

COMPLETE MEXICO AND HONDURAS CASE STUDIES

“There is simply not enough information to provide sufficient counsel when a child facing deportation asks ‘What’s going to happen to me?’”

--Aryah Somers, immigration attorney representing unaccompanied minors and advisor to this study, via e-mail 3.9.07

The reality of return is invariably affected by the individual child’s country of origin. This study explored the processes for returning unaccompanied children to Mexico and Honduras, as the two most common countries of origin.

Mexico Case Study

Factors That May Influence Migration

A study by the National Autonomous University of Mexico estimates that 150,000 minors attempt to cross the U.S. border annually (60,000 are returned).¹ The study further estimates that one-third of the total population travel without a parent or guardian. Researchers find that unaccompanied children migrate for many reasons but that economics is almost always linked to the root cause. While there is a need for more research to better understand the causes of migration among children in Mexico, economic and social disparity, regional conflicts, and inconsistencies in the provision of essential services and protections may affect the child’s situation.

Mexico and the United States share roughly 2,000 miles of border.² Mexico is the 13th largest economy in the world, and an important source of trade with the United States. However, social and economic disparities within the country limit the opportunities and protections available to its young citizens. Mexico has a young and diverse population. Nearly 37 percent of the population is under age 18, and 30 percent is indigenous.³

According to the World Bank, while there is a growing middle class in Mexico, 45 percent of the population lives in moderate poverty and another 18 percent lives in extreme poverty.⁴ Advocacy organizations estimate that roughly 95 percent of children ages 12 to 17 are employed at some level—although most are not paid a salary—and nearly 15 percent work more than 48-hour weeks.⁵ Twenty percent of the 3.1 million migrant agricultural workers within

¹ These numbers include both unaccompanied and accompanied children. Gomez Mena, Carolina. “Laboran en el campo mas de 132 millones de niños”. (June 13, 2007). *La Jornada*. (<http://www.jornada.unam.mx/2007/06/13/index.php?section=sociedad&article=043n2soc>).

² Background Notes: Mexico. Department of State. (accessed 3.14.08). <http://www.state.gov/r/pa/ei/bgn/35749.htm>

³ *Ibid* and *La Infancia Cuenta en México*. (2006). Red por los Derechos de la Infancia en México. <http://www.infanciacuenta.org/index.htm>

⁴ Mexico Country Brief. The World Bank. (<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/MEXICOEXTN/0,,contentMDK:20185184~pagePK:141137~piPK:141127~theSitePK:338397,00.html>).

⁵ *La Infancia Cuenta en México* (2006) Red por los Derechos de la Infancia en México. p 152,158,&160.

Mexico are children ages 6 to 14.⁶ These children work long hours in the presence of dangerous equipment and chemicals.

International Agreements

Mexico participates in both the United Nations and the Organizations of American States and has ratified both the United Nations' Convention on the Rights of the Child (UNCRC) and the Vienna Convention on Consular Affairs, which are voluntary agreements that establish human rights benchmarks under international law.⁷

As party to the UNCRC, Mexico is subject to periodic review of its legislation in relation to the principals of the convention. In 2006, the UNCRC Committee Report reviewed the situation of children in Mexico and raised concern over rampant domestic violence and the use of corporal punishment in institutions, a lack of laws and mechanisms to protect children from corporal punishment at home or in the schools, and the persecution of indigenous children.⁸

Advocates have also raised concerns over the criminalization of migrant children by Mexican authorities. According to Karla Gallo, a consultant with UNICEF, "They [migrant children] are branded as *maras* [gang members], delinquents, prostitute street children who assault or steal, and there is a growing tendency to penalize them for emigrating, putting them under arrest or behind bars."⁹

Basic Components of the Procedure to Remove Children from the U.S. to Mexico

In 2004 UNICEF, in collaboration with Desarrollo Integral de Familia (or DIF, Mexico's child welfare agency), produced a survey of the processes and procedures for the repatriation of Mexican children at 11 of the official ports of entry recognized by bilateral agreements between the U.S. and Mexico. In this investigation, UNICEF found a wide variety of procedures and organizations involved in the repatriation process (see *Report Methodology: Ports of Entry Flow Charts*) for reproductions of the flow charts detailing the variations in processes between ports of entry. These inconsistencies can have a dramatic effect on the return and repatriation process for unaccompanied children depending upon the port of entry through which they are returned.

Consular Contact

Despite the variations in implementation and standardization, the essential parties to the removal process are the same in every region. The Border Patrol (BP), or ICE in cases involving children apprehended in the interior of the United States, is responsible for contacting the Mexican Consul to inform them of an unaccompanied child to be removed. The consul is

⁶ Sanchez Venegas, Adolfo (June 21, 2007). "La Pobreza obliga a niños a dejar sus comunidades en la Montana de Guerrero". *La Cronica de Hoy*. This article relates the incident of an 8-year-old boy killed by a tractor while picking tomatoes in a field.

⁷ Gallo, Karla. (2004) *Niñez Migrante en la Frontera Norte: Legislación y Procesos*. UNICEF, Mexico.

⁸ Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: Concluding Observations: Mexico. (June 8, 2006). United Nations Committee on the Rights of the Child. UN Doc. No. CRC/C/MEX/CO/3 (<http://www.universalhumanrightsindex.org/documents/829/922/document/en/do/text.doc>). See especially paragraphs 35,36, 72 and 73.

⁹ Thompson, Barnard. (April 30, 2007). "Mexican Children are Migration Alone to the US". (<http://www.mexidata.info/id1343.html>).

responsible for interviewing the child prior to his or her removal and the Mexican National Institute for Immigration (INM) is responsible for initial receipt of the child at the port of entry. The manner in which these parties execute these roles and the extent to which state, municipal, and non-governmental entities are involved prior to removal and upon the repatriation of the child, vary considerably—even within regions.¹⁰ For example, the manner in which consulates are notified of a child's presence in BP custody and allowed to interact with that child is in not uniform. Consulates may be advised by BP immediately upon the child's apprehension, or they may be informed of the child's presence only immediately prior to the child's removal. In more than one region consulates and children reported to us a range of instances in which consulate notification did not occur properly. Either United States authorities failed to notify the consulate in a timely manner, or they did not notify the consulate prior to the child's removal. In several instances consulates did not receive notification from US authorities of a child's removal, and discovered the removal had occurred through interaction with other Mexican agencies. The failure to properly notify the consulate of a child's return prohibits any assistance otherwise available to the child.

Agency Interviews with Child

No matter the order or extent to which the child comes into contact with the three basic parties [Department of Homeland Security (DHS), the Mexican Consulate (SRE), or the Mexican National Institute of Migration (INM)], all three parties interview the child to some degree. The extent to which the child is interviewed by each party can vary by geographic location, as well as by the individual involved.

Prior to his or her removal, the consul may be allowed, but is not guaranteed the opportunity, to interview the child in a private room within the BP station, via teleconference, or in the consulate itself.¹¹ In one instance, the Consul reported that the area designated for interviews with children was a "special" spot in the BP station parking lot.

The integrated and routine collection and analysis of data, at the national and international level, related to the child's migration experience could better inform the policies of all agencies involved and better identify the service needs of these vulnerable children. In practice, however, the fragmented yet repeated collection of personal information can re-traumatize children and erode their trust of authorities. Repeated interviews are of particular concern when children express fears or concerns regarding their return and the information is still not shared or acted upon.

Transfer of Custody Between Nations

In most instances observed by or reported to us, children were transported to the port of entry by the BP. At one port, Mexican Consul representatives reported that they previously had been allowed to transport unaccompanied children from the BP stations to the nearest port of entry for return to Mexico. While the general sentiment regarding the recent change in policy—to meet the children at the port of entry—was positive regarding the alleviation of liability for the Mexican consulate, Mexican officials expressed extreme concern for the manner in which the BP transports children. Consular officials commonly refer to BP's covered trucks as dog

¹⁰ Our experience from observing removals and repatriations and interviewing key parties in four US/Mexico border regions from March 2007 through January 2008.

¹¹ These variations are based on our observations at border patrol stations and on accounts provided to us by Mexican consulate staff.

kennels, or *perreras*. These trucks are regarded as unsafe and undignified. There are no seatbelts and little overhead. BP agents ride in the truck's cab, leaving girls, boys, and adults commingled without supervision.¹²

Once at the gate or bridge a representative of the Mexican Consulate assumes custody and physically escorts the child to the INM office on the Mexican side of the border. In some areas where the port of entry involves a bridge, children are transported by BP to the middle of the bridge. There they are met by a Mexican official and the children are escorted the rest of the way across the bridge by foot, through traffic and mixed with the general population. Children are typically received by only one official from Mexico. This situation presents a number of risks to the immediate safety of the children. When U.S. officials release their custody of undocumented children, they return the child's personal belongings to them, including their shoelaces and belts, in full view of the public and potential predators. The children must make their way through traffic and crowds, pulling up their pants, putting on their shoes, and carrying all of their valuables with only one adult to protect them. We found no regulations related to the escort-to-child ratio on the part of either U.S. or Mexican authorities.

In some areas, a Mexican Consul may only interview the child and a Customs and Border Protection agent may physically escort the child into INM custody. At other ports of entry the Consul may escort the child throughout the removal process—but only have access to the child once removal is eminent. The effectiveness of counsel provided immediately prior to a child's release is questionable and virtually eliminates any potential for reunification in instances where the child's parents are still in the United States. Though this practice may conform to the letter of the law in relation to the Vienna Convention, it certainly does not conform to the spirit. Moreover, to the extent that the practice actually expedites a child's removal from the country where his or her parents are located, it confounds the principles of internationally accepted standards on treatment of children. This is especially true in instances involving children who have grown up in the United States. The Hague Convention on Child Abduction, to which the United States is a party, defines the removal of a child from the country in which it "habitually resides" and away from the child's legal guardian as abduction. For more information on this and other relevant international norms, see the Related Federal Code and Legal Precedent backgrounder.

Methodological Inconsistencies in the U.S.

The lack of standardization in procedures and the lack of attention to the best interest of the child lead to inconsistencies and shortcomings in data collection, record keeping, treatment of the child, and agency staffing.

Data Collection

¹² The fact that the agents ride separately is also significant as regards the conditions of the truck beds, where the children ride. Bed's have separate ventilation systems from the cabs. According to a border patrol supervisor, this measure is meant to protect agents from airborne diseases. As a consequence there is a disconnect between the driver and the passengers' conditions. We observed the transport of children in a truck with no rear functioning AC unit, during the height of summer temperatures reaching 100 degrees Fahrenheit. Moreover the cab was caked in mud and reeked of urine and waste. Four girls and a boy traveled inside.

Border Patrol (BP) staff reported that their ENFORCE database is used to centralize the collection of data on unaccompanied children in their custody. However, agents in more than one region report that any analysis of the data that may occur at the regional or national level is not available to them at their stations. The ENFORCE system does enable agents to determine if a child has been detected and removed in the past and at what port of entry. This information could prove invaluable in the detection of children caught in a trafficking cycle or ensnared in organized criminal activities. We found no indication that the data were used at ports of entry for such purposes, other than one border patrol station's claim to identify children with multiple crossings for stronger enforcement measures.

