



CALIFORNIA FORUM

Thousands of unaccompanied kids are still being caught at the border. They need help

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“Yo quiero comer piña y jugar fútbol y estar con mi Papa.” I want to eat pineapple and play soccer and be with my daddy.

The little boy’s words answered a simple question: “Why did you come to the United States?”

We were halfway through an interview at a shelter for unaccompanied, undocumented minors on the U.S.-Mexico border, where the child had been living since being caught by border patrol agents. A few moments later, his dimpled smile disappeared as he explained why he really came to America – to escape physical abuse and gang violence.

As pediatricians, we witness the enormous impact stressful childhood events have on development and mental and physical health. Telling these stories repeatedly in frightening or unfamiliar settings re-traumatizes survivors, sometimes triggering or exacerbating post-traumatic stress disorder. Unfortunately, many interviewers have not received adequate training to work with children or trauma survivors.

Under current policy, this particular child was placed in formal legal proceedings after crossing the border. He will have to attend court dates without guaranteed access to a lawyer who might help him understand his options to prevent deportation back to the dangerous situation he left in El Salvador.

If he applies for asylum, he has an opportunity to testify in a private setting with an asylum officer – a small but crucial protection to minimize re-traumatization. Recent proposed immigration policy changes would further eliminate safeguards for children seeking asylum.

Even if legal proceedings stay in place, the private individual asylum interviews could be eliminated, instead replaced with adversarial court hearings. He would be expected to detail his past traumas to a judge in a courtroom.

He would be cross-examined by an attorney representing the U.S. Department of Homeland Security who would likely argue that he should be deported back to the dangerous home he left. And he would be expected to do this all without guaranteed legal representation.

Thankfully, a newly-introduced bill in Congress would help change this.

The Fair Day in Court for Kids Act of 2018, co-sponsored by California Sens. Dianne Feinstein and Kamala Harris, would ensure that no unaccompanied child is forced to represent himself or herself in immigration court by requiring that unaccompanied children be provided with legal counsel at the government's expense and no cost to the child.

Roughly 50 percent of unaccompanied children have no one to represent them in immigration court even though children seeking asylum in the U.S. are five times more likely to succeed when represented by counsel. We urge Congress to pass this bill as an important step in protecting these extremely vulnerable children.

“Look at my picture, the lizard is purple!” the little boy beamed in Spanish. When we told him we are children's doctors observing Cynthia to learn about her job, his caramel-colored eyes lit up.

“I’m going to be a doctor too!” he told us, hopeful about his future despite all that he has been through.

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