

Fading Hope: A Year of Immigrant Children's Rights under the Biden Administration

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Birdie: Welcome, everyone. I am Birdie Soti, the philanthropy director here at the Young Center for Immigrant Children's Rights. We are so grateful you're able to join us today for this webinar about the Biden administration's approach to immigration policy over the past year, and the Young Center's strategy to make real gains in our fight for immigrant children's rights.

But first, a bit about the Young Center for those of you who may be new to our work.

The Young Center for Immigrant Children's Rights is a human rights organization dedicated to protecting the rights and best interests of immigrant children. We are the only nonprofit that provides independent Child Advocates who meet with children in government custody, every week to accompany and support them and advocate for their rights, safety, and wellbeing. In addition to the child advocacy work on the ground. We also have a policy team that conducts advocacy at national level with Congress, and federal agencies to incorporate the best interest of the child standard into practice policy and immigration law. Collectively with these two programs, the Young Center works to reimagine the immigration system into one that sees and treats children as children first.

So today, we have experts that will share insight into how the Biden administration's continuation of Trump era policies, places children in harm's way on the ground. We will pay particular attention to the experiences of children and families seeking protection at the border, in detention, and in courts. We will also offer solutions that protect children's fundamental right to safety and family and share opportunities for taking action.

We're so pleased to have joining us today Felicia Rangel-Samponaro. She's the Founder and Co-Director of the Sidewalk School for Asylum Seekers. We have Jane Liu Young Center Senior Litigation Attorney and Mary Miller flowers, Young Center Senior Policy Analyst for Child Protection.

A little introduction about our panelists. Since 2019, the Sidewalk School has been in nine cities across Mexico to serve children and families as they wait for a chance to seek protection in the United States. Through education, basic medical services, and regular aid distribution, the Sidewalk School is filling a gap that has been created by cruel anti-immigration policies that have forced families to live in makeshift encampments near our southern border. The Sidewalk School also provides free COVID tests to asylum-seekers, helps them with their legal cases in partnership with other organizations, and pays for housing for Black asylum-seekers trapped in Reynosa and Matamoros. The organization is also currently building two shelters in Reynosa. At the end of last year, Felicia met with Young Center staff and escorted them on a visit to meet with asylum-seekers in Reynosa. We're so delighted to have Felicia here today so she can share what she's seeing on the ground at the border and update us on her important work.

Jane Liu is a Senior Litigation Attorney with the Young Center. Jane has litigated public interest and civil rights cases for over a decade. Prior to joining the Young Center, Jane was the Legal Director at the National Asian Pacific American Women's Forum. At the Young Center, she leads our litigation efforts, including on ending the harmful Remain in Mexico policy. Thank you for joining us, Jane.

Mary Miller Flowers is a Senior Policy Analyst for Child Protection for the Young Center for Immigrant Children's Rights. Prior to joining the Young Center, Mary was the associate director for justice at the Open Society Foundations' Human Rights Initiative. At the Young Center, she's been working with policymakers on the Hill as well as partner organizations to push for policies that welcome children seeking protection with dignity and ensure their best interests are protected. Thanks for joining us, Mary.

Before we begin, just a content warning for today's webinar, the conversation today may include difficult discussions of threats and violence facing asylum-seekers and children.

And a quick note regarding interaction, on the bottom of your screen, you should have a chat box where you can submit questions throughout the presentation. We encourage you to do so, but we will be reserving plenty of time for questions after the initial conversation. We will, however, end the webinar promptly at 1:00pm Central Time.

You will see that we are experimenting today with the use of auto captioning for Zoom in order to improve our accessibility for people attending the webinar. Please let us know via chat if you need further support.

I want to start with a question for Jane. So Jane, we had wished for the Biden administration to unequivocally reject the policies of immigration deterrence that the Trump administration began to implement. From continuing Title 42 (which turns away asylum-seekers at the border, under the pretext of COVID) and failing to end the Remain in Mexico policy (which forces people to wait in Mexico for an asylum hearing in the United States), the new administration has failed to protect those seeking safety at our borders. What has the impact of this been on the children served by the Young Center? How has the organization fought to end these policies and practices? Jane?

