



## Committee on Migration

c/o Migration and Refugee Services, USCCB

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July 30, 2014

Dear Representative:

I write on behalf of the U.S. Conference of Catholic Bishops (USCCB) to express the bishops' opposition to H.R. 5230, a measure making supplemental appropriations for the fiscal year ending September 30, 2014 and making a number of changes to U.S. immigration and human trafficking law. We strongly urge Members to vote AGAINST H.R. 5230 when it is brought before the full House of Representatives and that the House, instead, work with the Senate to craft legislation that is more befitting the United States' and the American people's history of compassion for and generosity to vulnerable children and refugees.

Our opposition to H.R. 5230 stems from four troubling aspects of the measure. First, it would make crippling changes to current U.S. trafficking victim protection law that we fear would send these vulnerable children, and others in the future who have fled trauma, exploitation, and violence, back into harm's way, likely resulting in continued degradation, injury, and death for many of them. Second, it would not provide adequate funding for the Department of Health and Human Services Office of Refugee Resettlement (ORR) to enable it to care for vulnerable unaccompanied children in U.S. custody. Third, its level of funding for ORR is so low that it would severely hamper the agency's ability to fulfill its responsibility to care for refugees, asylum seekers, special immigrants, trafficking victims, and torture victims. And fourth, the measure contains no provisions to address the root causes that have compelled so many children to make the arduous journey from their homes in Central America to the United States and elsewhere in the region.

### **Return of Vulnerable Children to their Harm or Death**

In a recent message, His Holiness Pope Francis called on nations to exercise compassion for and care of the growing number of children fleeing violence in Central America who are seeking shelter and protection in the United States and elsewhere in the region. In his message, the Holy Father said of these children and their plight: "Such an humanitarian emergency demands as its first measure the urgent protection and proper taking in of the children." We believe that H.R. 5230 fails that test.

We fear that the deprivations of basic due process contained in Title I of Division B of H.R. 5230 would result in the United States sending children who have relief available to them in the United States back to the conditions that they fled, and that this would result in many children being harmed and some being killed upon their return.

As we have stated in congressional testimony and in previous letters to Congress, this vulnerable group of children is fleeing violence from organized criminal networks. Many are likely to be eligible for a variety of forms of immigration relief, including asylum, trafficking visas (“T Visas”), visas for victims of crime (“U Visas”), Special Immigrant Juvenile visas (“SIJS Visas”), and withholding of removal. As we have stated, sending these vulnerable children back into the hands of their persecutors and exploiters without a meaningful immigration hearing would severely decrease their opportunity for legal protection and possibly lead to their bodily harm or even death. We oppose the changes to the Trafficking Victims Protection Reauthorization Act of 2008 and the Immigration and Nationality Act contained in Title I of Division B of H.R. 5230 and believe that these provisions alone strongly warrant a vote against H.R. 5230.

### **Inadequacy of Funding to Care for Unaccompanied Alien Children**

As you know, the Administration requested \$1.8 billion in supplemental fiscal year 2014 funds to adequately and appropriately care for unaccompanied alien children in the United States. We are disappointed that Title V of Division A of H.R. 5230 would provide only \$197 million for this purpose, a fraction of the funds requested by the Administration.

We believe that the Administration’s request of \$1.8 billion would have better ensured that these vulnerable children are placed in the least restrictive and most child-friendly setting in an expeditious manner. Among other things, such an amount would have permitted a portion of the funds to be used for post-release services, including home studies and case monitoring for children placed with families. These services would ensure that children are placed in a safe environment and that they are provided information about their immigration proceedings. The amount also would have provided for mental health counseling for children, who are traumatized from their long journey.

In contrast, H.R. 5230 provides \$262 million to Interior and Customs Enforcement (ICE) custody operations, which would help fund an expansion of detention for children and families arriving at the border. We oppose this funding. Unaccompanied children and families with children should be placed in a least restrictive setting, not be detained in prison-like settings. We urge that some portion of these funds be used for community-based alternatives to detention for families.

