

Working for Immigrant Children in Custody and Across the Border in Times of COVID-19

A webinar by Young Center staff on Tuesday, April 14th, 2020 at 12:00pm CST.

Transcript

DEVELOPMENT DIRECTOR AJ ALBINAK:

Welcome, everyone. I'm AJ Albinak, the Development Director for the Young Center for Immigrant Children's Rights. We are so glad you're able to take time out of your Tuesday to join us for this webinar about how the Young Center's work is evolving due to COVID-19 and how we are working with families trapped across the border, in collaboration with local organizations.

One quick note: On the bottom of your screen, you should have a chat box where you can submit questions throughout the presentation. We are reserving plenty of time for questions afterwards. We will, however, end the webinar promptly at 1:00pm Central. We also recommend switching to Speaker View in the upper right-hand corner for best viewing.

Today, for about 30 minutes, you are going to meet our staff and learn about some of the successes your support has made possible, as well as some of the challenges we continue to face on the front lines of our work with immigrant children in custody and seeking safety during the coronavirus crisis.

The Young Center staff you are about to hear from include:

- Child Advocate Program Director Gladis Molina Alt, who joined the Young Center with a decade of experience working with unaccompanied children at the South Texas Pro Bono Asylum Representation Project (ProBAR); at Kids in Need of Defense (KIND); and at The Florence Immigrant & Refugee Rights Project.
- Young Center Executive Director Maria Woltjen founded the Young Center more than 16 years ago when around 8,000 unaccompanied children arrived at our border each year. Last year, more than 76,000 children arrived at the border after making the journey on their own. Maria created the Child Advocate program, and now leads an organization of nearly 80 people across eight regional offices.
- And our DC Managing Attorney, Maria Barbosa Groszek, who has previously represented refugees in resettlement at the Refugee Legal Aid Program and supervised legal staff and volunteers representing refugees in their asylum cases and other protection matters.

We're going to start with Gladis Molina Alt, who is going to tell you how we are continuing our work with detained children during the current public health crisis. Gladis, turning it over to you.

CHILD ADVOCATE PROGRAM DIRECTOR GLADIS MOLINA ALT:

Thanks, AJ. And good morning, good afternoon to everybody. In the next 10 minutes I hope to cover three things with you: 1) is how we're staying connected as a Child Advocate program with the children we serve, through our staff and volunteers, and 2) what is happening in hearings in immigration court currently, and 3) how we're advocating for the release of children to their families.

So, let's begin with how we're staying connected with the kids. Just over a month ago we instructed our staff and volunteers to shift from doing in person visits with our kids and instead to begin arranging for us to do visits with them virtually, be it telephone or video platforms. Our Volunteer Coordinators as well as our staff case supervisors coordinate with volunteers and care facility staff to schedule phone calls and video calls with the kids who are detained. Our staff work closely with volunteers to support

them during this transition, assisting them with setting up virtual platforms, and to ensure that the care facility providers that we work with can provide confidential space for the children during the virtual visits or telephone calls that we do with the kids. We also support our volunteers with resources and tools on how volunteers can best connect with the kids in the virtual platform, depending on the child's age, so we're providing those resources to our volunteers as well.

And immigration court hearings for detained children are continuing to happen. While a lot has changed in our day-to-day world, the rushing of immigration court proceedings has not been one of them. In response to the continuing of immigration court hearings happening, our staff are working closer with lawyers to represent children in these proceedings to ensure that appropriate motions are filed in cases so that we can reduce the number of children who have to appear in person in court. When a hearing is unnecessary, we're weighing in against having a hearing take place at all. We're preparing children for court hearings when they are forced to go through with those hearings, such as an example that we have in our New York Office, where our staff was working with a kid who had to appear for a defensive merit hearing in New York. For children who don't have an attorney, we advocate directly with the court for the court to make an accommodation in those individual cases. Otherwise we work with their attorneys, to get kids cases continued or cancelled. At this point all immigration court will be regularly-appear or scheduling hearings. How and whether children appear for individual hearings really depends on the court's local standing rules, and the court's ruling in individual cases on motions that are placed before the court. We've seen courts waive children's appearances altogether with no telephonic appearance at all, and in some instances, we've seen courts require children to appear in court, unless a motion to continue or to waive a child's presence is filed. And on this front of advocating for hearings for children to be halted altogether, our policy team continues to advocate with the Department of Justice's Office of Immigration Review to halt these hearings altogether. We do this advocacy behind the scenes, such as writing a letter to department heads in government agencies, and we also voice our concerns in open forums. On April 1st, our Executive Director wrote an op-ed on The Hill publication, calling precisely for immigration court to halt hearings for detained children.