Jane: Thanks, Birdie. Well, these policies have had a tremendously harmful impact on migrant children and families seeking asylum at the border. With respect to title 42, the government has been expelling asylum-seekers at the border under Title 42 for almost two years now, and what we're talking about is over 1.2 million expulsions, over 1 million asylum-seekers that have not been able to seek protection at our border so it's, it has such a harmful impact, and it also has impacted our children. While the Biden administration has accepted unaccompanied children under Title 42, they continue to expel families and single adults. And because of that families have to make the heart wrenching decision of separating from children and sending them over unaccompanied in order so that those children can be safe. Here at the Young Center, we regularly get appointed to a significant number of children who have been separated from their parents, caregivers, and family members because of Title 42. So, Title 42 is causing family separation, and in addition to the harm and trauma of separation, for our kids that separation has additional consequences. It can make reunification are released much more challenging since family members are not in the U.S., often in extremely dangerous conditions in Mexico or in their home country. It could be difficult to reach them as well. But it can often mean that children are detained for prolonged periods of time, because their family members have not been able to enter the U.S. It's also

extremely stressful and traumatic for these kids to not know if their families members are safe in Mexico or their home country.

With respect to Remain in Mexico, we've been very disappointed that the Biden administration has restarted that program. Not only have they restarted it, but they've expanded it to include groups that were previously not subject to it, including Haitian refugees, many of whom are families and children.

This restart of MPP is really just starting and we don't know the extent of the harm that's going to be caused by it, but we're very concerned and have been very vocal and opposing the restart.

In addition to the restart of Remain in Mexico, it's important to bear in mind that there's ongoing impact from the first iteration of the Remain in Mexico policy there's still about 25,000 cases from what sometimes people are calling MPP 1.0, and only 13,000 of those people were able to enter the U.S. before the wind down of MPP 1.0 was ended, so there's just a lot of uncertainty and ongoing harm from the first version of Remain in Mexico.

At the Young Center, we've been, you know, our advocacy has continued. We've continued to oppose both Title 42 and Remain in Mexico. Really elevating and centering the harms to children which are often, you know, not known and really educating the public about the harm to our kids that we've seen in our work on a daily basis.

In terms of Remain in Mexico, there has been a lot of litigation in the federal courts, and we have filed both amicus briefs in the Supreme Court and the Fifth Circuit. And that amicus brief shares the stories of children that were subject to MPP (Remain in Mexico,) and the harms that they faced as a result of being subject to Remain in Mexico. Litigation is also pending around title 42 and we are following that very closely and have been active in our advocacy in opposing both of the policies on both the policy and the litigation fronts, with a focus on elevating the harms to children.

Birdie: Thanks so much, Jane. I'd like to now hear from Felicia a little bit because Felicia through her work at the Sidewalk School is seeing the impact of policies like Title 42 firsthand on the ground. So, Felicia, tell us a little bit about what you saw on the ground first in Matamoros, Mexico, and now in Reynosa, and if you could also illuminate why did the tent camp move from Matamoros to Reynosa?

Felicia: Sure, good afternoon, everyone. So, the Sidewalk School, we did start in 2019 inside the Matamoros camp. We served the entire two years that it was open. The Matamoros encampment closed on March 6, 2021. And that was because of a promise that President Biden made, and he did it. He closed down the Matamoros encampment. But at the end of February 2021 was the beginning of the Reynosa encampment. It just moved, an hour down the highway. So where as one camp closed, Matamoros, another one, immediately opened, which is now the Reynosa camp.

During Matamoros encampment, when that camp was open, it was common for unaccompanied children to cross the gateway bridge, at the encouragement of their parents, so they could safely be on the U.S. side. Both encampments, any encampment Matamoros or Reynosa, that is not meant for children to live in. At the height of Matamoros encampment, you had almost 4,000 asylum-seekers, living in this one area. A lot of assaults occurred during that time during the Matamoros encampment.

There was a reason why so many children were sent across unaccompanied, encouraged by their parents to do it. That is no place for children to live.

And at the end of the Matamoros encampment, when we moved an hour away into the Reynosa encampment. Let me first say, Reynosa is one of the most dangerous cities in the world, not just Mexico, in the world, right now as we speak.

We have over 2,000 asylum-seekers living inside of the Reynosa encampment. And that encampment is less than half the size of the Matamoros encampment.

So, you're talking about people living on top of each other, literally, as we speak inside of Reynosa. children, the separation of families still occurs at a very high rate, just under a different way with Biden. Whereas Trump was openly separating children from their parents, Biden is doing it in a different way. If a child is sent unaccompanied on the Hidalgo Mc Allen International Bridge, the U.S. will accept the child, they will not accept their parents. In Reynosa kidnapping, that is a common daily occurrence that that happens all the time. The fact is, when the gangs do come, they don't just take the parents, they take the entire family, the children, the mother, the father, the cousins, the grandmothers, everyone gets kidnapped off that Plaza. And as you are screaming for help, people watch you and your family get kidnapped off that Plaza. And that's because they have their own families to take care of. I don't judge that at all. You need to live. So as people watch you get kidnapped, and as you are being held by these gangs, they torture the adults in front of the children. I have seen the children once they have been released back into the Reynosa camp. These children don't talk, they stop talking. So, whatever they witness, it's with them forever.