Record Keeping

Given the lasting and significant repercussions of immigration orders, it is essential that children's records be as accurate as possible. BP agents specializing in the intake of unaccompanied children report that erroneous deportations of unaccompanied children based on a child's false claim of adulthood cannot be erased from the system once they are discovered. Most children, however, are returned without penalty. Individuals with an official order of deportation in their U.S. immigration record are banned from applying for authorized entry for a period of five to 10 years, unless they can prove persecution or torture by their country of origin. Re-entry into the U.S. by an individual with a previous order of deportation can result in that individual's incarceration. While BP agents assert that records can be annotated to reflect that an order of deportation was falsely issued, it remains unclear what weight this annotation will carry if a child attempts to enter the U.S. within 10 years.

Detention and Return Treatment of the Child by U.S. Authorities

Without clear national standards and training for the treatment of children throughout the duration of their placement in U.S. custody, the child's experience in the U.S is wholly at the mercy of the individual agent's discretion.

Some U.S. immigration authorities' methods for detaining and processing Mexican children appear consistent throughout all regions observed (e.g., overnight detention of children in over air-conditioned cells without beds, and lack of access to outside communications or legal services). Some stations made efforts, however, to improve conditions for children in detention where some BP staff attempted to attend to children's basic needs. In one station, for example, BP created a space for the local Mexican consulate to stockpile resources for unaccompanied children, such as dry, clean clothes and blankets. The fact that a few individual agents and supervisors felt that they needed to do more to attend to the needs of unaccompanied children, even without a budget or mandate to do so, illustrates the need for more humane protocols for the treatment of children.

Regional examples of inattention to the special needs of children are yet another symptom of the lack of standardization in policy and training between CBP regions. Mexican authorities from more than one port of entry expressed concern that children are being repatriated in the middle of the night, sometimes without consular notification of the child's apprehension. Moreover, children and authorities both reported instances in which U.S. officials have repatriated children to ports of entry not specified in the regional agreements (i.e., ports of entry where there is no Mexican child welfare agency or appointed INM representative to receive them).

Staffing

The experience, qualifications, and training of CBP staff assigned to the processing of unaccompanied children vary by region. At one station, we observed that all unaccompanied children were processed by a specialized BP “Juvenile Coordinator” with special training in law enforcement procedures as applied to children. At another station, we observed that any and all agents were responsible for the processing and care of unaccompanied children, with only on-the-job training provided. These variations can affect the manner and safety of a child’s return.

We also observed inconsistent understanding of agency policy and interpretation of duty between BP regions. For example, in one region, a BP agent with experience in processing unaccompanied children from Mexico asserted that teenagers can claim themselves to be emancipated from their parents and that in such instances they may be processed as adults without consular notification. This demonstrates a lack of understanding of the requirements of the Vienna Convention on Consular Relations and a basic understanding of the written protocols related to the removal of children to Mexico. If agents in this region are receiving training in these areas, the training is insufficient.

One BP supervisor with seniority and experience asserted to us that he was unaware of any written protocols for the repatriation of children to Mexico. He doubted the existence of any bi-national agreement related to repatriation, and stipulated that his region functioned on the basis of oral agreements with Mexican consular officials. He also maintained that local repatriation agreements were not included in formal agent training and that agents learned how to process children on the job.

Basic Components of the Repatriation Process in Mexico

A host of Mexican agencies and authorities assist with the repatriation of unaccompanied children, including immigration authorities, child welfare agencies, and in some instances, non-government entities. The roles and jurisdiction of these authorities vary by port of entry, creating a patchwork of repatriation procedures along the border.

INM

The Mexican National Institute on Migration (INM) is the single point of contact common to all children officially returned by the United States. At all observed ports of entry, INM facilities for the receipt of unaccompanied children are located at the port of entry, just inside the Mexican border. Once the child has been interviewed by INM, he is transferred to the care and custody of a shelter. In some cities, there may only be one. However in areas with shelters that are run by more than one authority, INM staff may determine to which shelter send the child. A 2004 UNICEF report raised concerns that placement determinations were made by agents with no child welfare experience.¹³

¹³ Gallo, Karla. (2004) *Niñez Migrante en la Frontera Norte: Legislación y Procesos*. UNICEF, Mexico.

State, Local, and Non-Government Organization Service Providers

The extent to which the United States is obligated to ensure the safety and security of unaccompanied children is greatly determined by the ability of the child's country of origin to assume that duty upon the child's repatriation

Child Protective Services in Mexico: Desarrollo Integral de Familia (DIF)

The Mexican federal agency charged with child welfare issues, including oversight of children's protective services, is the Desarrollo Integral de Familia. At most ports of entry, children are placed in public shelters under the administration of DIF. In Tamaulipas and Chihuahua, the DIF shelters are administered by the local DIF offices. In other Mexican border states, cities may have multiple DIF shelters run separately by the state and local administrations. In these instances, the child's assignment to a particular shelter may depend on the child's age and/or gender (i.e., in Nogales, Sonora we observed that children 0-12 are sent to the state DIF shelter, while children older than age 12 are housed in municipal DIF shelters segregated by gender).

Once under DIF's care, whether at the state or local level, the child can contact family members. DIF then arranges for the child's speedy reunification. DIF shelters for repatriated children are not meant to be permanent solutions. Most shelters claim the average stay of a repatriated child is about three days.¹⁴

None of the representatives of the shelters participating in the study provided written policies, procedures, or guidelines. While some representatives hinted that there were no written policies, it was unclear whether the policies did not exist in writing or whether staff did not have access or clearance to share the materials.

Organizational Structure Can Be an Obstacle to Services. DIF is responsible for the well being and reintegration of children returned by the United States of America. To this end, DIF reports that it has developed programs specific to the needs of repatriated children and has forged collaborative agreements with other federal Mexican agencies to ensure the protection of children throughout the repatriation process. These agreements include conventions with Mexico's National Institute on Migration to protect the interest of children repatriated to Mexico by the U.S., as well as non-Mexican children repatriated to Central America by Mexican authorities.

While DIF recognizes the importance of prioritizing services for this vulnerable population, the structure of both the agency's funding and administration can present obstacles to the standardization and implementation of viable policies.

Child protective services in Mexico are administered at the state and municipal level through federal, state, and municipal funding. There are 32 state level DIF agencies and 2,440 municipal level incarnations of the agency.

¹⁴ We observed instances in which children were held in excess of a week. In these instances the children were either from remote interior areas that complicated travel arrangements, or had no identifiable family members to claim them.

DIF is traditionally headed by the wife of the top elected official, as are many national human service agencies in Latin America. Therefore, the wife of the president is the president of DIF at the national level. The wife of the governor heads DIF at the state level, and the wife of the mayor leads the local DIF.¹⁵ The president of DIF is responsible for the agency's direction, oversight, and resource development beyond public funding. The efficacy of an agency's administration and the extent to which it can acquire resources for its clients depends on whether the wife of a given elected official is committed to the provision of human services, is capable of pursuing that concern, and whether her husband's party is the same as the one in power above him. As significant funding for the agencies comes from the top down, conflicting political agendas among the multitude of jurisdictions can lead to significant funding disparities and added layers of red tape in interregional operations.

Local governments change every three years with general elections. Even in cases where the same party remains in power, personnel and organizational structure are often affected. The disruption that can be caused by both personnel and party changes can also confound attempts at standardization of policy and seriously jeopardize continuity of services and care for this vulnerable population.

Given dependence of social services on the current political power structure, the availability and quality of repatriation services available to children returning from the U.S. can vary greatly within the same Mexican state. The same may be true within the same city when ports of entry have more than one shelter administered by more than one agency or organization.

Lack of Continuity and Coordination. DIF Matamoras (municipal), DIF Sonora (state), and DIF National have developed three separate database prototypes. Each could enable significant data collection, networking between jurisdiction, and data analysis. Any one of these models could be used to develop the data required to identify children at risk of trafficking or recidivism, as well as to inform policy. None of these parties' efforts appear to be coordinated, however. As a consequence, much-needed innovation is being duplicated and the potential development of a cohesive system is unrealized.

Non-Government Organizations: In some areas, repatriated children may be released to non-government shelters, such as the YMCA. We did not observe any non-government shelters.

Inconsistencies in the repatriation process in Mexico

Variations in the collection and sharing of data on the repatriated child, the guidelines surrounding the release of the child, staffing requirements, and the range of available services confound standardization of the repatriation process and the safety of the child.

Data: As with the child interviews conducted by U.S. authorities leading to the child's removal, the interviews between Mexican agency personnel and children in the course of the child's repatriation are inconsistent. We observed significant variations in data collection in the three Mexican States visited. Some DIF local authorities utilized a standardized intake form, some ad-libbed the intake process based on the individual counselor's experience and perception of the child. Some DIF facilities have no computerized database. Others have extensive databases

¹⁵ The system for selecting the head of DIF in instances where the top elected official happens to be a woman, or does not have a wife, is unclear.

integrated locally and in one instance statewide. Similar variations were observed in the procedures implemented by the Mexican Consulate.

Given the observed inconsistent data collection mechanisms of DIF and the Consulate, INM's data on the number of children repatriated to Mexico appears to be the most complete, with the caveat that reported incidents of children escaping during the return process and the undocumented return of children by U.S. authorities could lead the INM numbers to be understated. Furthermore, as our access to INM was not as open as the granted access by DIF and the Consulates, consistency in INM record keeping mechanisms and procedures can not be substantiated.

Staffing: As with the Border Patrol (BP), the qualifications and training for Mexican consulate and DIF staff working with unaccompanied children vary considerably by region. Though it is not within the scope or authority of this report to fully analyze the situation of Mexican policy and procedure, it is important to note inconsistencies that may affect the safe return of the unaccompanied child. To the extent that this situation confounds the safe repatriation of the unaccompanied child, it creates a greater demand for the standardization of U.S. procedures.

Services: The range of services available to children while in DIF care varies substantially by region. While some DIF shelters provide a bare minimum of a few days' shelter and the facilitation of family contact, others have developed mechanisms to assess and address the original reason for the child's migration. In Matamoras, for example, the previous local DIF administration (2004-2007) developed a network of adult and child services (and connectivity to other health and human service programs) to promote the permanent reintegration of children repatriated locally. These services included:

- Outreach to local schools to educate children on the risks of unauthorized migration;
- Holistic assessment and provision of family needs and services (including individual and family therapy and workforce development/vocational training for adults and older children) to address the root causes of migration;
- Continued case management services;
- Dependency rehabilitation services; and
- Assistance to support the child's reintegration into the school system.

Whether these services will be continued or expanded by the new administration remains to be seen.

