US immigration attorney: “I deal with great numbers of children and young adults fleeing violence and poverty”

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4 August 2014

The Obama administration has deported an unprecedented 2 million people, more than the Bush administration and four times the number under Clinton. A recent surge in the number of unaccompanied children crossing the US-Mexico border and the gross lack of any facilities to accommodate them has led to a redoubled effort on the part of the government to further militarize the border, whip up racism and national chauvinism, and deport as many immigrants as possible back to their countries of origin.

According to the Pew Research Center, children under 12 are the fastest growing group of unaccompanied minors at the US border. In fiscal year 2013, children under 12 made up 9 percent of the 38,759 unaccompanied minors caught by the US Border Patrol, compared to fiscal year 2014, where they accounted for 16 percent of the 46,932 unaccompanied minors so far apprehended. While the bulk of the children remain teenagers, the growth in the number of young children is itself dramatic.

The vast majority of youth who are forced to make the dangerous journey, without parents or guardians, are from Honduras, El Salvador, Guatemala and Mexico. Each of these countries suffers from the some of the world’s highest rates of poverty and violence. Honduras had the highest murder rate in 2012, with 90 homicides per 100,000 inhabitants. In El Salvador, the murder rate was 41 per 100,000 in 2012, behind only Honduras, Venezuela and Belize.

President Obama has responded to this catastrophe by requesting $3.7 billion to further expand border security and detention facilities, and by deporting as many children and undocumented migrants as humanly possible. In many cases, undocumented workers have lived in the US for years and are the only breadwinners in their families. The result of a deportation can be disastrous for these workers’ families and loved ones.

The WSWS spoke with Alan Diamante, a prominent immigration lawyer in Los Angeles, who specializes in helping immigrant and Hispanic families with deportation cases and other legal issues involving the Border Patrol and the US government. We sent him a list of questions and he kindly responded via email. The transcript reads as follows.

WSWS: What has your experience been in deportation cases involving children? Have you defended immigrant children or broken-up families?

AD: Every week, I deal with great numbers of children and young adults fleeing violence and poverty from Central America. The United States government is deporting as many people as possible given the recent surge of migrants.

We have discovered that the Department of Homeland Security (DHS) and the Department of Justice (DOJ) have taken recent measures to expedite court removal (deportation) hearings and in many of these cases there have been flagrant violation of due process.

For example, unaccompanied minors cannot represent themselves. Therefore, a notice to appear (NTA, a charging document that initiates a removal matter after it is served upon the undocumented individual) must be served upon a guardian or attorney representative of the minor in accordance to government regulation.

There have been attempts by government officials to push for the deportation of children that have been served in violation of due process and government regulation since the minors themselves were served and not an adult, legal guardian. In matters where there has been proper personal service of the NTA, the government then issues a notice of hearing.

The problem that has been encountered is that very little notice is being provided (in some cases two days). Two days is entirely unreasonable, especially since the court normally provides two months notice since it usually takes some time to obtain an attorney or assistance to actually read the notice that is issued in English and, in many of the cases, the minors relocate and have to file a change of venue—this would be impossible in two days.

Where the minor does not appear at the scheduled hearing and is not represented, the DHS has been pushing for “in absentia removal order.” Our interpretation of these measures to expedite the deportation of minors sends mixed messages to the legal community as to where the current administration stands on this humanitarian crisis.

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WSWS: What are your thoughts about the Obama administration's recent deportations of children back to countries like Honduras where murder rates and child exploitation are so high?

AD: According to a report by the *Wall Street Journal*, Latin America and the Caribbean have 13 of the top 20 homicide rates in the world. Latin America has about 31 percent of the world total for that year of the report. Organized criminal violence and poverty has adversely affected individuals in the Northern Triangle countries of Guatemala, Honduras and El Salvador.

The UN Office on Drugs and Crime found that Honduras had the world's highest per-capita homicide rate in 2012, at 90.4 homicides per 100,000 people. Minors are escaping poverty and violence. Gang violence includes rape, kidnapping and homicide. Many victims do not even bother seeking protection from local law enforcement since the corruption is so great.

Recent amendments to the US asylum laws make it more difficult to win a case when the motive of the persecution is not clear to be deemed a ground of asylum. Private attorneys can only provide so much pro bono assistance. I have been spending most of the last several weeks doing pro bono work for unaccompanied minors and this has had an adverse impact on the practice. These children need protection and cannot afford counsel.

Catholic Charities and other non-profit organizations are overwhelmed and exhausting their resources in the effort to save children. I wish I could adopt many of the children that come to me. All they want is a chance to live free from the threat of violence.

WSWS: What do you think about Obama's increase in militarization of the border through his $3.7 billion proposal?

AD: Militarizing the border is not the solution. Money should be provided for the protection of children. There should be public defenders in immigration court and DHS officers should be provided extensive sensitivity training. President Obama does not need to appease the radical right that believes that the phenomenon that we are experiencing is because of the broken borders.

WSWS: Tell us about the increase in children 12 and younger crossing the border alone and the response of the Obama administration, which has the record for the highest number of deportations.

AD: The recent increase of deportation is another example of the current administration's effort to appease the radical right and the fact that a large percentage of the DHS personnel share the sentiment of the radical right notwithstanding the DHS's published policies for applying prosecutorial discretion, allowing the stay of deportation of non-criminal aliens when certain equitable factors exist.

Many of the unaccompanied minors escape violence and choose to come to the US because they have family in the US and believe that the US is the model of democracy and good when compared to their native lands that are in turmoil, partly because of the US government's Latin American policies of the 20th century that include social exploitation and economic coercion. Many of the unaccompanied minors have gone to other Latin American countries seeking refuge.

WSWS: What is the treatment of immigrants by the Border Patrol? Have you worked on cases of brutality or abuse?

AD: I have seen numerous cases of abuse by Border Patrol through the years. A common example of abuse is the officer not following the government's regulations and having individuals sign documents that cannot be read and officers lying to individuals about their rights.

Many migrants choose to be deported after an officer has painted a bleak picture if they choose to fight to stay in the United States. Officers take statements from the migrants and put erroneous information and do not explain the questions to the affiant. These statements are later used by the DHS to impeach asylum seekers when they present their cases in court.

Many of the unaccompanied minors are housed in rooms with many other children, are sleep deprived, forced to sleep on the floor, and are given limited food. The surge of unaccompanied minors includes more children under the age of 12, because of acute violence and desperation. Children risk their lives and many do not make it past Mexico because many of them feel that staying in their native lands is guaranteed doom. Making the journey north is a journey of hope.

WSWS: What are your thoughts about the xenophobic propaganda whipped up by the media?

AD: I find the xenophobic propaganda to be ironic. The radical right makes claims of Judeo-Christian values. We find this in print media and on television. I would like to ask them: What would Jesus do with an unaccompanied minor escaping violence?

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