Then I also want to end with giving you an update on the advocacy that we're doing to get kids released from detention. Generally, a child can be released from detention either through a discharge in the U.S. or a repatriation through their home country. Depending on the release possibilities that we're working with, our program staff works to expedite the children's releases in order to minimize their exposure to COVID-19 in a congregate care setting. In the course of our advocacy, we ensure that the release is safe for the child, meaning that the release would be consistent with federal and state healthy guidelines that are in place, as well as ensuring that it's in the child's best interests to be released from care.

For discharges in the United States, our advocacy efforts have included writing best interest recommendations to the Office of Refugee Resettlement outlining the reasons to support the release of the child and the importance of the timing, especially in certain jurisdictions where we have a small window of time for the child to leave an area. This type of speedy advocacy has been particularly key in our New York City cases. Just yesterday, we learned of two brothers who will be released to family in the U.S. this week, and we're really proud of that advocacy effort on behalf of our Child Advocate program.

For repatriations to home country, our advocacy has centered around making sure that children will be able to be with their families upon return, as opposed to being quarantined for a long period of time or staying in a shelter for repatriated children for an undue amount of time as well. And recently, we worked with two repatriation cases to Guatemala this past week. One was out of our Phoenix office, and we worked with a kid that I'll call Brandon for now. He's 16 years old, and this child desperately wanted to return home, as he had been waiting to return home for over two months. Our program staff in

Phoenix worked to gather information about transportation and other logistical questions that would come up on the ground in Guatemala, so that the child's return to his family and his home would not encounter any undue delays. Out of our LA Office, we worked with a child that I'll call Daniel, and he's 15. And Daniel's return to Guatemala took a twist, after he was driven to LAX on March 18th for his scheduled repatriation flight to Guatemala, only to be turned away that day because that day commercial flights to Guatemala were not allowed to make a landing in Guatemala. So, two days after he was discharged from the facility in California, our staff located him in another care facility in Arizona, where he was placed so that ICE could arrange another flight for him to Guatemala. And just on this past Easter Sunday, both Daniel and Brandon boarded the same flight headed to Guatemala. So, I just wanted to give you guys those updates in terms of the work that we're doing during this health crisis at the Young Center on behalf of the children we serve. And on behalf of our staff and the children, I want to thank you for supporting our work during this time. It means a lot to us to have your support.

And now I'll turn it over to our Executive Director, Maria Woltjen, who will share with you about the Young Center's efforts to support children and families who are waiting along the border in Mexico. Thank you.

FOUNDER AND EXECUTIVE DIRECTOR MARIA WOLTJEN:

Thank you, Gladis. So, I'm going to talk about the Remain in Mexico policy, the impact of COVID, and what the Young Center is doing in response.

But before I tell you about the Remain in Mexico policy, I'm going to talk about what is happening on the border right now. It seems like every week brings about a new policy that impacts unaccompanied children.

So today, under cover of COVID, families and unaccompanied children are being summarily returned to Mexico or to their home country as soon as they arrive under what we're calling the illegal turnback policy. They're not taken into protective custody, as is required under federal law, and they are not provided access to the immigration system, where they can ask for protection. So, what we're seeing is that unaccompanied children who arrive at the southern border are actually being flown back to their home countries right after they arrive, to Guatemala, Honduras, El Salvador, these same countries that many of them are fleeing because of danger. Other children are being turned back to Mexico. None of these kids are being taken into protective custody as is required under federal law. There's no assessment of whether these kids will be safe. No determination of whether they have a parent or other relative to care for them. Just last week, Reuters reported that nearly 400 unaccompanied children have already been returned under this new directive.

This policy violates federal law, specifically the anti-trafficking law, which requires that all unaccompanied children (except some kids from Mexico) be admitted into the United States while they seek protection; even Mexican children should be properly screened for trafficking under this law, but that is also not happening. What should be happening? These kids should be afforded the protections of the federal law, they should be taken into protective custody, transferred to shelters on the border, and allowed to ask for legal protection. And this can be done. Right now the government shelters, especially at the border, are at all-time low; there is plenty of room for children at the border to be admitted, to be safely quarantined for their safety and to protect the federal workers, who are caring for these kids, and then to be safely released to sponsors as Gladis mentioned in the United States because the vast majority of children arriving at our borders have family in the U.S. who could safely care for them.