The Sidewalk School in Matamoros started out as a school; that was our mission. It was education. I don't think most people realize, under MPP, "the Migrant Protection Protocols," when you are under that especially during Trump's administration, education for children, stopped. They get no education whatsoever; everything stops for that child. So initially, that was our goal. And we fulfilled that goal.

In Reynosa, because it is one of the most dangerous cities in the world, most of the American NGOs, did not and do not cross into that city, and I don't judge that either. People need to live. The Sidewalk School, we crossed from the very beginning, we have grown into something a lot more than just a school. We are currently building two shelters in Reynosa. One will house about 1,000 asylum-seekers so they don't have to live inside that encampment. The other one has about 300 asylum-seekers and that's meant for the children asylum-seekers and unaccompanied minors, that come to that border every single day. The second shelter will be more dormitory form, then the first shelter. And that's because we will have so many children in that second shelter. Also, we do provide COVID testing, that is the Sidewalk School. We cross between \$3,000 to \$10,000 worth of COVID testing into Reynosa on a weekly basis. We give it out freely to the shelters. We have also partnered with lawyers over in Reynosa. Humanitarian parole is what's currently going on before that it was Huisha. That was the Sidewalk School on the ground for the American lawyers. We gathered the documents. We did the COVID so people could legally cross into our country. And we also pay for overnight hospital space, most people are not aware, asylum-seekers cannot seek medical care in Reynosa without paying cash up front for

them to get medical care. That's the Sidewalk School that pays the cash up front, so they can get medical care in Mexico. We also pay rent for multiple families, Black asylum-seeking families.

And that's because of racism and discrimination, which is very open and Mexico, it is not hidden. Black asylum-seekers are often discriminated against, not only by the residents of Mexico, but by other asylum-seekers in that camp. It is very hard to be Black and seeking asylum stuck in Mexico.

At the same time, we do have schools. We have four schools. We have continued our mission. We have four schools in Reynosa; we will soon have six. We hire asylum-seekers who have degrees from their home countries to teach these schools. They need a way to support their families as they are stuck in Mexico, so they do not have to depend on donations from America. They have the talent, they have the degrees, the education, they're qualified to teach, we just give them a place to do it. Also, there's empowerment in there in that mix as well. It's very important for children to see themselves in their teachers, and we provide a way for them to do that. But that is some of what the Sidewalk School does. We also provide clothing, shoes, hats, coats. We also pay for the food inside of the camp. You name it, the Sidewalk School now does it in Reynosa. We've grown into something much bigger because we had to. And I'm very proud of the work that the entire team does to make all of this possible five days a week. But, that's, that's what we're seeing on the ground.

Birdie: Thank you, Felicia, and just thank you for everything that your organization is doing, I definitely want to circle back to you later and ask how folks can support your work. But next, I do want to make sure to get Mary in on this conversation. So, Mary, one of the first accomplishments of this administration was the creation of the Family Reunification Task Force to reunite families separated under the "Zero Tolerance" policy during the Trump administration. The Young Center has been an active member of the working group of advocates supporting the Task Force and advocating to reunite families and provide them with protections and services. Can you tell us more about this work of the Task Force, and what remains to be done?

Mary: Sure, thanks, Birdie, for that quick introduction. The Family Reunification Task Force was set up in the beginning of February right after President Biden came into office, as you mentioned, and we had done a lot of work prior to that as well with many other coalitions and groups who are trying to figure out what this promised Task Force would look like and what its mandate would be. We were very anxious for it to cover the entire time period so there was "Zero Tolerance," but there was also pilot programs that happened before "Zero Tolerance." We wanted to have all those families included. We wanted to have the Remain in Mexico program included, that did not happen, but it did get a good broad mandate to cover all of the Trump separations between January 20, 2017, and January 20, 2021, and their goal really is to identify children who are separated, facilitate and enable the reunification of these families, and to provide recommendations about services they might need. And finally, they are tasked with producing a report on how to ensure this kind of policy never happens again. So that's really what it's focused is. It works in tandem with the settlement process, the Ms. L settlement, which was the original court case that ended the "Zero Tolerance" policy under Trump and established a class of families who were eligible for reunification.