Release: Guidelines for which parties a DIF official may release a child vary by region. Some DIF facilities require the provision of extensive documentation to substantiate a guardian's relationship to the child prior to release, and will release children only to parents or legal guardians. Others will release the child to any party designated by their parents, accepting faxed requests as authorization.

Most facilities will allow older children to leave DIF's care on their own accord, but the age and eligibility requirements for this practice vary by region.

In instances where families are unable to retrieve the child due to travel costs or disability, DIF will allow the child to make the journey alone. DIF authorities have limited budgets to facilitate the return of children to their original residences. In theory, DIF counterparts in the child's

hometown will confirm the child's safe return and placement. We were unable to verify that any procedures were in place to ensure this practice.

U.S./ Mexico Agreements:

The Heart of the Disconnect and the Cornerstone for Change

Written agreements on repatriation between the U.S. and Mexico are dated and in need of official review. Prior to the Homeland Security Act of 2002, the United States Border Patrol and Immigration and Naturalization Services entered into bilateral agreements with the Mexican Consul and the Mexican National Institute for Migration for the safe and orderly return of Mexican nationals by the U.S. A series of agreements between the U.S. and Mexico related to the repatriation of Mexican nationals culminated in the drafting of individual regional agreements: Brownsville to Roma, Laredo to Presidio, Juarez and New Mexico, Arizona, rural California, and San Diego.

The original agreements were cursory, addressing the specific needs and vulnerabilities of children in a limited chart of a half page or less. These basic charts stipulate the hours that children may be safely repatriated. Some specify daylight hours only; others give a range (i.e., 6 a.m.-10 p.m.) that may include hours of darkness. The charts clarify the need for consular notification of all children in custody and in some instances specify the point-of-contact (in all likelihood outdated), as well as which ports of entry may be used for the return of children to the Mexican authorities.

In 2004, the Secretariat of Governance and the Secretariat of Foreign Affairs of the United Mexican States (Mexico) and the U.S. Department of Homeland Security (DHS) entered into a memorandum of understanding (MOU) on the safe, orderly, dignified, and humane repatriation of Mexican Nationals. The 2004 MOU called for the revision of all regional agreements pertaining to repatriation.

In Article 3 of the 2004 MOU, attention is given to the need to safeguard human rights, specifying the following considerations for the revision of agreements (**Emphasis added**):

- a. Repatriations should be conducted in a manner consistent with the respect of human rights and dignity of Mexican nationals found in the United States in violation of immigration law;
- b. Notification of the titles of authorities that are empowered to deliver or receive Mexican nationals into Mexico;
- c. Points of repatriation are to be established in a manner consistent with scheduled hours of operation and staffing availability. Every effort should be taken by Mexico to ensure that mutually designated points of reception are fully staffed with appropriate local, state, and/or federal entities responsible for the health, welfare, and safety of Mexican nationals;
- d. Identification of points of contact to receive and/or convey information about incidents involving reported mistreatment or potential human rights concerns;
- e. **The unity of families should be preserved during repatriation, taking into consideration administrative parameters;**
- f. **Incapacitated persons, unaccompanied minors, and other vulnerable individuals should be repatriated during daylight hours to ensure their safety. The Mexican**

Participating Agencies should make every effort to have the appropriate family welfare representatives receive such persons upon repatriation from the United States;

- g. Appropriate representatives of the Participating Agencies should address issues of mutual concern such as consular notification and access to consular assistance;
- h. Notification of repatriation should be done taking into consideration logistical and operational needs. Local arrangements should address routine notification at the border;
- i.
- j. Timely special notification and information should be provided by DHS authorities for cases where additional preparation will be required to receive an unaccompanied minor or an individual with medical, mental or other special needs.¹⁶

That same year, parties to the MOU developed an action plan to achieve its objectives of the agreement. The plan emphasized the need for both countries to collaborate on the repatriation of migrants to their place of origin within Mexico to ensure their safety. Four years later, a review of the regional agreements bears no evidence that this collaboration has been pursued.

Status of Regional Repatriation Agreements

The MOU also included the reiteration of the need to update regional repatriation agreements. To date, only the Juarez/El Paso has been revised.¹⁷ In our interviews, Mexican authorities in Texas and Arizona expressed the need for updates to these agreements due to deviations from the original agreements that put children at risk.¹⁸

Most of the agreements have not been revisited since their original drafting between 1997 and 1998. According to Mexican officials, parties to the agreements did not maintain regular meetings at the operational level, after September 11, 2001.¹⁹ Concern exists on both sides of the border as to the extent to which agents are even aware of the agreements. Until these agreements are renewed, employees are trained, and the agreements implemented, variations in removal practices will continue to confound policy and international relations and put children at risk.

In 2006, parties to the MOU designed a model arrangement for the revision of regional agreements.²⁰ The revised Juarez/ El Paso agreement serves as a pilot for this model.

¹⁶ Memorandum of Understanding between the Department of Homeland Security of the United States of America and the Secretariat of Foreign Affairs and the Secretariat of Governance of the United Mexican States on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals (MOU) 2004. <http://www.migracioninternacional.com/docum/index.html?buttonbot=ofdocumx.html>; See also Appendix F.

¹⁷ See *Appendix F: Local Agreements with Mexico* for text of the agreements.

¹⁸ For example, one consulate was concerned that they were not always notified of Border Patrol's detention of a child, or the child's release to another authority. Several consulates raised concerns about children being returned after hours. These concerns parallel historic criticisms of the agency raised in *Juvenile Repatriation Practices by Border Patrol Sectors on the Southwest Border*. (September 2001) Department of Justice Office of the Inspector General. Report No. I-2001-010. (<http://www.usdoj.gov/oig/reports/INS/e0110/index.htm>).

¹⁹ Hernandez Joseph, Daniel. Director General of Protection and Consular Affairs with SRE. Interview by Amy Thompson. Via telephone. (July 1, 2008).

²⁰ *Ibid.*

According to the Mexican Consulate. Regions across the United States are scheduled to begin drafting revised agreements in 2008. The creation of these agreements reportedly includes the participation of child welfare authorities, non-governmental organizations, as well as local authorities.²¹

The Child's Experience: Findings from the Mexico Interviews

The individual child's personal background and the public structures of their country of origin influence both the child's decision to migrate, and the reality of their return.

The Child's Situation Prior to Migration

The participants entered into migration from a range of backgrounds.

The information in this section provides general demographics about the interviewees. On the surface these demographics both support and dispel preconceptions about unaccompanied children. Given that our sample is so small, however, the information can not be relied upon for a generalization of the population at large.

Of the 26 children who participated in the structured interview process, fewer than one-third (eight children) were girls. The average age among the participants was 14, with a range from age 7 to 17. Three of the children did not know their birthdates.

Prior to migrating, 19 of the 26 children participating in the study lived with at least one parent in Mexico. Nine had at least one parent living in the United States. One boy lived with a young adult sibling. Two of the children were living independently—one in a gang and one on the streets.

Three of the children were in committed relationships. One was married, and two were engaged. Three had or were expecting children of their own: one had a baby, one was pregnant, and one had a pregnant girlfriend.

Only eight of the 26 children—less than one-third—were originally from the border state to which they were returned by U.S. authorities. Of the remaining 18 children, all were from interior Mexican states such as: Chiapas, Durango, Guanajuato, Guerrero, Mexico, Michoacan, Oaxaca, and Veracruz. According to 2007 data from the Mexican National Institute on Migration, nearly one-fourth of children were repatriated to Tamaulipas, the location of the project's formal child interviews. (See table below.)

²¹ As of the distribution of this report (November 12, 2008), the border liaison office for state child protective services in Texas had no knowledge of any effort to renegotiate the regional agreements within its jurisdiction.

**Repatriations of Unaccompanied Mexican Children Based on Residential Status
January – December 2007**

State of Repatriation	Original Residence			Total
	Port of Repatriation	State of Repatriation	Interior State	
Coahuila	270	137	891	1,298
Tamaulipas	748	329	2,915	3,992
Sonora	717	739	10,283	11,739
Chihuahua	1,139	742	4,224	6,105
Baja California	804	161	11,447	12,412
Total	3,678	2,108	29,760	35,546

Source: National Institute of Migration, Mexico. Online statistics.
 Statistics available at (<http://www.inami.gob.mx/estadisticas/enedic07/repatriacion.mht>).
 Note: Above numbers may refer to multiple repatriations of the same minor.

The Child’s Motivation to Migrate to the U.S. The children we interviewed stated that they migrated to the U.S. for a variety of reasons, including the desire to make more money to support their family, the desire to get a better education, and the desire to escape a dangerous situation at home.²²

I told my parents that I wanted to come here [to the U.S.] to work. They agreed, as long as nothing happened to me. Lilianna, 16, Guerrero

My mom [made the decision for me to migrate] because there’s no money there [in Mexico] either and to support my little girl. Marianna, 16, Guerrero

I wanted to come over here [U.S.] to study. Back home [in Mexico] schools are worthless, except for elementary school. They’re a mess. They don’t explain things. They don’t teach well. Alma, 13, Michoacana

I decided all by myself to go to the U.S. It was my idea. To see if I could free myself from the gangs. It’s not the same. The gangs are everywhere and everywhere you see death if you don’t keep yourself in line. Juan , 16, Tamaulipas

Seventeen (roughly two-thirds) of the respondents stated that the decision to migrate was theirs. Eight children were migrating in search of work, two hoped to attend school, and two were seeking an escape from violence—one from violence at home, one from gang violence. Two more children crossed out of simple curiosity, as they lived in border communities. Another boy

²² The structured interview for children in Mexico did not include fields for employment status or school enrollment prior to migration. While some participants offered this information, it was not pursued in each interview. The children’s statements related to their motivation for travel give some indication of those entering or in the workforce.

from a border community was attempting to visit his U.S.-citizen girlfriend who lives on the other side of the border. One child simply stated he wanted a better life. Though he did not or could not define what would make his life better, he was sure he would find it in the U.S. One child was uncertain why he had crossed.

Of the nine children who said the decision was made for them:

- Three had been sent for by parents in U.S. whom they had not seen for years;
- Three were traveling with their mothers to reunify with their fathers and were apprehended after they became separated; and
- Three were sent by a parent in Mexico to work in the U.S..

The Child's Experience Migrating to the U.S.