We're violating both US law and international law by doing this, by returning people directly from the border without the chance to ask for protection. So, at the Young Center, we have two programs, one is the Child Advocate program, which Gladis talked about, and we also have a policy team in Washington, D.C., and they are advocating fiercely for an end to this policy, and I think it's also important to note that this policy has drawn a very sharp rebuke from both the House and the Senate, even during the COVID crisis.

We're also investigating and gathering as much information as we can to determine how is our government treating these children before they're returned, what are the circumstances under which they're returned, and what happens after these kids land in their home countries.

Okay, so now I'm going to go back and talk about the Remain in Mexico policy. This policy was launched by the Department of Homeland Security in early 2019, and under this policy, people who apply for asylum or other protections at our southern border are made to wait in Mexico. I'm talking about adults, but I am also talking about families with children. It's important to note that previously, before this policy, asylum applicants who applied for asylum were allowed to enter the U.S., and all were allowed the opportunity to go before a judge and request protection.

To date more than 60,000 migrants have been sent back, over the border, over the bridge to Mexico; and that includes at least 16,000 children. So, the way it works is that individuals or families come to a port of entry, for example the bridge in Matamoros, Mexico, and they fill out applications for protection. Then they are given court dates to appear in the "tent courts" which are on the U.S. side of the border, but they're sent right back to Mexico where migrants are living in what are really makeshift camps right now.

In January, along with several of my colleagues, including Gladis, we visited the migrant camp in Matamoros, and spent three days there. This is right across the river from Brownsville, Texas, near Harlingen, where the Young Center has had an office for more than 10 years. So, when we arrived, and as soon as you cross the bridge you see the camps. We saw hundreds of tents. No running water. No electricity. There were children—so many children. Mothers holding their young children, making food over open fires.

And these camps are dangerous. There are reports of rape, kidnapping, torture and other violent attacks against asylum seekers. And these families are living in terror—terror that their kids are going to fall ill after sleeping on the ground, as it gets cold or when it was cold, terror that the smoke from the fires they burn to cook will make it impossible to breathe. Parents are very worried about their kids' health. One of the mothers told us she spent most of her time at the pharmacy because her child was always sick since she only ate fruit and sunflower seeds.

We saw parents sitting on the ground attempting to pencil-in answers on English-only, U.S. government forms that require them to make their case, to prove a "well-founded fear of persecution" which I would say is nigh impossible without an attorney who understands immigration law.

Right now, there are more than 2,500 people in the camp. And as of this week, we understand that people are going to be forcibly removed to a camp four miles away from the border. And this is going to have a significant impact because one of the organizations on the ground says that this will make it nearly impossible for volunteers to access migrants, even after the virus subsides.

We talked to lots of people in the camps. We met mothers who are worried about their kids' safety because of the local cartels, who enter the camps at night, often looking for teenage girls. Some parents are struggling with the agonizing decision about whether to keep their children with them in the camps

or send them across the bridge as unaccompanied children. These parents express tremendous fear of what they left behind, fear of continuing to live in these dangerous conditions, and also fear of separating themselves from their children.

One mother talked to us and explained that she was really worried for her teenage daughter's safety. She said she had thought about sending her back to her home country but knew her child would be harmed along the way.

So we were there, one of our goals was to talk to parents about what happens when kids enter the U.S. as unaccompanied kids. Some parents were under the impression that kids would be released from U.S. custody in just a couple of weeks. But that's not how the system works.

So, Gladis Molina, who you just heard from, and Olivia Peña, the Deputy Program Director based in Harlingen, gave a *charla*, which is a presentation, to a group of around 250 parents. Gladis and Olivia explained step by step what happens when children come into the U.S. as unaccompanied children. And under our system, if children have family in the U.S., they can be released, but the truth is that the process can take months. It can take two months, six months, sometimes more than a year.

These kids are in immigration custody, they are in deportation proceedings, and often in most cases without a lawyer to represent them. After the *charla*, Gladis and Olivia were surrounded by parents asking questions, asking what to do, and we of course couldn't tell them what to do, so Gladis and Olivia listened, answered the questions about what happens and tried to explain what is a very, very complicated system.

We spent three days in this camp, witnessing inhumane conditions that these asylum-seekers, including many children, are forced to live in. So, while the migrants are there, they are required to appear in court if they have filed an application for protection, and the tent court is right across the border on the U.S. side. They are required to start lining up at 4:00am to get processed and walked across the bridge for what is usually a 9:30am hearing. This includes families with really young children.

