

US deportation case against Honduran toddler put on hold

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The US Immigration and Customs Enforcement (ICE) agency agreed last week to suspend the deportation case against one-year-old Joshua Tinoco, allowing him to remain in the country.

The baby boy from Honduras arrived in the US with his teenage orphan mother last summer as a part of the influx of some 52,000 unaccompanied children crossing the Mexican border fleeing war, gang violence and poverty in Central America.

Joshua's 17-year-old mother, Dunia Bueso, fled Honduras after both of her parents died and was granted the right to seek permanent residency in the US under a program for abused and abandoned children. Her baby boy, however, was declared an immigration enforcement priority and ordered sent back to Honduras.

While ICE has shelved the deportation proceedings against Joshua, it has not dropped the boy's deportation case entirely, according to the minor's lawyer Joseph Weiner. If the recent ICE decision stands, the toddler will have a chance to apply for permanent residency status in several years.

While it is unclear why ICE decided to reverse their decision, it is most likely because an immigration lawyer represented the mother and child. The US government is under no obligation to provide legal counsel to immigrant defendants during Immigration Court proceedings, while the government is always represented by legal counsel.

As the numbers of attorneys offering pro-bono services is low, most asylum seekers are simply not able to afford to hire a private immigration lawyer and, without such an attorney, child refugees have very little chance of being granted asylum in the US.

The majority of migrant children are also not able to understand the nature of the deportation cases filed against them, nor the complexities of the US legal system. Applying for asylum is a great challenge in itself for the mostly Spanish-speaking children, as the 12-page

application must be completed in English and requires significant documentation before reaching the courts.

According to 2005-2014 data gathered by the Transactional Records Access Clearinghouse at Syracuse University (TRAC), immigration courts allowed children to remain in the United States in 47 percent of cases when the child was represented by an attorney. In cases where the child had no legal representation, nine out of ten children were ordered deported.

Joshua Tinoco was lucky to have a legal attorney represented him. However, that the one-year-old boy could be classified by the US authorities as a Priority 1 deportation target and a threat to national security is an absurdity of Orwellian magnitude.

The case against the toddler, which threatened to break up a family already traumatized, exposes as a fraud President Obama's promise to focus immigration enforcement on convicted criminals and those who pose the greatest threats to national security, claiming his immigration policy targets "felons, not families; criminals, not children." In reality, the administration's response to the wave of child refugees has been nothing but a savage protocol of mass deportations.

Last summer, Obama ordered immigrants seeking asylum to appear before a judge within 21 days of ICE filing a deportation case against them. Previously the migrants were allowed months or even more than a year to prepare for their initial hearing. The enormous spike in the fast-tracked deportation cases overwhelmed already backlogged courts, putting pressure on judges to clear their dockets of pending cases.

The Obama administration pledged to seek \$3.7 billion from Congress last year to speed up deportations and to use ankle bracelets to deal with the migrant crisis at the country's southern border. This included \$116 million to cover the cost of transporting unaccompanied children back to their home countries where they face the

dangerous situation they have sought to escape.

The government filed deportation cases against 63,721 children as of October 31, 2014, including 20,965 proceedings against children from Honduras. Three out of four of those minors who arrived last year have no legal representation. When deported, these children face poverty, abuse and an extremely high risk of premature death.

Honduras is an extremely violent place. An average of 20 people are reported murdered there every day. About 80 percent of the cocaine traffic destined for the US passes through the country, where heavily armed gangs known as *maras* fight for the control of the local drug markets.

According to the Violence Observatory at the National Autonomous University of Honduras (NAUH), with a murder rate of 85.5 per 100,000 residents (compared with 4.78 in the US and 1.2 in the UK), Honduras has one of the highest murder rates in the world outside of a war zone.

Sexual and other physical violence against children in Honduras is not uncommon, as they become easy targets for narcotic gangs to be recruited as drug distributors or even assassins.

According to the World Bank, 16.5 percent of Honduran citizens live on less than \$1.25 a day. High levels of impoverishment, imposed on the country by the brutal policies of the International Monetary Fund and World Bank, as well as gang violence, are a direct result the failed US-led “war on drugs.”

Desperate minors like Dunia are forced to take the high risk of traveling to the US alone as it is still a better option than staying in their home country brutalized by violence and poverty. With steadily tightening security at the US border, undocumented parents from Central America already in the US pay traffickers \$5,000 and more to smuggle their children into the US.



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