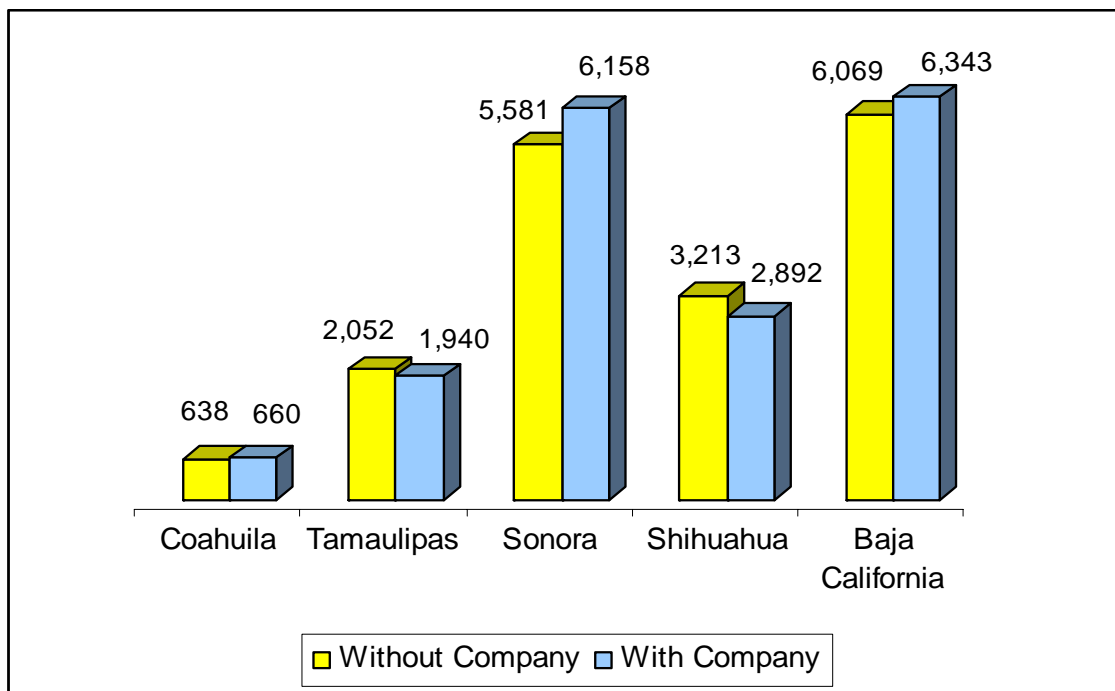
Children reach the U.S. through a variety of experiences. They may make the journey alone or in the company of others; they may be traveling on their own resources or through the support or by the demand of another. Whether the child is traveling of their own volition or under duress, they pay a price for the experience.

Only seven of the participants claimed to have traveled completely on their own (i.e., no siblings, friends, or guides). The majority of the children traveled in the company of other minors or adults other than their parents. A few were traveling with a parent but became separated prior to apprehension.

The interview responses in this study appear in contrast to data from the Mexican National Institute of Migration (INM) (see figure below). Participants for this study were selected from shelters in two different ports of entry in Tamaulipas. According to the numbers gathered by INM, a slight majority of children repatriated to Tamaulipas in 2007 traveled completely alone. This discrepancy may be accounted for by seasonal shifts in migration patterns,²³ or perhaps in part by the fact that INM data does not separate duplicative crossings. The lack of distinction between repeated crossings could lead to the inflated reporting of children traveling alone. Children who travel alone may be more likely to attempt to re-cross the border, or if separated from their companions, may re-cross on their own in an attempt at reunification. Without refined data collection systems it is impossible to determine the extent to which this study's respondents are representative of the total population.

²³ Though there are currently no data sources to identify or predict shifts and trends in migration patterns among youth, authorities on both sides of the border maintain that there are seasonal shifts and trends.

Repatriations of Unaccompanied Mexican Children Based on Condition of Accompaniment During Migration January – December 2007



Without Company refers to children traveling completely alone.

With Company refers to children traveling with a companion. The definition of companion may include siblings and is not necessarily a guardian or adult.

Source: National Institute of Migration, Mexico. Online statistics.

Statistics available at (<http://www.inami.gob.mx/estadisticas/enedic07/repatriacion.mht>).

NOTE: Above numbers may include minors who were repatriated multiple times in one year.

Twenty-four of the 26 respondents entered the United States “without inspection,” or without affirmatively presenting themselves to U.S. immigration authorities at a designated port of entry. As the border between Texas and Mexico is defined by the Rio Grande, the children had to cross the border either swimming or with the aid of a floatation device.²⁴ Seventeen crossed the border with a guide, or *coyote*. Several of the children claimed to have paid or negotiated for the guide themselves. Based on the five children who were aware of an exact amount paid, the price for a guide to cross the border ranged from \$160 to \$1,800 dollars. Two of the participants reported owing money to the guide; one claimed that this debt was significant. Determination of whether the child is associated with any debt to a professional criminal is critical to assessing whether and how repatriation could be pursued in the child’s best interest.

²⁴ Nine of the participants stated that they swam and 13 used an inner tube or were ferried across in a raft; only one participant claimed to have walked across – at a low point in the river. At the time that the interviews were conducted, the Rio Grande was running high. While we were in the field, a family drowned while trying to cross. The only surviving member was a four-year-old boy, who was quickly repatriated.

The Child's Understanding of Migration

The child's demonstrated inability to fully comprehend the significance of their migration in a financial, political, and even geographic sense further illustrates the inappropriateness of assigning adult motivations, responsibility, and penalties to their actions.

Finances and Their Consequences. As many of the children were uncertain as to the finances surrounding their migration, exact numbers of how many children face a related debt or indentured servitude are not available. The responses offered by a few children, however, raise concerns for the vulnerability of the general population.

At least two of the children interviewed were sponsored by a third party for commercial purposes (i.e., someone other than themselves or a parent paid for their transport, with the agreement that the child would work off the debt once in the U.S.). Neither child was able to answer whether they would still be obligated to repay this money, or whether they would attempt to cross again. At least three children were uncertain if they owed money.²⁵

Geopolitics and personal responsibility. Among the study participants, there was a significant range in the child's understanding regarding international relations and the individual's right to travel. Several children made comments indicating that they did not understand the geographic boundaries they crossed, let alone the related geopolitical implications. While such comments were more commonly expressed by the younger participants, they were not exclusive to this age group. Thus, this lack of understanding likely arose both from children's developmental status as well as their educational background and opportunities.

One of the more common indicators of this phenomenon was frustration on the part of the child with questions related to their time in the U.S. when they did not recognize that they had ever been to the U.S.

"I never made it to the United States, I was in Texas."²⁶ – Alex, 7, Chiapas.

Participants also used language indicative of a lack of understanding of what was required of them to be able to cross international borders with authorization. "Why didn't they let me cross? I answered all of their answers in English," wondered Gilberto, a 13-year-old boy from the border area who attempted to cross at the official port of entry without papers.

Children are inherently developmentally unprepared to understand or independently navigate international boundaries. However, the current U.S. system for receiving and returning children from neighboring countries is based on the assumption that children knowingly and willingly violated U.S. administrative code.

Naturally, not all children involved in the immigration system are completely innocent. Still, as children, they are developmentally unprepared to bear the full responsibility for their actions. Given the inherent cognitive and emotional limitations associated with children as they develop,

²⁵ It also is possible that some children who said for certain that neither they nor their parents had a debt associated with their migration may be unaware of any obligations to a third party.

²⁶ In such instances, we rephrased all study questions related to experiences in the U.S. to reflect the child's understanding; (i.e., replacing such clauses as "While you were in the U.S." with "While you were in Texas.>"). In this instance, due to his level of understanding, the child was not able to participate in the formal interview process.

special protections and considerations must be afforded to all children regardless of their circumstances or immigration status.

The Mexican Child's Experience in the U.S.

Children's experiences vary widely in respect to the time they spend in the U.S. prior to detection and the treatment they receive in the custody of the U.S.

Time prior to apprehension. The time that the interview participants spent in the U.S. before being taken into custody ranged from "caught entering" to six months. Four of the respondents were intercepted by U.S. authorities while trying to enter the country. The 22 who were not caught entering spent an average of twelve days each in the U.S. prior to apprehension by either federal or local authorities.

Those who were in the U.S. for more than a few hours reported a range of experiences. Some found work in border communities and avoided detection for several weeks. Others spent days trying to travel beyond the border region. Several reported being held against their will by coyotes while in the U.S. These children reported being held for days with little to no food and forced to walk for many hours without stopping.

The two children who attempted to enter the U.S. at an official port of entry without documentation spent a couple of hours at the Customs and Border Patrol facilities located on site. They were then transferred to Mexican immigration authorities on the other side of the bridge.

Nineteen children reported on the time they spent in Border Patrol (BP) custody. Of these, the average time spent in BP custody was three-fourths of a day.²⁷

Treatment under U.S. Custody. Seven of the study participants said they experienced either abuse or mistreatment while in United States. Claims included inattention to repeated requests for medical attention, no access to water while in the Border Patrol station, having to sleep on the floor without a blanket in a freezing cell, not being given any or enough food, not being allowed to contact family, being handcuffed, and being transported "like dogs."

Interestingly, many children reported on the same discomforts and indignities mentioned above, but without qualifying them as mistreatment. For example, 14 children complained of not being provided enough or any food, yet only seven of these claimed mistreatment. Five children claimed to have been handcuffed, but only one referred to it as abuse.

Experiences that the children described without claiming mistreatment or abuse included:

- One boy described being locked in a bathroom at a Border Patrol substation for hours until transferred;
- Several children mentioned being laughed at by the Border Patrol who apprehended them;

²⁷ However, if the time spent by one boy in juvenile detention is included, then the total time spent in custody by the respondents exceeds 379 days in U.S. custody. Based on this data, the children spent decidedly more time in custody than in the U.S. prior to their apprehension.

- One girl claimed she was threatened at gun point by Border Patrol; and
- Four children were handcuffed.

The children who suffered these conditions without claiming abuse or mistreatment were in no way indifferent to the experience. They were emotional—scared or angry or embarrassed or said that it hurt. Yet, they did not define it as abuse, nor blame U.S. authorities for their treatment. Most children were unable or unwilling to advocate for themselves, or unaware of their ability to do so.

Only six of the 25 participants recalled any contact with the Mexican consulate while in the U.S. Five children reported that the consulate visited them in the U.S. Border Patrol station. One child claimed he was interviewed by the consulate over the phone. Most children either denied having any contact with the consulate or specified that a representative from the Mexican Consulate physically escorted them across the bridge and delivered them to Mexican migration authorities, but that that was the extent of their contact with the consulate.

It is possible that in many instances a child, especially a younger child, might not distinguish a representative of the Mexican consulate from the other authorities involved in the removal and repatriation processes. However, it is worth noting that in three instances where we sought to verify a child's story with the consulate's records, consular representatives could find no record of the child's repatriation in their files. Furthermore, the frequency with which we encountered non-Mexican children who had been repatriated as Mexican, and the relative ease experienced in determining that the children were not Mexican, may indicate a lack of Mexican consulate involvement prior to the child's repatriation. To the extent that the lack of consular involvement exists, it likely varies by region based on either CBP failure to notify the consulate in a timely manner or from the consulate's limited capacity to respond to the situation.²⁸

Children's Experience with Repatriation

Children-offered comments compared the conditions of their confinement in Mexico and in the United States. Almost all stated that treatment in Mexico was significantly better, and none found it to be worse—including one boy who claimed to have been beaten by Mexican police.²⁹ Common variables influencing the children's favorable assessment of their treatment by Mexican authorities were the provision of better and more food, ability to contact family members, and a sense that their custodians cared for them.