We spent an afternoon in the court, there were about 35 immigrants waiting for their hearings. The judge is not in that courtroom, instead the judge appears via video teleconference, or on a television in front of the courtroom. One by one, the applicants come to the front when their name is called. They sit alone at a table in front of the courtroom, and while we were there, we only saw one person who had an attorney who was calling in for a telephonic appearance. It is a confusing process under the best of circumstances. We saw people who were very worried about what was going to happen and not understanding what was happening, in particular because there were no attorneys there to explain the system, no one available to help them out.

Today the courts are closed because of COVID, but the immigrants are still required to line up at that bridge. Again, to line up at 4:00 in the morning, where they're only going to receive a piece of paper with a new court date, telling them when they have to come back.

As Gladis mentioned, there are some amazing people there volunteering their time. While we were there, they would come over across to Matamoros from Brownsville nearly every day. There are two attorneys providing free legal assistance, but honestly, it's not enough to serve the 2,500 people in the camp. And there with Proyecto Corazon, which is a project of the Lawyers for Good Government. There's also an amazing group called the Angry Tias and Abuelas. They go across the border and provide essential items like toothbrushes, toothpaste, diapers, clothes, and assist with the translation of documents. Unfortunately, today because of COVID, they are unable to cross the bridge. There is The

Resource Center which provides a safe space for asylum seekers to use phone and technology, and then Team Brownsville which provides meals, tents, and other essential items.

The Young Center is continuing to work on this issue of families that are struggling with these very difficult decisions. Our attorneys take parents' calls and answer their questions. We turned the *charla* into a video which has been shared via WhatsApp and it can be easily shared around by the people in the camp. And then for parents whose children are already in the U.S., and I want to add, that while we were there, there were a number of parents who approached us and told us their children had already gone across the bridge as unaccompanied kids. And they were absolutely bereft, not knowing where there were kids were, not knowing what was happening. So, in each of those cases, we took down their information, we located the children, we've assigned Child Advocates, and we're advocating for their reunification. It's not easy, but we have had some success, in particular advocating for families whose kids are medically fragile. And in a small number of cases, we've been able to get the parents paroled into the U.S. before their children have had to undergo medical procedures.

I just want to conclude by saying that these are refugee camps, plain and simple - the results from our government's Remain in Mexico policy which violates our legal obligation to provide safe haven to people fleeing life-threatening violence.

Thank you all for listening today and I am now going to turn it over to Maria Barbosa Groszek, who is our managing attorney in Washington, D.C., who is going to tell you more about our work in these cases and also tell you about one of our cases which really crystallizes the complexity of these situations. So, thank you very much.

DC MANAGING ATTORNEY MARIA BARBOSA GROSZEK:

Thank you, Maria, and good afternoon to everyone. As Maria mentioned, the Young Center staff conducted the *charla* at the border in late January. In an effort to provide this information to other families that are similarly situated, we created a referral system where providers who are on the ground can provide us with basic information about the families and then we contact them to do an information session similar to what happened in late January.

And when we receive those referrals, one of our staff contacts the family and to the best of our ability we answer their questions and so that families can make an informed decision. If the parents are still deciding what to do, we follow-up with them. If we learn that a parent has decided to send their children unaccompanied, we use the Young Center referral system and refer the children to the Young Center office near where the child is placed, so that one of our staff members can work with them and appoint to them as Child Advocate. In other instances, the parents may also be looking for attorneys and we try to identify pro bono attorneys who can potentially assist and connect the family to that attorney.

What types of questions are coming up during our calls? In some instances, the families may have already identified a family member in the U.S. who is willing to care for the child. In these cases, parents wonder if the child will be sent to a shelter located in the state where the sponsor lives. They have questions about the reunification process in the US and what will be required of the family.

One thing that has come across in these cases and through these calls is the desperation that parents are feeling about the uncertainty of their situation in Mexico and their legal cases. As well as the fears they have for their family's safety in Mexico.

I would like to provide two case examples to give you a glimpse into what families who are part of the MPP program (Remain in Mexico) are facing:

I am currently working with two brothers, 11 and 9 years old, who were in Mexico. They were with their father and living in a refugee camp in Juarez. The three were abducted, robbed at gun point, and then left in an unknown area. Following the traumatic incident, the father decided that it would be best for the children to enter the U.S. unaccompanied and reunify with their mother in the U.S. The children were placed at a shelter near our Washington D.C. office and so we began working with them. During our initial meeting with facility staff, the staff described how the trauma had visibly impacted the children and the emotions that the children were having to deal with as result of that experience. The children have since been reunified with their mother which has been a positive change for them. Nevertheless, they're still continuing to deal with that traumatic experience.