### **Refugees, Asylum Seekers, Special Immigrants, and Torture and Trafficking Victims**

As you may know, ORR recently announced its intention to reprogram \$94 million of funding that was appropriated in fiscal year 2014 for refugee services and to use that funding, instead, to care for unaccompanied alien children. We commend the drafters of H.R. 5230 for their decision to partially reimburse ORR for its planned reprogramming refugee services funding. However, we are disappointed that the measure would designate only \$47 million of the supplemental appropriations bill for this purpose, leaving the ORR account short of the funds it will need to carry out vital refugee resettlement activities for refugees and other vulnerable populations under ORR care.

We believe that any supplemental appropriations bill passed by Congress should provide a full reimbursement to ORR for any funds that are reprogrammed so that the agency can fulfill its

mandate to resettle these groups, which includes refugees, asylees, Cuban and Haitian Entrants, Special Immigrants from Iraq and Afghanistan (who are now endangered after helping the United States with its mission in those countries), torture victims, and trafficking victims.

Because ORR ordinarily distributes much of its funds in the last quarter of one fiscal year to provide refugee services during the first quarter of the following fiscal year, ORR program money lost to reprogramming in fiscal year 2014 could result in critical loss of services to refugees and other vulnerable populations in fiscal year 2015. The reprogrammed fiscal year 2014 money comes from a number of line items, including Refugee Social Services and Targeted Assistance Grants. These items provide critical programming to help refugees learn English and find jobs so that they can support themselves and their families. They also fund programs for the elderly, intensive case management for torture survivors and victims of trauma, home child care, and school impact grants to help both the children and their schools. Besides harming refugees and ORR's other vulnerable populations, the inadequate level of funding provided in H.R. 5230 could also contribute to depleted local refugee programs and the loss of local infrastructure that provides critical ORR support for refugees, children, and the above mentioned vulnerable populations, and for the communities that welcome them.

### **Failure to Address Root Causes**

We are disappointed that H.R. 5230 contains no funding to address push factors in Central America that are compelling children to leave their homes and make the arduous journey in search of protection in the United States and elsewhere in the region. We believe that funding to address the root causes in the countries of Guatemala, Honduras, and El Salvador is essential if we are to assist those governments in protecting their citizens and in providing hope for young people. We support funding for re-integration programs for these children and urge that funding be adequate to ensure that follow-up services are provided, including employment training and education. Moreover, we believe that funding should be provided to invest in at-risk youth in danger of gang recruitment, including mentoring services, skills training, and social support services. Catholic Relief Services, which is present in these countries, operates programs serving at-risk youth that have helped to prevent children from migrating to the United States. Funding also should be provided for improving youth employment in the region. The United States will need to make a long-lasting commitment to the region in order to make it safe for these children to live and flourish.

If the humanitarian and refugee crisis posed by children fleeing violence in Central America were happening anywhere else in the world, the United States would appropriately implore nations in that region to protect them from harm. We have done so in the case of Syrians, Iraqis, and Afghans fleeing persecution in the Near East; Somalis, Congolese, and Sudanese in Africa; and Burmese, Hmong, and Vietnamese in Southeast Asia. In these and many other cases, we have urged the countries to which refugees and vulnerable migrants have fled to open their hearts and protect these vulnerable souls. We should do no less when the United States is itself faced with this humanitarian challenge.

How our nation responds to this challenge is a moral test of our national character. We ask that you oppose H.R. 5230, which we feel fails to live up to that test. Instead, we urge you to support the appropriation of supplemental fiscal year 2014 funding to address the increased number of

unaccompanied children fleeing violence in Central America, without provisions that would undermine current legal and humanitarian protections for them and others.

Sincerely,

+ A handwritten signature in blue ink, appearing to read "Eusebio Elizondo", with a small plus sign to its left.

Most Reverend Eusebio Elizondo  
Auxiliary Bishop of Seattle  
Chairman, USCCB Committee on Migration