As Mexico Case study interviews were conducted prior to the child's reunification with their family or other permanent placement, the full effect of repatriation on the child can not be assessed. This section presents information relevant to the child's immediate experience of return to a child welfare-based environment. The expressions of apprehension made by children with prior repatriation experience indicate that there is need for greater attention to the efficacy

²⁸ Interviews with Mexican officials at ports of entry reported instances in which consulates were not notified of a child's return, as well as instances in which children were returned at hours or locations to which consular protection officers could not respond due to capacity.

²⁹ While the study's survey did not request a comparison of services offered in both countries, the structure of the survey (i.e. a question concerning the conditions experienced in the U.S. followed by a question concerning conditions in Mexico) prompted children to volunteer this information.

and safety of the entire repatriation process. Though several children stated that they would be afraid to return to the U.S., the negative experiences the children endured in the U.S. will not necessarily prevent them from doing so.³⁰ Two respondents stated that they would attempt to cross again immediately, and three were uncertain but said they would consider it. Most reported that they would first attempt to return to their families in Mexico somehow. Yet, several of these affirmed that the ultimate goal would be to attempt to cross again. Only three children stated definitively that they would not choose to attempt migration to the U.S. again. Whether the decision not to migrate is truly theirs, however, is always in question.

Five of the participants admitted to crossing before. Two of these children were from interior states and three were from the border. Of the two from the interior, one boy had been crossed by his parents at age four and barely remembers the incident. The other, a girl, was the only member of her immediate family left in Mexico. Of the three children from the border area, each had crossed multiple times. Two actually had jobs working in stores on the U.S. side. They crossed frequently, but had never been caught before. The third had also crossed frequently, but had multiple experiences with removal and repatriation. This boy claimed to have been repatriated twice to a city that is not listed in any U.S.-Mexico agreement as an official port of entry. If true, there would have been no child welfare authority or shelter to receive him.

Several of the children mentioned a rumor they had heard of children who had been caught crossing multiple times being imprisoned from two months to a year. One of the children familiar with the rumor was Marianne from Guerrero. Still, she had already crossed twice and imagined that she would have to do so again.

For children who choose to migrate, the factors influencing their decision would seem greater than the known risks. For those who are compelled or made to migrate, the decision is clearly out of their hands.

Summary of Mexico Case Study Findings and Analysis of U.S. Responsibility: Implementing a Shift From Law Enforcement to a Best Interest of the Child and Child Protection Perspective

The current process for returning unaccompanied children to Mexico is neither standardized nor consistently safe. Children are returned with and without consulate services. Children may be deported (typically a penalty only for adults) instead of returned. Some Mexican children in ORR are returned to the nearest port of entry rather than directly to their home communities.

With the exception of the relatively few Mexican children entered into ORR care, we observed no instances of unaccompanied children from Mexico receiving legal assistance or even the opportunity to request legal assistance in contesting their immediate removal.³¹ There is currently no standard mechanism for the assessment of child's eligibility for special protective

³⁰ As Mexico Case study interviews were conducted prior to the child's reunification with their family or other permanent placement, the full effect of repatriation on the child can not be assessed. This section presents information relevant to the child's immediate experience of return to a child welfare-based environment. The expressions of apprehension made by children with prior repatriation experience indicate that there is need for greater attention to the efficacy and safety of the entire repatriation process.

³¹ All of the interview participants asserted that they had had no contact or access to an attorney while in the United States, including the boy who was convicted of a juvenile offense.

status, such as SIJS, if that child is from a neighboring country. CBP standard requirement is that all individuals, children included, must assert that they are afraid to return to their country of origin in order to receive a referral to be screened for asylum. Unfortunately, unaccompanied children will be likely unwilling to express fear to a perceived adversary. Given the speed with which returns are made, in combination with other barriers, Mexican children are simply not afforded the same access to immigration relief as children from non-neighboring countries.

Variations in the practices and perspectives of BP agents indicate a need for comprehensive and standardized policy development and training on interviewing children, detecting child trafficking victims, and treating and transporting children in custody. The development of standardized protocols and trainings will require the review and oversight of a child welfare authority.

The development of bi-national standards for data collection from unaccompanied children could facilitate cooperation among immigration and child welfare agencies and their international counterparts. These standards should include mechanisms to identify and respond to the individual child's unique vulnerabilities, while minimizing the risk of re-traumatizing the child through repeated interviews.

The protections afforded to unaccompanied children by the Vienna Convention are not consistently or meaningfully applied by U.S. authorities. While the scenarios of children being returned without consular notification are unacceptable, the manner in which consular contact is often conducted is equally concerning. If a consulate is only notified immediately prior to a child's return, the services they can provide to the child are necessarily limited. Location and notification of the child's family, meaningful analysis of the child's eligibility for release to family, and assessment of the child's eligibility to petition for legal entry cannot occur when consulates are denied sufficient time to confer with the child prior to removal.

Through interviews with Mexican authorities and the child study participants, we encountered several scenarios in which children at extreme risk of trafficking or involvement with organized crime were repeatedly returned to Mexico without intervention by U.S. or Mexican authorities. Enhanced collaboration, data exchange, and interagency training could address this problem. For example, CBP could alert Mexican consular authorities when a child detained by CBP appears to have a history of repeated removals. Close attention to these cases from a child protection—as opposed to a law enforcement—perspective may reveal when a child is at serious risk and eligible for special services.

HONDURAS: THE LEADING COUNTRY OF ORIGIN AMONG UNACCOMPANIED CHILDREN FROM NON-NEIGHBORING COUNTRIES

Over the past four years, Honduras has consistently ranked at or near the top of the list of most common countries of origin for unaccompanied migrant children in the U.S. (See the first table in the *Report Methodology backgrounder*). Understanding the conditions of childhood in Honduras can better inform both the roots of child migration and concerns for the safe repatriation of children.

An Introduction to Honduras

Honduras is a democratic republic without a federal structure. The country is divided into 18 departments which are governed by the national administration. Local residents elect officials to run municipal governments.

Honduras is comparable to the state of Virginia in both size and number of inhabitants. Honduras has a very young and a very poor population.³² More than 40 percent of the nation's seven million inhabitants are under the age of 15.³³ By comparison, according to the 2007 U.S. Census, this age group comprises just 20 percent of the U.S. population. Honduras' per capita annual income is roughly \$1,000.³⁴

A recent study by the World Bank defines 50.7 percent of the Honduran population as poor, subsisting on roughly \$50/month, and 23.7 percent as extremely poor, subsisting on roughly \$25/month.³⁵ Economic disparity is extreme in Honduras, with the poorest 20 percent of the nation responsible for just 5 percent of consumption and the top quintile consuming over 50 percent.³⁶ This disparity is reflected by the fact that more than half of the country's heads of household are employed in agriculture (an industry that accounts for less than 15 percent of total GDP), while 15 percent of the workforce is engaged in the service industry (which produces more than 50 percent of the GDP).³⁷ As might be expected given the age and means of the general population, many children participate in the workforce.

The World Bank finds that the state of poverty in Honduras is largely self-perpetuating. The general lack of resources results in extremely high rates of child malnutrition and low levels of educational attainment. The stunted development of children, both physical and educational, negatively affects their ability to perform in the workforce, effectively preventing them from escaping poverty.³⁸

³² Background Notes: Honduras. Department of State. (Accessed 3.14.08)

<http://www.state.gov/r/pa/ei/bgn/1922.htm>

³³ *Honduras Poverty Assessment Attaining Poverty Reduction. Volume 1: Main Report.* (June 30, 2006). The World Bank. Report No. 35622-HN.

³⁴ *Ibid*

³⁵ *Ibid*

³⁶ *Ibid*

³⁷ Background Notes: Honduras, and *Honduras Poverty Assessment* (2006)

³⁸ *Honduras Poverty Assessment* (2006),

While the World Bank ranks education as the single most important tool to reversing poverty in Honduras, it places much of the blame for the country's current economic situation on recent natural disasters, including hurricanes and droughts.³⁹

In 1998, Hurricane Mitch devastated the country of Honduras. The storm completely destroyed more than 25 villages and displaced more than 20 percent of the population.⁴⁰ More than 6,500 Hondurans lost their lives and more than 11,000 are still missing. At least 70 percent of the country's transportation infrastructure and 70 percent of its crops were destroyed.

Though it has been a decade since Mitch tore through Honduras, the significance of the event continues to affect nearly every aspect of Honduran life and will likely continue to be a critical factor for years to come. According to Honduras' then-President Carlos Flores Facusse, the Category Five hurricane destroyed 50 years of progress in the country.

Over the past decade, significant numbers of Hondurans have attempted migration to the United States. The National Forum on Migration in Honduras reports that 80,000 Hondurans attempt to migrate to the U.S. each year. The vast majority, 75 percent, are apprehended by Mexican officials and returned by land. A small percentage, 7 percent, obtain legal entry into the United States, and 17 percent reach the U.S. border without documentation.⁴¹

Honduras is a party to numerous international conventions that guarantee the rights of children, including:⁴²

- The UN Convention on the Right of the Child (UNCRC) and its optional protocols;
- The Organization of American States (OAS) Convention on the International Trafficking of Minors;
- The Hague Convention on International Child Abduction; and
- The Vienna Convention on Consular Relations

As a ratifying member of the UNCRC, the UN reviews Honduras' progress towards compliance. The issues and concerns about Honduras reported by the Committee on the Rights of the Child include:⁴³

- Lack of state protections from both domestic and institutional violence;
- Discrimination against girls, indigenous, and disabled children (in access to services and in relation to correctional measures);
- High levels of violent deaths and a lack of protection by authorities;
- Cruel and degrading detention conditions in correctional and treatment facilities; and
- High levels of emigration.

³⁹ *Honduras Poverty Assessment* (2006).

⁴⁰ *Mitch: The Deadliest Atlantic Hurricane Since 1780*. (August 29, 2006). National Climate Data Center. (<http://lwf.ncdc.noaa.gov/oa/reports/mitch/mitch.html>).

⁴¹ "Situacion Migratoria Honduras 2005". (09/2005). *Boletín FONAMIH*, N.19.

⁴² From IHNFA agency factsheet, presented to us by IHNFA personnel. "Marco Legal de la Infancia en Honduras".

⁴³ *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: Concluding Observations: Honduras*. (May 3, 2007). UN Committee on the Rights of the Child. UN Doc. No. CRC/C/HND/CO/3.

(<http://daccessdds.un.org/doc/UNDOC/GEN/G07/415/06/PDF/G0741506.pdf?OpenElement>)

Mirroring these concerns, the U.S. Bureau of Democracy, Human Rights, and Labor's 2006 *Honduran Country Report on Human Rights Practices* finds:⁴⁴

- High estimates of children (20,000) living on the street with limited access to social services (only 240 government shelter beds for children in Tegucigalpa);⁴⁵
- Killing of street children by vigilantes, security forces, and even police;
- Trafficking of 15,000 children a year within the sex industry;
- Considerable gang violence;
- Rampant government corruption (in one instance culminating in the arrest of the Director of Immigration);
- Few legal remedies for child abuse (of the 1,934 reports in 2006, only 116 were taken up by the courts); and
- Limited access to education (citing a Honduran government report that 368,000 of the 1.7 million children ages 5 to 12 did not receive any schooling in 2006).