In another case, I am working with a 6-year-old boy whose father was living in the Matamoros camp. Due to safety concerns in the camp, his father decided that it would be safer for his son to enter the U.S. and ultimately reunify with his uncle here in the U.S. In this child's case, we were seeing complications because the father had previously received a negative outcome in his asylum case. The father appealed that decision and appeals in immigration cases can take years to adjudicate. We worked on advocacy for this young child to be with his family rather than at the shelter while the family goes through the immigration process. And thankfully this past weekend he was reunified with the family. We've seen a greater need for this type of advocacy for children who are part of the MPP cases.

I am going to now turn it to AJ who is going to tell you more about how you can be engaged. Thank you.

AJ ALBINAK: Thank you, Maria. Before we start answering questions, one quick reminder, submit them in the chat box on the bottom of your screen. I first want to run down a quick list of ways you can learn more and stay engaged in the fight to protect immigrant children in detention.

You can find us on our website at www.theyoungcenter.org, and on social media at the accounts listed here. And I think that we will have a slide popping up showing our social media accounts. And on our website, you can also subscribe to our newsletter for action alerts, updates about more webinars, and updates about policy or to find information about hosting fundraisers and becoming a Child Advocate volunteer.

A quick note regarding your questions: we do have of course strict protocols to protect children's privacy, so there are limits to the amount of information we can share about any given child, and we appreciate your understanding in this matter.

We also have joining us our Policy Director Jennifer Nagda. She's here for the Q&A to address any policy-related questions that you have. And we did receive a couple of questions in advance of the webinar from some of our supporters and we're going to start with one for Maria Woltjen. The question is: I heard that the administration has paused hearings for families in Remain in Mexico until May. How does that impact the families the Young Center is trying to help?

MARIA WOLTJEN: Thank you, AJ. So, yes, families are being impacted. The families under the Remain in Mexico program continue to be in limbo with respect to their legal cases and what's going to happen. Everyone, including the families and some of the folks who are providing medical care in the camps, are very concerned that a COVID outbreak could just be disastrous. The folks in the camp have no way of social distancing. What we saw were tents, just tent after tent right next to each other. People still use communal restrooms. There really is no way to be separate. And I think especially because of the open fires that everyone has to use to cook meals, we're very concerned about everyone's respiratory health.

We really do think that instead of making families wait for their hearings until May, the government should parole asylum-seekers into the U.S. so that they can pursue their cases without worry about their health and safety. Many of these families and the children have relatives or family here in the U.S. and the responsible decision, and what would have happened or should happen even from a public health perspective, will allow them to reunify with those families as long as those families agree to quarantine and follow, of course, follow other federal and state health guidance.

AJ ALBINAK: Thank you, Maria. And we have a question, we can send this one to Gladis. That question is: What are some resources available to families who may be impacted by COVID-19 in the refugee camps?

GLADIS MOLINA ALT: Sorry, as Maria had mentioned earlier, there are groups, volunteer groups mainly that have been going to Matamoros to provide resources to families for small things such as diapers for children, powdered milk for children, to hygiene materials, but given the travel restrictions that are now in place along the border, volunteers have had to cut back on their services to protect themselves and abide by health guidelines. But there are still volunteers that are providing services. Our friends at the Sidewalk School who we met with when we were in Matamoros in January are continuing to provide classes for kids that are in the camps, using tablets to engage with them virtually, much like in the way that we are engaging with our kids in the Child Advocate program. We also understand that UNICEF is providing basic hygiene, food, and child-friendly spaces in the camp as well. Another organization called Global Relief Management continues to also provide health services, like what we saw there was this mobile medical clinic that they have. That's still in place at the camp. But if in accordance with our own laws, the families were allowed to come into the U.S., they would be allowed to receive services here in the U.S. in a safe manner and without having to depend on aid from volunteers on the other side of the border. So, in our own way we continue the efforts of these groups by sharing the work that they're doing through our media, social media outlets and staying in contact with them and providing collaboration with them as an organization whenever possible. Thank you.

AJ ALBINAK: Thank you, Gladis. We have a question in the chat, we're going to direct this to Jennifer Nagda, our policy director, regarding the number of 60,000 people trapped in Mexico. Is that number since just the early 2019 months, the early 2019 Remain in Mexico policy came into the place? What is the reason for moving the camp four miles away? Whose decision was that: Mexico or the U.S.?

JENNIFER NAGDA: Those are a great series of questions, thank you. The number of families denied entry into, the number of people, including those in families, denied entry into the United States while pursuing their asylum claim is actually over 62,000 people placed in what we refer to as the Remain in Mexico or what the administration calls the MPP program. And that does date back to early 2019 when the program was first announced. And a high percentage of those, that again, well over 10,000, were children. But honestly, I think that number is probably a bit low because preceding even before that program was put in place, the government was taking steps to limit how frequently families could actually approach the border, request asylum, and then be put into the program. Many families were forced to wait in line just to become part of those 60,000. And so, I suspect the number of families denied access to the border is actually even higher than those 60,000 who are placed into the program.

