

July 28, 2014

President Barack Obama
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

Amnesty International is a global movement of more than 3 million supporters, members and activists in over 150 countries and territories who campaign to fight injustice and promote human rights. Amnesty International's vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

As the Board of Directors of Amnesty International USA (AIUSA), we are concerned about the humanitarian crisis involving unaccompanied child migrants on the southern border of the United States and call on the US government to protect these children, as obligated under international law.

The unprecedented levels of organized crime and gang related violence in Mexico and many Central American countries has spurred thousands of unaccompanied children to migrate to the United States. A growing number of these unaccompanied children are young girls. Amnesty International has previously documented how the journey to the United States through Mexico for many migrants can be devastating and dangerous. Riding precariously on the tops of freight trains, many are met with discrimination and xenophobia, targeted by people smugglers and traffickers, and prey to kidnapping by criminal gangs - in many instances in collusion with government officials. Every year thousands of migrants are ill-treated, abducted or raped. All migrants are at risk of abuse, particularly unaccompanied children. Those who commit abuses against migrants are rarely held to account. For those who survive the extreme insecurity and dangers of the journey through Mexico, reaching the US border brings its own hazards.

Undocumented migrants often travel through desert on foot, or are smuggled in car trunks, cramped vans, trucks, or shipping containers, as human cargo. Increased immigration enforcement in certain border areas has pushed undocumented immigrants to use particularly dangerous routes through the US desert; hundreds of people die each year as a result.

Upon arrival in the United States, unaccompanied children are detained by US Border Patrol and then turned over to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services while placed in deportation proceedings. Since October 2013, the number of apprehended children has already surpassed 57,000. This is more than twice as many

children who were apprehended by US Border Patrol during the same period in 2013. The total number of apprehended unaccompanied children is expected to reach over 90,000 by the end of September, a nearly ten-fold increase in three years, across border states such as Texas, Arizona and California. The ages of some of the unaccompanied children have been as young as five years old. According to recent reports, Border Patrol agents are detaining children from Central America for days or weeks before transferring them to ORR. Unaccompanied Mexican children are quickly repatriated across the border at an expedited pace in comparison to children from other countries and are at risk of kidnappings, killings, and rape from gangs in Mexican border towns. The situation of repatriated Central American children may be even more precarious.

Under international law, the US government has an obligation to ensure that the human rights of unaccompanied migrant children are respected, protected and fulfilled. International law requires that children should only be detained in exceptional circumstances and for the shortest possible time. Furthermore, in the extremely limited circumstances when children can be detained, the conditions of detention that they are held in should adhere to both international and U.S. standards governing detention. All children should have due process safeguards during deportation proceedings, including prompt access to counsel, translation and interpretation services and the right not to be returned to a country where he or she would be at risk of serious human rights abuses, including taking steps to ensure that regional governments are taking effective measures to protect the best interests of the unaccompanied children repatriated. Such safeguards, like access to counsel, are critical for protecting these children. A recent analysis of more than 100,000 case records obtained and analyzed by Syracuse University's Transactional Records Access Clearinghouse as of June 2014 show that almost half (48%) of the children appearing in court to determine whether they should be sent back to their home countries had to appear alone without assistance of an attorney to help them present their case. In about five out of ten of the cases where the children were represented by a lawyer, the Immigration Judge did not order their deportation but allowed them to remain in the United States. In a stark contrast, however, for juveniles without an attorney the records showed that only one out of ten were allowed to remain in the US.

We are particularly concerned with your call to Congress to appropriate \$3.7 billion in new funds to provide for more detention facilities at the border and expedite their deportation and calls from some members of Congress to roll back critical legal protections, enacted as part of the bipartisan Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), which ensure that children who face violence and persecution, human trafficking, and other human rights abuses are not deported to places where their lives are in danger. Without the basic due process safeguards provided by TVPRA, children will be robbed of meaningful opportunities to present their asylum cases. It is important that the United States adhere to international standards of human rights and due process. The United Nations High Commissioner for Refugees mandates that children seeking asylum receive special care and protection.

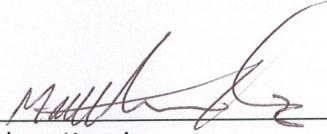
In order to effectively address this humanitarian crisis while upholding U.S. and international law, the United States should take the following measures: ensure that unaccompanied migrant children are detained only as a last resort and for as short a time as possible; ensure access to health care, education and other essential services; provide a guardian and counsel, translation and interpretation services during deportation proceedings; and never return them to a country to which they fear returning.

The United States needs to reform its immigration policy so that it is in line with international standards and obligations. The current crisis is a serious humanitarian issue that cannot be properly addressed without deep consideration of the human rights of the thousands of unaccompanied migrant children who are seeking refuge.

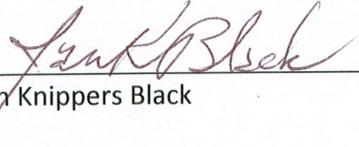
Sincerely,



Govind Acharya



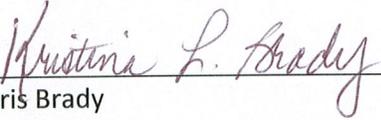
Matthew Kennis



Jan Knippers Black



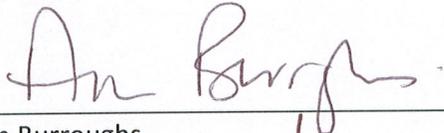
Marcel Kitissou



Kris Brady



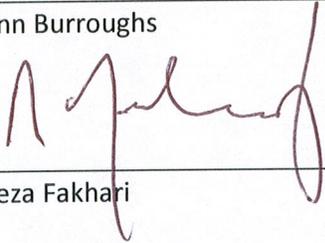
Janet E. Lord



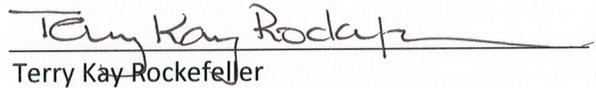
Ann Burroughs



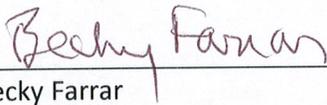
Thomas A. Pereira



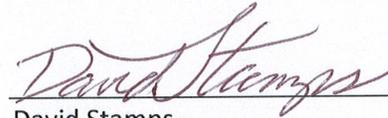
Reza Fakhari



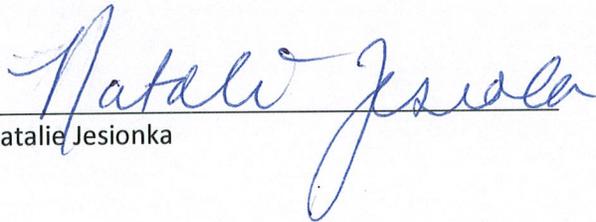
Terry Kay Rockefeller



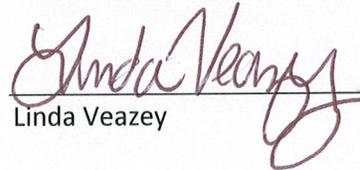
Becky Farrar



David Stamps



Natalie Jesionka



Linda Veazey