When unaccompanied Honduran children leave or are trafficked from Honduras, they are leaving behind a government system that offers few resources and fewer protections to secure their basic rights. The dangers inherent in returning an unaccompanied child to such a situation heightens the U.S.'s obligation to ensure the safety of repatriated children.

**Child Protective Services in Honduras:
The Honduran National Institute for Families and Children
(Instituto Hondureño de la Niñez y Familia, IHNFA)**

The Honduran National Institute for Families and Children (IHNFA) is the government entity responsible for the provision of services to and protection of children. It is headed by the first lady of Honduras, who appoints an executive director to administer policy. The organization functions at the national, state, and local levels under the authority of the wife of the respective elected executive. The UN Committee on the Rights of the Child finds that IHNFA is considerably understaffed, under-trained, and under-funded.⁴⁶ The committee has also cited concerns related to IHNFA's lack of a centralized data collection system to review and assess the provision and efficacy of services. Transitions among federal administrations can significantly affect the organization's structure and political conflicts between jurisdictions can impede the flow of resources.

In order to expand the services available to children in at-risk situations, the Honduran National Institute for Families and Children (IHNFA) contracts with dozens of non-profit, non-government organizations. These partnerships are an encouraging step towards developing and expanding a safety net for the children of Honduras. IHNFA partners with Casa Alianza to pilot a project for reintegrating child victims of the trafficking industry. Casa Alianza is an international, faith-based

⁴⁴ Country Reports on Human Rights Practices: Honduras [2006](http://www.state.gov/g/drl/rls/hrrpt/2006/78896.htm) (March 6,2007). Department of State Bureau of Democracy, Human Rights, and Labor. (<http://www.state.gov/g/drl/rls/hrrpt/2006/78896.htm>).

⁴⁵ During field research, we visited several government shelters for abused and abandoned children. These visits were initially delayed, however, as a strike by IHNFA (child service) workers essentially shut the shelters down for more than two weeks. In response to our inquiries, no one at the agency could tell us what was happening in the shelters during this period (i.e., whether they were closed completely, or staffed by a skeleton crew).

⁴⁶ *State Party Examination of Honduras's Third Periodic Report: Session 44 of the Committee on the Rights of the Child* (January 19, 2007). United Nations Committee on the Rights of the Child.

organization that provides shelter, education, and dependency treatment services to homeless children in the capital city.

IHNFA partnering organizations, however, face significant resource issues, which result in stringent eligibility criteria that can create a service gap that excludes many of the children at risk of migration. Some organizations limit their services to the most at-risk populations, such as Casa Asti's programs for homeless children with drug dependencies and/or a history of prostitution. Other organizations focus on the children most likely to succeed in overcoming their situations, such as SOS International's Kinderdorf homes for orphans under age 7. SOS's success with providing non-institutional homes for young orphans is impressive and based largely on the fact that the organization does not admit into care clients older than age 7. According to Kinderdorf staff, the philosophy behind this decision is that children who are orphaned or living on the streets at an older age are more likely to have significant emotional issues and service needs.

IHNFA's two national offices in Tegucigalpa (Honduras' capital, located in the western mountains) and San Pedro Sula (the industrial center of Honduras, located near the northern coast) are responsible for the receipt of children repatriated by both land and air. Children returning by land, over Guatemala, are released by Mexican officials at the border cities of Ocotpeque and Puerto Cortes. Children returning on flights from the U.S. arrive in Tegucigalpa and San Pedro Sula. Logistically, this proves problematic, as regional offices are located hours from their respective border cities. Tegucigalpa is one day's travel from Ocotapeque. The trip from San Pedro to Puerto Cortes takes at least three hours. The IHNFA representatives charged with the repatriation of children have the impossible task of having to be two places at once while attempting to serve thousands of children a year. Further complicating their task is the fact that resources, such as transportation, are difficult to secure due to scarcity and steep competition with other staff.⁴⁷

When the IHNFA representative serves one population of repatriated children, it is at the expense of the other. The bus returning unaccompanied children from Mexico arrives almost every day. According to the IHNFA office in San Pedro, Mexican officials notify IHNFA days in advance of each bus' manifest and estimated time of arrival. Flights returning children from U.S. custody arrive frequently, but irregularly. According to the Honduran minister of foreign relations, the proper protocol for notification of the arrival of an unaccompanied child is as follows:

1. The U.S. informs the Honduran Consul in the U.S.;
2. The Consul notifies the Ministry in Honduras;
3. The Ministry in turn notifies the National Immigration Police (NIP) officer at the airport;
and
4. The Ministry and the police then notify IHNFA.

In practice, however, both IHNFA and the National Immigration Police, which have the authority to initially receive custody of the children from ICE, report that little to no advance notice is given of a child's arrival. Moreover, when flight manifests are available in advance, they are often

⁴⁷ Interview with Doris Garcia and Jahum Aguilar, Regional Directors of IHNFA. Interview by Amy Thompson in Tegucigalpa, Honduras. (August 14, 2007). Interview with Gladis Rodriguez and Alma Soza, IHNFA regional program directors, Interview by Amy Thompson in Tegucigalpa, Honduras. (August 22, 2007). Interview with Jahum Aguilar, Regional Director of IHNFA. Interview by Amy Thompson in San Pedro Sula, Honduras. (September 2, 2007). We also interacted with various IHNFA personnel while touring seven of the IHNFA shelters and correctional facilities for children in Tegucigalpa and San Pedro Sula.

inaccurate (i.e., children do not arrive on the specified flights). According to IHNFA personnel, this is a recent occurrence. Prior to 2002 the U.S. official regularly informed IHNFA in advance.⁴⁸ In our interviews, IHNFA representatives expressed frustration over the lack of a written agreement with the U.S. regarding protocols for the return of children.^{49,50}

The lack of advance notice of a child's arrival, combined with IHNFA's limited staff and resources, has resulted in IHNFA's practice of waiting to receive confirmation from immigration police prior to sending a representative to the airport. In Tegucigalpa, this means a child is held in police custody an average of about four hours until IHNFA arrives.⁵¹ According to the immigration police in San Pedro Sula, their common practice is to simply release children without IHNFA involvement.

The lack of understanding of U.S. agency roles on the part of Honduran authorities may represent a complicating factor regarding the establishment of protocols and melioration of communications issues. During the author's interviews with agency staff, representatives from all three Honduran authorities (the ministry, IHNFA, and the NIP) referred to the American Embassy as the custodian of unaccompanied children on U.S. flights. This illustrates a lack of understanding among Honduran authorities of who the official U.S. contact is for any problems with repatriation. This confusion likely stems from the fact that ICE offices out of the embassy building and ICE officers are treated as diplomats at immigration check points. To the extent that there is conflict or misunderstanding related to repatriation roles and responsibilities, this situation could strain Honduran relations with the Department of State. The lack of understanding of U.S. agency roles on the part of Honduran authorities may represent a complicating factor regarding the establishment of protocols and melioration of communications issues. During the author's interviews with agency staff, representatives from all three Honduran authorities (the ministry, IHNFA, and the NIP) referred to the American Embassy as the custodian of unaccompanied children on U.S. flights. This illustrates a lack of understanding among Honduran authorities of who the official U.S. contact is for any problems with repatriation. This confusion likely stems from the fact that ICE offices out of the embassy building and ICE officers are treated as diplomats at immigration check points. To the extent that there is conflict or misunderstanding related to repatriation roles and responsibilities, this situation could strain Honduran relations with the Department of State.

Return of Children from U.S. to Honduras

The following account of the processes of removal and repatriation for Honduran children is based on our interviews with repatriated children and Honduran immigration and child welfare authorities, as well as our observation of repatriations from the point of the child's escort onto an airplane in the U.S. until the child's reunification with his family.

⁴⁸ Interview with Gladis Rodriguez and Alma Soza, IHNFA regional program directors. Interview by Amy Thompson in Tegucigalpa, Honduras. (August 22, 2007).

⁴⁹ Interview with Doris Garcia and Jahum Aguilar, Executive director for IHNFA at large, and the Regional Director in Tegucigalpa. Interview by Amy Thompson. (August 14, 2007) .

⁵⁰ We made repeated attempts to contact the ICE representative in Tegucigalpa and embassy representatives to obtain their perspective on relations with local authorities related to repatriations. Neither ICE nor the Department of State responded.

⁵¹ Waiting times can range from one hour to all day. Almost all flights arrive in the early morning. Security staff at Tegucigalpa report that sometimes children are not retrieved by IHNFA until well into the night.

The findings in this report relate specifically to Honduran children removed from ORR custody by Immigration and Customs Enforcement with orders of deportation. None of the interviews involved children in ORR custody removed from foster care placements, sponsors in the community, or through processes other than deportation.⁵² Relevance is further limited as to the demographics of the participants, as discussed below.⁵³

From ORR Care to the Streets of San Pedro

The removal of unaccompanied children from ORR to Honduras involves the child's transfer back and forth between child welfare and law enforcement authorities. The Office of Refugee Resettlement views all processes related to the removal and repatriation of children as immigration enforcement.⁵⁴ As such, it does not involve itself with the arrangements made to secure the child's safe return.

Each of the children interviewed maintained that he was escorted by an ICE agent from their ORR residence to the airport. Four of the children maintained that they were taken to an immigration agency station prior to their arrival at the airport. Two of the children said they spent the night at such facilities, in over air-conditioned cells with no beds or blankets.

Children may be returned individually or in large groups.⁵⁵ Once at the airport, groups of unaccompanied children are boarded on commercial flights separately from and in advance of the public through the service entrance in the back of the plane. In some airports this will necessitate the children walking across the tarmac and navigating the congestion that typically surrounds a plane at an international airport. (i.e., baggage, fuel, and meal trucks). In instances where there are not enough escorts, this situation could prove dangerous. Often, there are too few escorts for the number of children transported (e.g., twelve children to one escort).

None of the children reported being handcuffed or shackled while on the commercial flight. Once the plane landed in Honduras, the unaccompanied children were the last to disembark. The initial receiving authority in the airports is the National Immigration Police, the Honduran counterpart to Customs and Border Protection. The manner in which children are brought to the attention of the Honduran immigration police varies by U.S. agent, but interaction between Honduran and U.S. authorities is minimal.

In one instance, we observed an ICE agent escort a group of children from the plane to the office of the immigration police. Though the agent did not enter the office, he waited outside until all the children had. He then proceeded to leave the airport with apparently no direct interaction with Honduran authorities regarding the children. In a separate incident, we observed an ICE

⁵² It is conceivable that other federal authorities may have processes for the removal of children outside of the immigration system – i.e., the US Coastguard apprehends unaccompanied children at sea and the Department of State and may assist the repatriation of unaccompanied refugee children – but information on these processes, though relevant to the topic of US obligation towards unaccompanied children, is not accessible and beyond the scope of this investigation.