Of the community of 2,500 or so adults and children who were denied entry and who joined the refugee camp in Matamoros, Mexico, when they were first denied entry, they started essentially just waiting right at the foot of the pedestrian bridge that crosses from Matamoros into Brownsville. It's both a pedestrian and a vehicular bridge, so a lot of commercial traffic and a lot of tourist traffic and same-day visitor traffic passing through. And over the months as the community grew from a few dozen families, to a few hundred families, to over 2,500 families, it became a very visible sign of the refugee crisis right

at the foot of the bridge, both for U.S. officials and for Mexican officials. When we visited in late January, we were shown the “new” area of the refugee camp which was significantly further away from the bridge. And the sense from the residents was that they were being asked to move there so that they became less visible. And as an incentive for them to move to that location, the Mexican government, which to that point had provided pretty much no support, and in their defense they had not created the situation, but they had also not really responded to it in any way, they had actually offered a very large tented covering, under which maybe 100 tents could be placed, as well as some solid ground onto which the tent could be pitched. And the sense the residents got from that was that the government was trying to incentivize their movement away from an area that was very visible to the public to a space that was very, very out of the way.

What we understand now is that most of the camp is in the process of being moved approximately four kilometers away from the bridge. And in the very way that out of sight out of mind has worked on the U.S. side, in terms of not allowing refugees admission, I think there’s a sense that it will have the same impact with the Mexican government, with journalists, and with others, if the community is further away and harder to access from those who would wish to document what’s going on or provide services.

Whose decision that is? I think it’s really hard to tell. What I *can* say is that in general, as the U.S. has implemented policies that deny asylum seekers from all over the world access to the United States, physical access to the United States, the Mexican government has generally acquiesced to those policies, and so where directives are coming from in terms of a camp moving or supplies being provided, I think it is a combination of officials at the local and state level and Mexico at the federal level, but most certainly with either direct or implied input from U.S. officials, with respect to funding or its ability to leverage its power in the relationship overall.

AJ ALBINAK: Thank you, Jennifer and we will keep you around to answer the next question from Fernanda also, “How can we help with the advocacy work you do?”

JENNIFER NAGDA: That’s a great question and we are so, so grateful for your responses. I would say a couple of things. If you are not on, if you don’t receive our emails, please sign up which you can do from our website and we also post access to that on our social media accounts and there was a slide before and I am sure we will post it again, but we will routinely put out request for help on social media or through email. If there is a specific measure being contemplating by Congress, a bill that will provide relief or a member of Congress calling for oversight of the agencies, we will often ask you to pick up the phone and call your members of Congress to ask them to join in on that effort or to ask them why they aren’t.

We will try to provide helpful language for you to make those calls, but you should feel free to express your own concerns or outrage in a way that is most authentic to yourself, but we also always include a link for how you can find your own members of congress using your zip code.

We will also alert you to efforts that are being undertaken on a more grassroots level. To bring attention, there has been various petitions that have been started to protest some of these policies and we are happy to connect you to those just to try and help convey to members of Congress but also to the public as well that this is not an issue people have forgotten about but that in fact it matters to tens of thousands if not hundreds of thousands of people, which can be demonstrated through these petitions.

We may also ask you to join in and elevate news on social media. There is no doubt that things that are liked or retweeted a lot garner attention so we may encourage you to retweet messages that are either directed at members of Congress or directed specifically at agencies. But it is particularly challenging right now because there is so much focus on what's happening on a public health front, and I think a lot of our messaging to members on the Hill and our work with federal agencies is that by all means all possible efforts to protect the health and safety inside and outside the United States need to be undertaken. But that it is absolutely possible with respect to children and I would argue with respect to adults as well to continue asylum processes as they have always existed and to allow people to safely enter, there is space for them to quarantine, so they are safe from U.S. officials and U.S. officials are safe from people who are entering from unknown locations until people can be safely process and go through the normal channels. So I suspect in the coming weeks you will hear a lot of noise from us about trying to make sure that COVID is not use as a pretext for stripping away rights or for the administration to do what it's always wanted to do, which is to close the border to everyone, especially to children.