So, it works closely with that settlement body, and frankly, a lot of the work has been done by the Ms. L settlement group, but the Task Force shares information, where that's appropriate and has done its own investigations. At present, they have reunified on their own terms, 61 families and have another 206 families in process right now. And they estimate that there's something like 1700, I believe, families that are still either not located, not reunified. 1700 children who have not been reunified with their parents. Some of that is in process and some of that is because of various concerns, not being able to locate the parents, parents might have some sort of criminal record, that has to be explored, children may need to have a chance to speak about their ideas on reunification in some cases, where things are a little bit more complicated, so, the point is there's still quite a lot of work to be done and at the pace we're going here it will take some time. So, we're hopeful that in this new year the Task Force will increase its speed at reunifying these families. So far, there has been no decision on legal status for these families. Right now, they're coming in on Humanitarian Parole. They are being eligible to apply for work visas, but we don't have any, any strategy, even from the Task Force about how it would propose some sort of ongoing legal status or permanent residency for these families. So that's another area where a lot of us in the working group are putting pressure on the Task Force and other government actors on the Hill to try and get to ensure that these families who have suffered so much can get some legal status in the country. I'll stop there.

Birdie: Thank you, Mary, and I do have a follow up question to this. So, you know you cited 1700 children, that's, you know, hundreds, of families still separated and a pathway to permanency being nonexistent. So, a lot remains to be done for justice for these separated families. So, however, there have been some key positive changes in 2021 and change that the Young Center has advocated for on the front lines. So what are some of the policy wins that the Young Center is celebrating as we begin 2022.

Mary: Yes, so we should say that there have been some good policy wins and while we are hopeful for many more, we're not going to deny that there have been some good developments, because there is an organized and creative advocacy community that we are a part of and that we can work with groups like Felicia's, and others, to really keep the pressure on. In terms of the Task Force, there has already been a meeting between, I think it was 12 families who were reunited, and the Secretary of Homeland Security, a face to face, where the Secretary of Homeland Security had to sit there for an hour and a half and listen to families talk about that experience. I think that's a pretty, pretty big win for the first year and while it, you know doesn't result in tangible outcomes as such, yet. I think if it felt like a chance for families to express how difficult this was for them. That was a result of a ton of coordination among group serving these families, groups at the border, and groups like ours who do the policy advocacy in DC and in other places. Some other important policy wins. We have not seen family detention under President Biden. The Family Resource Centers, or whatever they were called, have not accepted any new families. They have been largely shuttered, and that is a good development. We have, however, I have to add, continued to see immigration detention and in fact, seen those numbers go up. We have seen some of these FRCS, the family detention centers of the past, converted to hold adults, including women, who from our contacts who work at these, provide legal support to people in these detention centers, you know, these are not, largely, folks who pose any kind of threat to public safety. And in our opinion, could easily be released into the community to await their process. In fact, while Biden, on the

federal level, has gotten rid of the use of private prisons. Many of those prisons have been re-contracted for immigration detention, which is not really what we had hoped for.

We've seen some changes in the approach to internal enforcement, that's, you know folks who are here perhaps undocumented, or mixed status families, where you have U.S. citizen kids with undocumented parents, at the end of the Trump administration, everyone who did not have the proper documentation was under threat of being arrested and deported potentially by ICE. There's new guidance from the Biden administration on the priorities for immigration enforcement. Those, of course, really center on people who pose a threat to public safety, have certain criminal convictions, that kind of thing. That memo was followed up by a second memo that gave ICE just a ton of discretion in making those arrests. So, pros and cons. We'd really like to see less discretion and more accountability for ICE agents and other operatives who unfortunately are not always making the decisions in the spirit that perhaps the administration had hoped. Otherwise, other good things that have happened, there were some very terrible Attorney General decisions under the Trump administration, both with Attorney General Jeff Sessions and Attorney General Barr, these really targeted people who come to our country fleeing violence and seeking protection; a decision, saying, gender-based violence and any kind of non-state actor violence, would not be protected. Well, out of precedent with how we have treated asylum cases in the past. And that was really very challenging for women, especially coming from Central America, but also people who identify as LGBT, the children of these families, obviously, and so that decision was vacated, I think, it's the right word there. There was also another terrible decision that, you know, prevented family members, you know, a child of an adult dad or mom, who was experiencing persecution would not qualify for asylum in the same way as the past, which is ridiculous how could children, possibly continue without their parents, which is what that ruling unfortunately limited access to protection for so many families, and that decision has also been vacated so we were very happy to see those changes which will impact a lot of people. Last thing I'll say they're working on thinking through things like the public charge rules, no longer. They gave up the court case; they're no longer enforcing that. That was penalizing immigrants, for using public assistance, which of course impacted children in numerous ways, both immigrant and U.S. citizen children whose parents and grandmas and grandpas were afraid to use the benefits that they have rights to. And in terms of the Flores Settlement Agreement, which is that baseline court case 30 years ago, that sets the minimum standards for children in detention. There was a strong effort under Trump to get rid of that settlement agreement and detain kids with their parents indefinitely, along with a bunch of other not great provisions. The Biden administration will not enforce that set of rules and we're hoping that they will embark on a process of raising those standards. So, I'll stop there, in terms of some of the positive things we've seen.

