for unaccompanied children in removal proceedings. Children, far away from home and likely subjected to trauma, will be forced to tell their story to immigration enforcement officers and participate in hearings without counsel a mere fourteen days after arrival in the United States. The passage of either of these bills guarantees that children with real claims for protection by this country will instead be returned to the violence and exploitation they journeyed so far to escape.

United States immigration law does not require adults who appear at our border with humanitarian claims to prepare a hearing within fourteen days. We do not have a mandate to hold them in custody while they await their hearing. Why, then, would we require children, who have been traumatized, who may not understand English or be able to read in any language, to be held to a more onerous process? Children deserve special consideration and protection—not less consideration and protection. The authors and signors of the TVPRA in 2008 understood this. A vote for lessening the protections of the Trafficking Victims Reauthorization Protection Act would be a vote for refolement of the most vulnerable group of persons seeking protection that our country encounters—unaccompanied children.

We ask that you oppose the Protection of Children Act and the Asylum Reform and Border Protection Act and any other bill that is proposed that would lessen the protections of the Trafficking Victims Reauthorization Protection Act.

In Christ,



The Reverend Gradye Parsons
Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.)

¹ Matthew 19:13–14

² <http://www.ice.gov/news/releases/president-bush-signs-william-wilberforce-trafficking-victims-protection>

³ Children on the Run, UNHCR, <http://unhcrwashington.org/children>