So, I think we will continue to provide you with opportunities to get involved through social media, by contacting members of Congress and lastly as our communications manager would encourage me, there is so much value in communicating through your local press. There is lots that is happening at the national level but there is so much power in highlighting local stories. If you can write a letter to your local editor, if you can post something to a local neighborhood group, there are an awful lot of neighborhood chats that have taken on increased vigor and enthusiasm in the last month. Communicate to folks in your community who are listening through social media and other publications and let them know that this issue matters to you and that there are real solutions that don't pose a threat to public health and that there is still a lot that can be done.

AJ ALBINAK: Thank you, Jennifer and now Gladis or Jennifer if you want to jump in. We have a question from Linda on a comment on the White House's announcement on visa-sanctioned countries that won't accept immediate deportees and that was announced four days go.

GLADIS MOLINA ALT: Yeah, so it's the first time I hear of the sanction, Linda, but I am not surprised. What I can tell you is that the administration is putting pressure, and not only in this visa sanctions manner but in other ways in cases that we've been appointed to: Pressure to have governments in Central America ask for the return of kids and an effort to expedite the repatriation of children, even sometimes to the detriment of them being able to even proceed with claims or have safety assessments or other things that need to be done in the case. There's pressure in the administration's goal to get people deported back to their home countries so my general comment on it, Linda, is that I am not surprised that they made that announcement and its simply in alignment with their efforts to deport kids fast and as many as possible.

Jennifer, you may have something to add. No? Okay.

JENNIFER NAGDA: I wish I did, but I really don't other than sort of this much of what we seen with this administration is much more the stick than the carrot in terms of tensorizing cooperation and so I think this is in line with what we seen with other policies and we hope to learn more in the coming days.

AJ ALBINAK: Thank you, both. I have another question from Emily, what were some of the outcomes of the *charla* in Matamoros? What did families learn that they didn't know before and did that result in any families making difficult decisions to leave the camp or take other actions that would affect their case? Maria, I think we will start with you.

MARIA WOLTJEN: Yeah, Hi. I'll take the first part of that question. You know people, what folks learned from the *charla* is what happens when a child comes into US custody because I think lots of people were under the misimpression that if they sent their children across the bridge that will get released in two weeks or less and that's just not the way we usually see it. Typically, kids come into custody, they are asked a series of questions, they are, they go through a lot of interviews. I will say that the shelters the kids are placed in work really, really hard to identify family and find family, but then those families go through a very thorough process of being vetted. They have to establish their relationship with the child. They have to prove where they live and in some case the government requires them to do a home study which means a social worker visiting the home and there's not a guarantee that kids are going to get sent to specific family members. They could end up waiting for months while that family is being vetted and then family is denied and now, they're waiting again or trying to identify another family. And the way our system works is that there is foster care for unaccompanied children, and it's called federal foster care, but these kids are not accepted into foster care unless they have already established that they are eligible for protection. They don't have to complete their case but someone has had to have signed off and said this kid is in all likelihood going to get asylum or trafficking visa or some other sort of protection and very few kids are able to prove that so these kids are then often times stuck in custody for a very, very long period of time so I think people who came to the *charla* really understood that, that is the way it works in the U.S. That it is not easy for their kids. That kids won't automatically get released as soon as they come into U.S. custody. So, I'm going to turn it over to either Gladis or Jennifer for the second part of that question.

Do you want to chime in?

JENNIFER NAGDA: Sure, so with respect to what happened afterwards, I think we got a sense that most families were got to do what they felt they needed to do and as circumstances change that would be how they responded. The sense we got is that there was a vacuum of information, if not misinformation. We do know of cases in which families after our *charla* decided to separate but, in those cases, were senses that it was involving the conditions in the camp, either threats to the children directly, threats to the parents directly or changing conditions with respect to health and safety that led families to separate but at least they had a sense of what was likely to happen on the other side. In other situations the families remained together, so I do not that there is a straight forward or a single answer as to what happened as a result but we do know that thanks to the *Tias and Abuelas* who have been sharing the video version of our *charla* we received a stream of new inquiries from families that weren't at the original *charla* who listened to the video *charla* and who can then contact our staff to ask their own follow-up questions and make the very best decisions for themselves that is possible.

GLADIS MOLINA ALT: Yeah, I would just add that the main intention of the *charla* was to provide the information. And we made clear to families that we understood that they were in a tough spot and that tough decisions will be made, but ultimately knowing that the families will make those decisions with

the information we gave them and maybe the decisions were made immediately thereafter or later on, but the whole intention was to provide that information to make tough decisions.

MARIA BARBOSA GROSZEK: And I would just like to add, for the cases we had worked on as far as the parents who made that decision to have their children present themselves, the parents have remained in Mexico and continue on fighting other cases. I think for a lot of them they are facing serious threats in their home country. Although it is not safe in Mexico, the alternative is also not a great choice, so they remained in Mexico.