Birdie: Thank you, Mary. Great to hear, but I'm sure so much more work to be done in 2022. And along those lines. What are some of the, and this is a question that I'd like all three of you to address, and maybe Mary, we'll start with you and Jane if you have anything to add on behalf of the Young Center, and then Felicia from Sidewalk School but what are some of the Young Center and the Sidewalk School's key priorities for 2022?

Mary: I got this for all three of us. We have got to end Title 42, and we have got to end the Remain in Mexico, "Migrant Protection Protocols." There are no other top priorities for any of us then putting an

end to those two policies. They are so egregious and so out of line with everything this administration has committed itself to publicly, during the campaign, during, you know, numerous conversations with advocates. We are not clear why Title 42 is still in place to be honest. There's a little bit of cover for the administration in terms of the Remain in Mexico program because the court did give them a hard time about it, but we think they could do more on that front as well. So those are two top priorities across the board. Of course, we want to support the work of reunifying families, whether it's done through the Ms. L Settlement or done through the Task Force or done through the good work of NGOs, just doing their good work. We will continue to be supportive of that and in the Young Center, we're particularly pushing that parents who have criminal convictions, they've been largely left out of these reunification efforts, and we think that's wrong there. Many, many good parents out there, where the criminal conviction has nothing to do with their fitness as a parent, has nothing to do with the safety of the child- and this whole narrative of good immigrant versus bad immigrant-it has to go. And this is an obvious place to start working on that. Most of us are a mix of things and we don't get penalized with our children not being returned to us so that would be another priority for us. And then I will maybe stop there and let the others comment.

Birdie: Jane, do you have anything to add?

Jane: Sure, I can just add that in 2022, the Young Center is also focusing on expanding our advocacy on behalf of unaccompanied children with disabilities and mental health needs. Last fall, we hired our very first Policy Analyst for Disability Rights Anne Kelsey. Anne brings years of experience as an attorney advocating for disability and health rates and we're just really excited that she will be bringing this expertise to lead our advocacy on behalf of unaccompanied children with disabilities. In particular, we're co-leading a couple of working groups that are bringing together partners in both the unaccompanied children and disability rights spaces, to increase collaboration across the movements. And I'll pass it on to Felicia.

Felicia: I'm with you and I'm with Mary. MPP needs to end. We still have a teacher under MPP, over three years now, stuck in Matamoros. I don't think people truly understand what MPP is and how it keeps thousands of people stuck in the most dangerous situations with their children. I've watched one of my teacher's kids grow up in Matamoros. Title 42 needs to end. Americans can cross into Reynosa, Mexico to volunteer but asylum-seekers can't cross into the U.S. That doesn't make a lot of sense. You're trying to have it both ways and you shouldn't be able to have it like that. Americans shouldn't be allowed to cross when asylum-seekers can't cross. I am with Mary and I'm with Jane. I'm watching it play out in front of my eyes seven days a week and it's awful, what's happening to people, period, much less children who have no control or say so over what is happening to them. Also, Americans need to know lawyers are not easily accessible. Unaccompanied minors don't know their rights. Most asylum-seekers don't know their rights, they don't. And that is that is awful and it's unfair. And last but not least, and this only comes up because I recently spoke with the mayor of Reynosa, who for some reason thought the U.S. government funds the Sidewalks School. We have not received one penny from the U.S. government for any of the work that we do. Nothing. Never have probably never will. Our money comes from private citizens who are kind enough to sit in meetings or conferences like this. This is how we are funded through people who feel for the work that we do. And just from human to human just they

deserve respect the same way we do. But no, the U.S. government does not fund us in any way or form or shape. I will end it there. Thank you, ladies.

Birdie: Well, that's probably the right time for my next question, Felicia, which is, and this is for you as well, Jane. How can folks attending this webinar and those who care about children's rights participate and become agents of change to help achieve these goals? Felicia, if you want to continue. How can people?

Felicia: Yes. So, right now, if we just talk about the shelters that we're building alone. This is Reynosa we're talking about. We have to build walls at both shelters. They're costing thousands of dollars, if anyone would like to donate to that. All right. Education part, COVID testing, the rent that we pay, the food we provide inside the camp, the tents, the tarps, please go to thesidewalkschool.org and click on the donate button. We are not funded any other way. Besides through common people out there watching this.

Birdie: And, Jane, how can folks become agents of change on this call and then I would like to, after this question, open the floor for any questions from our guests if you'd like to start putting those in the chat.

