US orders 7,700 children deported without court hearings

Patrick Martin
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More than 7,700 immigrant children have been ordered deported over the past 18 months without ever appearing in court, according to statistics released by the federal government recently and reported by the *Los Angeles Times* Friday.

The *Times* account was based on data supplied by the Transactional Records Access Clearinghouse at Syracuse University, which processes data from Immigration and Customs Enforcement and other federal agencies.

Legal proceedings had been brought against 62,363 children over the past 18 months. In at least 7,706 cases, the children were ordered deported after they failed to make a court appearance. No figures were available on how many of these children were even aware of their hearings—they range in ages from toddlers to adolescents. But 94 percent of those ordered deported had no attorney to represent them.

Attorneys and advocates for the undocumented children said that many of these hearings are held without any notice given to those facing deportation. This problem has been exacerbated by an Obama order that immigration judges fast track such hearings, holding them within 21 days of ICE seeking a deportation order. With children scattered across the country, in detention facilities, foster care or staying with relatives, the fast-track hearing process makes timely notice extremely difficult.

ICE has not reported the total number of children deported in its efforts to combat the “surge” of refugees from Central America that began in late 2013. The agency reported that 1,901 unaccompanied children were deported during fiscal year 2014 (October 1, 2013 through September 30, 2014), but some of these may have been detained earlier. ICE has not released figures on child deportations over the past five months.

The fact that deportations of unaccompanied children take place at all is outrageous. That the numbers are in the thousands, if not higher, demonstrates the brutality of the crackdown on Central American migrants conducted by the US government, in direct contradiction to the public pretense of sympathy adopted by President Obama.

The Obama administration has carried on a two-faced policy on immigration ever since taking office in January 2009. Obama claimed to advocate a more tolerant approach to undocumented immigrants and to support measures for their legalization and citizenship. But his government has deported more immigrants than any previous administration, more than two million men, women and children. Deportations are being carried out at nine times the rate of 20 years ago.

Immigration and Customs Enforcement began the latest crackdown at the end of 2013, when Central American women and children began arriving at the US southern border in much larger numbers than previously. The numbers swelled during the summer of 2014, leading to the detention of tens of thousands of unaccompanied children, mainly from Guatemala, El Salvador and Honduras.

The vast majority of the women and children were fleeing gang violence and military death squads in their home countries, as well as desperate poverty, conditions that are byproducts of a long history of oppression by American imperialism and its local henchmen in the wealthy oligarchies that rule Central America.

At the high point of the crisis, Jeh Johnson, secretary of the Department of Homeland Security, declared that the mass jailing of mothers and children was intended as a deterrent against the continued flight of refugees. In other words, he effectively conceded that the

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administration policy was deliberately punitive, and in violation of due process norms.

Last month a federal judge in Washington DC ordered the administration to stop the jailing of children, whether accompanying their parents or alone. The Department of Homeland Security is considering whether to appeal.

In another federal courtroom, in Seattle, Washington, the American Civil Liberties Union has brought suit seeking the appointment of defense counsel for all children facing immigration or deportation hearings.

The plaintiffs in this lawsuit, *J.E.F.M. v. Holder*, are all unnamed, in view of their ages, but their descriptions in the court filing suggest the dimensions of the social crisis in Central America from which they have fled. As detailed in the court documents, the plaintiffs include:

* A three-year-old boy conceived when his mother was raped when she was only 15 years old. After she faced continuing threats from her rapist, his mother fled El Salvador and left her son in the care of his aunt. However, because his family continued to fear for his safety in El Salvador, he was brought to the border in Texas, taken into custody by the government, and put into deportation proceedings.

* A 10-year-old boy, his 13-year-old brother, and 15-year-old sister from El Salvador, whose father was murdered in front of their eyes. The father was targeted because he and the mother ran a rehabilitation center for people trying to leave gangs.

* A 14-year-old girl who had been living with her grandparents, but was forced to flee El Salvador after being threatened and then attacked by gang members.

* A 15-year-old boy who was abandoned and abused in Guatemala, and came to the United States without any family or friends.

* A 16-year-old boy born in Mexico who has lived here since he was a year old, and has had lawful status since June 2010.

* A 16-year-old boy with limited communication skills and special education issues who escaped brutal violence exacted on his family in Honduras, and who has lived in Southern California since he was eight years old.

* A 17-year-old boy who fled gang violence and recruitment in Guatemala and now lives with his lawful permanent resident father in Los Angeles.

The lawsuit charges numerous agencies of the federal government with violating the Due Process Clause of the Fifth Amendment to the US Constitution, as well as provisions of the Immigration and Nationality Act requiring a “full and fair hearing” before an immigration judge. Such a fair hearing is impossible for a child deprived of both parental support and legal counsel.

This is the brutal reality of US immigration policy, behind the play-acting and stage-managed conflicts in Washington. President Obama and congressional Republicans engaged in such a mock battle over the past two weeks over funding of the Department of Homeland Security, which the Republicans had delayed in an effort to force the White House to abandon the executive order issued by Obama last November, providing limited work authorization for about four million undocumented immigrants.

The fight ended, as the WSWS predicted, with full funding for the DHS, one of the key agencies of the emerging American police state, and with Obama’s immigration order unchanged. With only a few exceptions, corporate America supports the Obama policy, which makes available a supply of cheap labor for agribusiness, construction and other industries, while maintaining the overall framework of brutal police repression of undocumented workers.

The author also recommends:

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