AJ ALBINAK: Okay. I think that is all the questions we have submitted unless Jennifer wants to comment about... I'm so sorry I missed a comment about the foster care system.

JENNIFER NAGDA: AJ, I can chime in. We had a question about how well the foster care system works for unaccompanied children and there have been reports in the press that it has not been so good and so I would just highlight that there, the federal government uses the foster care term a little bit loosely so its least restrictive form of custody for kids. It's actually what's called short-term foster care which are family-based placement for kids. They are never intended to be permanent. They are usually offered for the very youngest kids in custody or sometimes for parents and teens to keep them out of the government's larger shelters and facilities and so those are really just... they are not foster care in the sense of fostering to adopt they are just a less restrictive form of placement in the community as opposed to being in a congregate care facility.

There *is* a federal foster care network that is much more like the state foster care system. It is almost like a shadow system. It's funded by the federal government for certain unaccompanied children and it's actually operated by the same agencies that generally provide foster care in the state systems. Not all of them but some of them. And as I think one of our speakers mentioned earlier, that is available to unaccompanied children, but only a very small percentage of them, only those who are determined to have a viable claim for permanent protection in the United States, which is a very difficult thing to figure out while the child is still in a more restrictive form of custody. So, we think a lot of children are inadvertently or accidentally screened out of being eligible for that foster care.

An equal problem is that there are, even though many kids are screened out, for the kids who are eligible, there are not nearly enough beds, and so kids may wait on average nine months to a year to get into one of those placements, and in the meantime, they are in congregate care facilities. The benefit of those long-term foster placements is that once children are transferred there, they receive a portfolio of services. They have access to an attorney. If we are appointed to the case as Child Advocate, we continue working with them. And if the child eventually has a family member in the United States, they're not prohibited from being released from foster care to that family member. So, it doesn't foreclose the possibility that a child could ultimately reside with family. So I won't hold it up as the paragon of foster care programs, but it is a functioning program that is available to young people, and at the Young Center we fight very, very hard to get kids into those programs when they don't have other family members to go to. And our team has a really good track record of helping kids get into those programs and get the services that they need.

AJ ALBINAK: Thank you, Jennifer. And we have time for one last question from Emily. How are you seeing the safe third-country agreement with Guatemala playing out with the families who suffer immigration courts still implementing it? And I think Jennifer.

JENNIFER NAGDA: So, generally we are not experts on the safe third-country agreement. It is very often applied to non-unaccompanied children, to accompanied children and to families at the border. But with respect to the idea that the principle that children who have travelled through another country on their way to the United States, and don't stop and ask for asylum there, are then prohibited from seeking asylum in the United States, it is, and will continue to have a very real impact on the kids that we work with. So, the idea is, if you don't stop in another country, which would be Mexico for everybody but Mexican children, you have no right to seek asylum here. We do believe this to be an unlawful policy that will eventually be overturned by the courts, but in the meantime, it cuts off an opportunity for an awful lot of kids to seek protection.

However, those children still have to be admitted at the border, designated as unaccompanied children and placed into protective custody, where they can still pursue other forms of protection. So, if they are a trafficking victim, they will be able to pursue protection as a trafficking victim. If they can make a claim for protection under the Convention Against Torture, they'll have an opportunity to do that. So many of the kids that we work with are eligible for asylum, they do have viable claims of a well-founded fear of persecution on account of a protective ground if they are forced to return to their countries and this will really deny kids the opportunity to escape that sort of danger in their home countries. So, we are very anxious for the litigation challenging that policy to proceed, and for it to be successful. But of course, with the current closing of the border, and all of the kids being turned around under the guise of COVID, there are even fewer kids for whom we can try to leverage the protection that asylum offers. So, there are just so many dangerous policies being announced on a regular basis, and so many things for us to fight. We're just very grateful to have such a large group of supporters who can help us keep the focus on all of these challenges at the border.

AJ ALBINAK: Thank you. And if we have any questions, I think there's one or two more that we haven't answered yet, we're going to follow-up with you directly with some answers for you via email because we are running out of time here.

We wanted to say thank you for all of these excellent questions. A recording of this webinar with the slides and the transcription will be available on our website, shared on social media, and emailed to everyone who RSVP'd to today's event, and finally we just wanted to say thank you so much for being on our side in this ongoing fight to preserve immigrant children's rights. We are incredibly grateful to have your support. Have a terrific week everyone and stay safe. Thank you.