Jane: Sure, I mean I would just say that there's so many ways that you all can be involved in advocacy and organizing efforts and they can be big or small ways depending on, you know, your time availability and things like that. But you know one thing that we're encouraging everyone to do is to submit a comment to the Department of Homeland Security on family separation. Right now, DHS is seeking public comments on how the government can prevent family separation at our borders from happening again and as you've heard repeatedly throughout this webinar family separation continues. It is not over. It is ongoing and it continues to harm asylum-seekers at the border and so, you know, we encourage you to submit a comment. The Young Center is submitting a comment. And we encourage you all to join us in demanding that the government ensure family separation does not happen again, and that they provide protection, permanence, and services for those families that are impacted by separations under the Trump administration. You can go to our website to learn more about how to submit a comment.

I also encourage you all to contact your local Congressperson and Senators about these issues on Title 42 and MPP. Send a letter. You can even do it through email, urging them to oppose both Title 42 and the Remain in Mexico policy. And even if they already oppose those policies, send a message expressing your support for their opposition. For those in states like Texas and Florida, we're also encouraging you to engage local politicians in challenging laws and policies in those states that specifically target migrants including unaccompanied children. We're seeing a growing number of states, particularly border states that are passing laws and policies that are xenophobic, filled with anti-immigrant rhetoric and specifically targeting migrants, and unaccompanied children, we're seeing that in Texas and Florida. Also beginning to see that in Tennessee, Pennsylvania, Arizona and we're really troubled by this, and we encourage you to engage your local politicians on, you know, pushing back against these policies.

You know other simple things you can do, and I know it sounds very, you know, simple but I encourage you to just stay informed about what's going on, and educating others, have difficult conversations, there's a lot of misinformation about immigrants and immigration out there. So just correct that

misinformation and challenge anti-immigrant rhetoric that is just so rampant these days. And finally, you know, I encourage you all to volunteer with the Young Center, Sidewalk School, or other immigrant service serving organizations and going off on what Felicia was saying, you know, many of these organizations, especially local, community based organizations, including those that are located in Mexico and overseas are hugely under resourced and need funds to be able to do their work so, please consider financially supporting these groups, organize fundraisers, donate, spread the word. A lot of the groups that are local and community are often, you know, not as well-known and often don't get those donations. So, I really encourage you to think about how to support those groups.

And you know, finally, I just want to encourage everyone to whatever you do to engage and stand up with immigrant communities, I encourage you to be intersectional in your advocacy. Remember that immigrants are affected by many issues not just immigration but all sorts of issues, including health care, access to public benefits, education, disability rights, worker rights, racism, anti-Blackness, as Felicia talked about earlier, all of those issues impact immigrants and so however you engage these issues, think about the fact that, you know, immigrants are impacted by all sorts of issues in their communities. And I'll leave it at that.

Birdie: Thank you, Jane, and thank you, all. And thank you, Jane, for plugging a big part of my work, which is saying how much donations are, you know, are so important to sustain the work that both the Young Center and the Sidewalk School do so thanks for plugging that, Jane. So, we want to open the panel up to questions. And we've been getting lots of great questions in the chat. So, I'm going to take this first one from Sheila and Diana, which is that messaging from the Biden administration is that they would fix MPP, asylum, and Title 42 but our stymied by Congress and or the courts. What are your thoughts, and what can Biden and his administration further due to end Remain in Mexico, given the Supreme Court decision? And also, what can be done legally to facilitate the ending of Title 42?

Mary: I can speak two words about that and then I'll let Jane, say other words related to the legal fights but as we saw under the Trump administration, immigration is largely focused in the executive, in terms of policy making. The executive as a huge amount of power when it comes to changing the rules that affect immigration asylum-seekers. And so, Title 42 is a piece of paper that in my understanding, Biden could get rid of tomorrow if there was the political will to do that. That is an executive level decision. MPP is a little more complicated. I'll let Jane speak to that but as I mentioned earlier, we think there could have been a lot more done. I mean, this MPP 2.0 actually expands, I think Jane mentioned this, the people who are now part of that program so that's just bizarre. But there are many things that can be done at the executive level and obviously we would love Congress to pass comprehensive immigration reform. We have many bills that we are supporting, bills that we are drafting. We would love to see a bill on the federal mandate for immigration officers and others to respect children's best interests, to make children's best interest the number one priority in decision-making around them. We're getting ready to launch a bill on that sometime this spring. There are other bills that we're happy to see move across, but at this point, immigration is such a polarizing issue that it's hard to see those moving, especially in the current budget mix we are in. But the executive can do a lot on its own. So, I'll pass to Jane for those legal pieces, and anything else, obviously.