⁵³ As DHS provided little response to the study's request for information, cross referencing our findings with official U.S. policy, guidelines, or statistics was limited.

⁵⁴ Interview with Susana Ortiz-Ang, Deputy Director of the Division of Unaccompanied Children's Services (DUCS) at ORR. Interviewed by Amy Thompson. Washington, D.C. (September 26, 2008)..

⁵⁵ We observed the arrival of one flight with more than a dozen children in the escort of a single ICE officer.

agent leave his charges alone at the arrival gate and then he proceeded to exit the airport.⁵⁶ After several minutes of milling about the gate unsupervised, the children eventually came to the attention of the Honduran immigration police.

Honduran Custody and Repatriation of the Child:

A Tale of Two Cities

Regional variations in Honduran child welfare and migration agency services translate into significant differences in the repatriation experience based on port of entry.

Tegucigalpa

Once in the custody of the immigration police, Honduran children are interviewed individually (though not privately). In Tegucigalpa, immigration officers use a form adopted from the Center for Repatriated Migrants (Centro Atencion de Migrantes Repatriados, CAMR). CAMR a non-government organization and is the lead authority for the organized receipt of adult repatriated migrants. The CAMR intake form includes questions related to the individual's family situation, level of education, route and experience of migration, employment eligibility, and personal identification information. It is not child-specific.

Once the migration police complete their interviews, the children wait for the Honduran National Institute for Families and Children (IHNFA) to arrive. This can take an average of four hours, as Migration Police notify IHNFA of the child's arrival and IHNFA secures transportation. In some instances, the children's parents may already be at the airport when the children arrive. Reunification is delayed, however, until IHNFA can interview the child and parent separately. This may occur at the airport. However, if there is more than one family reclaiming a child, or if the parents do not have proper identification, IHNFA will take the child(ren) to an offsite shelter to continue the interview process.

Initially, children are taken to one of two shelters for processing, depending on gender and age. Boys under age 12 and girls of all ages go to one shelter; boys age 12 and over go to another. Children are interviewed by the IHNFA representative or shelter staff, using a form that again traces their motivations and method of migration, their overall experience, and their family situation.

Parents and guardians are required to produce two forms of proof confirming the relation (the child's birth certificate or the adult's certification as legal guardian, and the adult's national ID card). The interview process with IHNFA can be prolonged and adversarial if IHNFA finds cause to doubt the child's relation to the adult claiming them. We observed at least one interview in which indignation on the part of the parent (of a 2-year-old girl clinging to her neck and crying "Mommy") appeared to constitute cause for suspicion.

⁵⁶ In both instances witnessed, we approached the agent to inform him of the study and to ask for agency contacts for questions related to repatriation in Honduras. The first agent referenced was polite and responsive. The second agent claimed to not be authorized to release even his name. He then suggested that to approach an Immigration and Customs Enforcement officer in the field was a threat to U.S. national security. While we do not believe that the agent felt threatened, it was clear that his expressed consideration of us as a "threat" was intended to suppress further inquiry. We experienced several similar situations with CBP personnel in the United States, as well.

For parents who are unprepared to prove relationship, the requirement can present a significant obstacle. Birth certificates are rare in rural regions and are logistically and financially challenging for the poor to obtain. This requirement, while necessary to protect children from release to smugglers, can delay reunification and cost families lost wages and extended travel costs. The effect on children can be detrimental as well, as children have to remain in IHNFA shelters until their families can comply with the identification requirement.

Systemwide, it is unclear what happens to children who have no family to claim them.⁵⁷ Officials at IHNFA and the Secretariate of Exterior Relations categorically deny that there are children for whom a responsible adult caretaker cannot be found readily from within the child's family. This claim is difficult to believe, given the obvious existence of both orphanages and street children within the country. Presumably the children remain at the shelter until they decide to leave. As there are no statistics or records available on the length of stay of repatriated clients, it is impossible to ascertain what happens to these children. Nevertheless, a child's departure would appear to require some recognition by IHNFA staff as most of the shelters appear relatively secure—with bolted doors, razor wire, and guards.

If the child has a criminal record or known affiliation, he may be interviewed by the national police prior to release. According to the police, this is only done with IHNFA's approval. While we could find no evidence of children detained by law enforcement or imprisoned upon arrival, the risk of such detention for some repatriated youth may exist. According to local advocates, having a known affiliation with a gang can be considered a crime.

San Pedro Sula

In San Pedro Sula, there are no standardized intake forms for the police or IHNFA; police collect general information on the child's identity and may ask questions related to the child's safety.⁵⁸ According to Alejandro Flores, the Chief of Border Police (a branch of the National Immigration Police) at the San Pedro Sula airport, children sometimes complain of abuse by U.S. authorities, but the immigration police have no process to pursue these complaints.

The immigration police report that, in most instances, IHNFA does not attend to children repatriated to the San Pedro airport. The airport migration police routinely release children older than 16 on their own recognizance and younger children to their parents, if they have reasonable proof of relationship. This proof may require a photo ID and birth certificate or at times be simply based upon the officer's best judgment.

⁵⁷ While the official position is that unclaimed children do not exist, some shelter social workers and directors are willing to speak to the issue. However, confusion on the matter abounds. Staff at one shelter claimed that children without families to come claim them stay about two weeks before leaving, and that abandoned babies are kept for about three months before being placed with an adoption unit. Staff at another shelter claimed that only about 80 percent of unaccompanied children return to families, and that the rest were referred to a local non-profit. When we contacted the non-profit, however, it denied receiving unaccompanied children from IHNFA.

⁵⁸ Interview with Irma Serrano, Unaccompanied Children's Protection Officer for IHNFA. Interview by Amy Thompson, in San Pedro Sula, Honduras. (September 2, 2007). Interview with Alejandro Flores and Elias Aceituno Canaca, Chiefs with the National Immigration Police. Interview by Amy Thompson, in San Pedro Sula, Honduras. (September 5, 2007).

San Pedro National Immigration Police expressed concern about not having any advanced notification of the arrival of unaccompanied children.⁵⁹ Related to this concern was the regional experience of immigration police with cases of recidivism. The police chief remarked on one case in particular involving a young girl who had been deported by the U.S. on three separate occasions by the time she was 16. Both the National Immigration Police and IHNFA claimed that, barring recognition of the child by an individual agent, they would have no way of knowing that an arriving child had been previously deported. Without advanced notice of the child's arrival and history by the United States and with limited staff and resources, it is unlikely that IHNFA would have any means of intervening in such cases.

When the IHNFA representative *is* present, he will release children to their parents at the airport, following an informal interview based on intuition.⁶⁰ If the parents are not present, IHNFA will take the child to its primary local shelter. At the shelter, the child is interviewed by a psychologist and either reunified with his family or formally admitted to an IHNFA shelter based on age, gender, and behavior.

As in Tegucigalpa, it is unclear what services are available to children arriving in San Pedro with no reliable family in the area.

The Child's Experience: Findings from the Honduran Interviews

7 boys, 15-to-17-years-old

The Honduran Child's Situation Prior to Migration

For the Honduran participants, childhood poverty and a lack of educational opportunities are a common thread.

Four of the X boys came from rural backgrounds and three grew up in the cities (two in Tegucigalpa, one outside of San Pedro). Four of the boys lived with both parents. Two lived with other family members, and one lived with his pregnant wife.

Six of the boys no longer attended school. Four boys attended no more than three years of primary education. One boy nearly completed his primary education and one had attended a year of secondary schooling. Only one was still attending school, prior to migration. The two boys with some secondary school experience lived in urban areas.

All six of the boys who left school did so to enter the workforce. All six were working full-time or seeking full-time work before they migrated. The four boys living in rural areas left primary school to join their families working in the fields, harvesting corn, coffee, and beans. Of the boys living in urban environments, one of the boys worked as a gardener with his father and one worked odd construction jobs.

The boys' situations prior to migration reflect several indicators traditionally associated with poverty and, in the case of Honduras, migration. These indicators include rural residency and its connection to early entrance into the workforce and primary school drop out.

⁵⁹ *Ibid*

⁶⁰ *Ibid*

The Honduran Child's Motivation to Migrate to the U.S.

Six of the boys migrated in search of work, and one sought to reunify with family members. Two of the boys claimed it was not their decision to migrate. Five of the boys had some family in the U.S.. Five of the boys traveled completely alone. Two made the trip with friends.

Why did I go? Because [in the U.S.] some people earn better salaries, more money, those things. And maybe I could get ahead because here [the U.S.] the dollar is worth more. Marvin, 17, rural village

Because I wanted to provide for my family. Walter, age 17, Tegucigalpa

Look, back in Honduras they... didn't let me study. Every time I went to night school, I got shot at because the gangs wanted me to join them. I told them no and so they wanted to kill me. They wanted to murder me and that's why I came here [to the U.S.]. To see if I could study here. Honduran child 16 in DIF shelter, mistakenly removed from the U.S. (not a survey participant)

The Honduran Child's Experience Migrating to the U.S.

While the level of resources available to them or debt incurred may vary by individual, the journey to the U.S. was perilous for each of the Honduran study participants.

Three boys hired a guide at the U.S./ Mexico border. Only one traveled with a guide the entire way from Honduras. It should be noted that a guide is not always a professional criminal – even though they charge. It may also be a cousin or relative who charges for the inconvenience. The price they pay is a good indication of whether the guide is really just a guide or more of a coyote – or professional criminal trafficker.

To reach the U.S., unaccompanied Honduran children must first cross two other international boundaries—the boundary between Honduras and Guatemala and again between Guatemala and Mexico. The first border stretches across mostly rural, mountainous regions that can be crossed either by foot or vehicle. The second border is defined by a river. Without authorization to enter at an official check point, children must cross by swimming or using floatation devices.

Honduran Code on Childhood and Adolescence clearly states that children under age 18 may not leave the country except in the company of their parents or legal guardians.⁶¹ The Border Police systematically enforce this rule at the country's international airports. Enforcement appears to be less rigorous along the land border, however, as four of the study participants claim to have crossed the border into Guatemala in vehicles without documentation or legal guardians. The other three participants crossed into Guatemala on foot; whether they crossed through official checkpoints was unclear.

None of the participants spent more than a few days crossing Guatemala. Those who crossed by bus spent only a few hours in the country. Once in Mexico, six of the boys used freight trains

⁶¹ Código de la Niñez y de la Adolescencia de Honduras, Libro: Dos; Título: Uno; Capítulo: Tres. Honduran Code on Childhood and Adolescence, Book 2, Title 1, Chapter 3.

to travel to northern Mexico. To catch the freight trains, the boys risked their lives or physical injury by jumping onto moving box cars. The one boy who did not travel by train stowed away in a trailer truck.