Jane: I think Mary pretty much summed it up. I mean I think that that's more of a cover than actually reality there, you know, absolutely that Title 42 does not need to be in place. They're not required by the courts to do so. And, you know, the Biden administration just spent over an hour and a half before the DC Circuit yesterday defending Title 42 when it didn't have to. It absolutely did not have to, and I think that to hide behind the court on that is just very disappointing. And in terms of Remain in Mexico, that's a more complicated answer because of the posture in the courts. But certainly, MPP, this restart does not have to look the way it does, it does not have the impact the people that it does. And there are definitely choices made by the administration that included folks that shouldn't be, that didn't have to be included in the Remain in Mexico policy. And also, the Biden administration hasn't done enough on those impacted by the first iteration of MPP. There are kids and asylum-seekers whose cases are still pending and who still haven't been able to enter, and they haven't done a single thing on that. I guess in some ways I refuse to give him that pass. You know, there's just so much that they could be doing that they haven't done.

Birdie: Thank you. The next question is for Felicia. We've been getting some great questions for you. This is a question from Carla, as well as from Lori, which is, are there any medical NGOs providing care in the Reynosa camp. And how are you staying safe, Felicia, when you're crossing over each day?

Felicia: There is Global Response Management. So, Victor and I were out there as the only American NGO for about two months, we were the only ones willing to cross. Global Response Management started crossing, once they got their security together. They cross now five days a week. GRM has been doing a wonderful job. They also provide the COVID testing. It's no longer just falling on the Sidewalk School, and we appreciate that help as well. And what was the next question? After who crosses medically?

Birdie: How great to hear that there are medical providers over there. How are you and your staff staying safe?

Felicia: Let me say Victor and I, we've gone through two camps through COVID times, first Matamoros and now Reynosa. Knock on wood, we have never had COVID. Never. To this day. We wash our hands, constantly and I think that's the only reason why we've never had COVID. We're really weird about cleaning our hands at all times and cleaning the car. We were facemasks. I would say that social distancing inside the Reynosa encampment, if you've ever seen it, that's impossible. And if you haven't seen it, I recommend going through our social media, Facebook, we have a lot more pictures on how that camp looks today. I just... cleaning our hands and wearing facemasks, I think that's what's kept us safe, this far.

Birdie: And I think the question... So, great to hear, a knock on wood, you haven't gotten COVID, Felicia, but also just how are you guys doing with the dangers and threats at the encampment?

Felicia: So, in Matamoros, at the time, the people who ran it were very respectful of Americans. So, there was never really a big issue, and Reynosa there's different groups that run that particular city. We have had some issues to be honest, we have. But, luckily for Victor and I, we also have a lot of great friends there in Reynosa who stepped in, when it was getting really rough for us. And we no longer have those issues. We have a lot of good friends Reynosa who vouched for what we're doing, we're there to

help asylum-seekers. That's it. We're not concerned about anything else going on in Reynosa. That's none of our business. We don't stick our nose into that. We're focused on one thing, and all groups have realized. Okay, they just want to help. This one group of people. We are now left alone.

Birdie: That's great to hear as well, Felicia, and thank you to the many friendships and relationships you've worked on building in those camps. So, question three we have is from Joanne, are children who come to the border with an adult, other than their legal guardian, separated from that adult? If so, where are they housed and for how long?

Felicia: Is that for me or the lawyers? I'll give it to the lawyer.

Mary: Well, I'm not a lawyer, so no luck there, but I'll tell you what I know from the policy perspective and, Felicia, maybe you can say something about what it looks like in practice because my understanding is that it doesn't always follow what the stated policy is.

This has been a big problem for a long time. We have a number of children who travel to our borders with their grandmother, with their big sister, with their brother, their auntie, their uncle. Could be a relative who has been serving in a parental role for that child's entire life, could be a family member who has picked up that role when something happened to mom or, you know, we have quite a few folks who have lost caregivers in the time of COVID as you know. And in the United States, it is quite typical for children to be cared for by their kin, their relatives, or grandmas, and uncles, and other loving adults who take care of them.

Unfortunately, the current practice is that for any child who arrives and presents himself or is apprehended at our border without a parent or a legal guardian, even if it is, grandma, that child is designated or determined to be unaccompanied and separated from grandma. Grandma often goes into ICE detention. Maybe she's released on our her recognizance, it really depends on where she enters and who's in charge, but the child will be sent to the custody of the Office of Refugee Resettlement, and they will typically be placed in a shelter with other unaccompanied children, and paperwork will begin at that point to locate a responsible family member in the United States who could then sponsor that child and care for that child, which is hyper ironic when you think about the fact that they've just been with their responsible, trusted adult and been separated from them so we have been working, I mean Jennifer and many others, but we are hoping that with this administration we could make progress. We don't think that this separation has to happen. We think there are ways to continue to give the child the protections of being unaccompanied-they don't have mom or a legal guardian-so no legal decision maker is with them, we want them to keep those protections, but we don't see any reason why they need to be taken away from their families. They can be released with family. There's plenty of ways that social workers know how to evaluate safety and make sure that this is a legit relationship and those things so we're working on changing that. It's a tough lift. There's lots of moving pieces so we're hopeful that we can at least get some part of the border to pilot an initiative that would allow children to remain with their trusted caregiver, but we'll have to see. Can I pass it to Felicia for any comment? There we go. Thank you.

Felicia: So, I've seen it go both ways. I've seen where they have adult has made the decision to go ahead and let the child go across unaccompanied. And then I've seen it to where the grandmother was like

“No, you're not going to take my grandchild away,” and they were stuck in Matamoros for over two years because she refused to let that separation happen. Now eventually, the lawyer, like she really worked hard to keep these two, this little girl and her grandmother, together. But the cost was, they were stuck in Matamoros for year. But they eventually did both get across together as a family unit. But yes, I've seen it play out both ways and it's hard. Either way the adult went, it was hard for the adult, and it was hard for the child.

Birdie: Thanks for illuminating that, Felicia. So, I know we're coming up, a little bit on time. I think we've got time for one more question. And I know there's been a lot of questions in the chat that we may not be able to get to, but we will follow up with you via email if we didn't get to your question. So, this last question is from and it's a little bit of a pivot from the current conversation, but I think maybe this is best for Mary, but feel free to chime in, Jane, if you have additional info. So, this question is, it's less of a border issue, but Anne is interested in the administration's response to, and care for the unaccompanied children from Afghanistan. How is it going, and how does it compare to the system as a whole, and treatment of the non-Afghan kids?

Mary: Thanks for that question, Birdie. How's it going? I would say, for a number of children, they have found sponsors or been reunited with family, there were a number of children who arrived with family and were able to stay with those family members, outside of the normal policy and practice we were just talking about. And so those were good things. However, what I think we're seeing is that the flaws of the current system just are more illuminated by the Afghan children because here now we have kids with different language backgrounds that you don't have a ton of caseworkers or staff who are fluent in those languages. We have children with different religious backgrounds, different cultural needs, all different trauma experiences. I mean, which child coming out of it Afghanistan is not going to need support in terms of trauma and mental health services. We don't have people who provide those services in those languages. We don't have a system set up to get those children into family-based settings in all instances. Sometimes, there have been problems with foster families that can't speak those languages as well. Sometimes, it's the system itself that we've seen kids be penalized for not being able to communicate properly with staff, kids get, especially teenagers they get frustrated. They are institutionalized we still have kids, four months ago, whatever it was when all of this began, who have not moved out of congregant care shelters. We have a couple of kids who have been stepped up to more secure settings and we would say in many of those cases, it's not the fault of the child. It's the fault of the system that cannot provide for the child's needs, whether their access to counseling or access to appropriate interpretation services, access to family members who could help take care of them. We also have a few children whose parent is in, in some other country. You know, there is lots of chaos when the evacuation from Afghanistan happens. We have a few children whose mom is in Germany, or dad is in Dubai, and there has not been any mechanism setup to get those children back to their parents. What we worry about is we don't want these kids to end up stuck in the United States when they really want to be with mom somewhere else. So, we've been doing a lot of advocacy, with our State Department partners and others, to figure out how do we get these international reunifications to happen. So, I guess the short way of putting it is that the Afghan children have made more stark a lot of the problems that we already knew about in the system. There are plenty of Central American children who come across, and staff don't speak Indigenous languages, they have their own

trauma stories that aren't dealt with appropriately. Behavioral punishment is not calibrated in a way that is strengths-based and trauma-informed and is instead institutionalized measures to keep control. Kids don't belong in institutions. Any kids don't belong in institutions. And so, really that's some of the internal changes we're trying to argue for with ORR and in the case of the Afghan kids, it's been even more clear.

Birdie: Thank you, Jane, and thank you, everyone, again to all of our attendees for joining us today and ensure the actions that you will take as a result of the webinar and what you heard from our panelists. And like I said, for the unanswered questions, we will be following up with you via email to make sure that you get answers to your great questions. And a recording of this webinar with closed captioning will be available on our website and shared on social media and emailed to everyone who RSVP'd to today's event. Right after the webinar, a survey will launch to get your feedback. We'd love for you to participate and help us improve Young Center webinars. And finally, just wanted to say: Thank you so much for being on our side in this ongoing to preserve immigrant children's rights. We are incredibly grateful for your support. Thanks, everyone.