Four of the boys reached the Texas-Mexico border by swimming or floating across the river. Three crossed the border into Arizona, walking for days in the Sonoran desert.

The boys who used guides reported that the guides were paid or promised between \$300 and \$2,000. Of the two highest sums reported by the participants, one was arranged for by a third party and one was agreed to by the boy himself during the course of the journey.

One of the boys, Maynor, agreed to repay his guide \$2,000. At the time, Maynor had no money and agreed to work for the guide to pay off his debt. Maynor was uncertain, however, as to how long that would have taken or what that would have entailed. After crossing the border, he was trafficked to a major city and held. A raid by local police freed him from indentured servitude, but the authorities did not recognize his condition as such. Had Maynor been identified as a victim of trafficking, he might have been able to cooperate with police to provide evidence against the guide.

None of the boys reported any debt related to their journeys. Several had saved for many years to make the trip. Maynor was uncertain whether his debt would be erased. Others claimed that their capture erased the debt. In the cases where the child was not the sole or primary decision maker regarding his travel, it is unclear whether third-party debt is a factor.

The Honduran Child's Experience of Detention and Removal

The Honduran case study participants endured prolonged detentions subsequent to receiving their orders of removal. The interview responses of the children indicate that they had little understanding of what was happening to them and what their rights may have been while they were shuffled between U.S. law enforcement (ICE) and child welfare (ORR) authorities. This lack of awareness is most likely the result of limited contact with consulate and pro bono services.

Combined, the seven boys spent a total of 20 days in the U.S. prior to apprehension. They spent an average of just under three days in the U.S. before they were apprehended. They spent a combined total of 53 days detained in Border Patrol (BP) stations (just under nine days on average). They spent more time in U.S. custody than in the U.S., even before transfer to ORR.

Two of the boys were transferred from one DHS facility to another during their initial detention, rather than being expeditiously transferred to the care of ORR. One boy who was not initially apprehended by a DHS agency was detected by a local police force during a raid on an apartment building. He spent two days in a municipal jail cell – with adult criminals – prior to being transferred to ORR custody.

The participants spent a total of 550 days in ORR care, for an average placement of 79 days. Well over a third of this time was subsequent to the immigration judge's order of the child's removal. See table below.

Account of Time Spent in the U.S. by Honduran Case Study Population

	Days in U.S. Prior to Apprehension	Days in BP Custody*	Days in ORR Custody Prior to Receiving Order of Removal	Days Spent in U.S. after receiving order of removal	Total Days in Custody*	Total Days in U.S.**
Total	20	53	356	194	605	625
Avg.	< 3	> 8	51	28	> 86	89

* response includes only 6 of the participants as one was held by local law enforcement prior to transfer to ORR

** includes two days that one boy spent in local detention

Treatment under Border Patrol Custody. One of the boys classified his treatment by U.S. immigration authorities as abusive and said that he was beaten by a Border Patrol agent. Two boys described the care they received as mistreatment. As in the Mexico case study, however, while the rest of the interviewees did not claim mistreatment, they described conditions that could have been presented as such. Complaints common among the interviewees regarding U.S. detention were a lack of food or inedible food, a lack of beds, and uncomfortably cold temperatures.

Child’s Understanding of Situation. Four of the participants stated that they did not understand the papers they signed while in Border Patrol custody. Two of the three who claimed understanding made comments indicating an incomplete understanding. For example, one boy explained that the papers he signed for the BP were simply to create a record of his presence in the event that he might choose to visit the U.S. in the future. Only one of the participants presented as capable of reading and understanding the context of what he was asked to sign.

Two of the boys claimed that the BP did not provide any written or spoken information in a language they could understand (Spanish). One boy claimed that he was provided information in Spanish, but that the wording used did not make sense.

They [Border Patrol] told me I had to sign some papers so they could deport me. That’s what I understood, nothing else. Well, they explained that the only right I had was to be over here [Honduras] because over there in the U.S. I had no rights because I was an illegal. How was I going to ask [for permission to stay] if someone was already there to take me back? I wanted to stay there but they couldn’t let me. They told me I had to be deported back.

Will, 17, outskirts of San Pedro

Consular Notification. The participants uniformly maintained that they had no access to their consulates while in the custody of immigration (i.e., BP or ICE) or local authorities. Five of the boys affirmed that they had had contact with their consulate while they were in ORR care. This contact was not immediate, however. One boy specified that he was in ORR care for over a

month (and had already been to court and agreed to removal) before he was put in contact with his consulate. Two of the participants were adamant that they were never in contact with their consulate while in the U.S.

Legal Representation. Though the pro-bono advocacy community has significantly increased the availability of legal representation to unaccompanied children in ORR custody, there are still many instances in which children in ORR care receive limited or no legal representation. We observed significant variations in the quality and availability of rights presentations provided in eight of the ORR facilities visited during the study. In some facilities, children were obligated to observe the rights presentations on a weekly basis throughout the course of their detention. In other facilities, children observed the presentation only once and sometimes only after they appeared in court. The quality of the presentations varied greatly with the experience and language skills of the presenter. In some instances the presentations were conducted by professionals with educational backgrounds; in other facilities the presentations were led by law students with limited to no familiarity with Spanish or experience with children.

Five of the study respondents were identified with the assistance of their attorneys in the U.S., which limits the applicability of any comments made by these participants regarding legal advice and representation. Several of the children's comments on the topic of representation, however, are illustrative of the limitations of the current services available. One of the boys claimed that he had an attorney represent him in court, but that he had not been presented his rights or options prior to court. Two of the children claimed that legal providers told them of their rights, but that they had no legal representation in court. Six of the boys had some recognition of the possible claims for immigration relief available to unaccompanied children, indicating that they had likely received some form of a rights presentation.

While they were in the United States in ORR care, six of the boys said that social workers or legal representatives asked whether they were afraid to return to Honduras. Only two boys reported that a U.S. immigration authority asked whether they were fearful to go home. As children are unlikely to volunteer any fears they may have, ensuring their safe return requires that they be specifically questioned concerning any fears.

Several boys responded to the effect that they weren't afraid of anything. This underscores the need for individual country of origin assessments to determine whether a child may be returned safely.

The Children's Experience of Repatriation to Honduras

All of the boys were repatriated via Tegucigalpa, despite the fact that three of them were from towns on the other side of the country, closer to San Pedro Sula. This presented an additional logistical obstacle for reunification with parents, as travel by land within Honduras is difficult, expensive, and can be dangerous. From villages less than 100 miles away, it can take an entire day to reach the capitol by bus, and the fare can cost more than a week's wages. One of the boy's fathers had to make the sacrifice twice as ICE changed the travel plans for his son's return without notifying him.

Once in Honduras, three of the boys had to wait more than four hours for a representative from the Honduran National Institute for Families and Children (IHNFA) to take custody of them. They had no access to food or beverages. While the children waited they were interviewed by migration authorities in front of other unaccompanied children and detained travelers.

Most of the boys were released from IHNFA custody to family members the same day of their return; however, two spent at least one night in an IHNFA shelter pending family reunification. Only one of the boys reported that IHNFA had asked whether he had any concerns related to returning to his family or hometown.

As in the Mexico case study, the hardships born by the children during migration do not present a significant deterrent to repeated attempts to return to the U.S. Only one of the boys said that he would not attempt to return to the United States. Three said they would definitely attempt to return: two stated that they intended to return after they earned the money for the trip and one said that he might return, if he could figure out a way.

As most of the boys had little formal education and were traveling in search of work, it is likely that some form of financial or educational opportunity would be necessary to mitigate their motivations to migrate. Three of the boys mentioned that they hoped to develop certain technical skills in the United States. One boy was interested in learning to install air-conditioning systems and two wished to learn mechanics. One said that the cost of technical training in Honduras was greater than the cost to migrate.

Neither IHNFA nor any other Honduran agency provided any of the boys with information about services available to facilitate their reintegration. We found no indication that such services are available through Honduran public agencies.

Summary of Honduran Case Study Observations and Analysis of U.S. Responsibility

The current system of removal for Honduran children, based on ICE escort, inappropriately charges a law enforcement agent with the execution of a policy that has extreme consequences on the safety and well-being of a child. In the immediacy, there is a need for written transport and escort protocols for ICE agents charged with returning unaccompanied children. These protocols should limit child-to-staff ratios. They should further require gender-appropriate escort, signed release to an identified authority, and advanced and direct communication with that authority prior to the child's removal from the United States. Direct coordination with Honduran authorities is critical to enable Honduras to efficiently and expediently allocate resources and personnel for repatriation services. In addition, U.S. agencies should not place children at risk or unduly burden Honduran authorities by returning unaccompanied children without the advanced and confirmed acknowledgment of both the Honduran National Police and IHNFA. Transportation protocols should further place priority on the child's safety and security, such as providing a reasonable child-to-escort ratio.

To truly address the risks posed to the child during removal and to discourage repeated migration, the return and repatriation of children should be coordinated and overseen by an expert in child welfare.

While the economic situation is a considerable variable in the root of adult migration from Honduras, many factors influence a child's migration. As these factors are unique to the child's country of origin and the individual child, an individual pre-removal assessment of the child's situation and needs is necessary to ensure the child's safe return and to prevent repeat migration. Currently, state child welfare authorities and ORR conduct home studies and best interest analyses in relation to the release of a child from their custody placed *within* the United States. Moreover, state agencies routinely conduct or contract out these services in order to

place children internationally. These processes could be adapted for the needs of all unaccompanied children removed internationally and should be implemented by a child welfare professional.

While government services programs in Honduras are limited in their ability to provide services to unaccompanied children, hundreds of non-government services agencies in Honduras are available to provide support. Providing unaccompanied children with contact information for these non-profits and in-country services could help children address the issues at the root of their migration without resorting to repeated migration. U.S. authorities could provide this information in consultation with in-country experts from IHNFA, the United Nations, established NGOs (such as Casa Alianza), and non-profit coalitions (such as Project Honduras).

In practice, the bifurcated system of return for Honduran children (to either Tegucigalpa or San Pedro Sula) without regard for the child's ultimate destination or fear of return to a specific region complicates family reunification and places the child at unnecessary risk. It should be noted that, unlike Mexico, Honduras has no resources to facilitate the child's return to their hometown. Families interested in reunification are challenged to secure the child's safe and expedient return by geographic, infrastructure, and economic barriers. Returning a child to an airport on the other side of the country can mean the difference between hours and days, between expense and fiscal disaster for parents attempting to retrieve their children. Children should be returned to the airport nearest their ultimate destination to encourage family reunification and prevent returning the child to an unsafe environment.

As in Mexico, in Honduras we encountered reports of children from other Latin American countries who were mistakenly removed to Honduras based on the child's claim. According to IHNFA, the motivations given by these children for denying their true citizenship ranged from a desire to travel to a fear of return to their country of origin. In one instance reported by IHNFA, a Salvadoran child did not want to be returned for fear of punishment by his home country for his involvement in migration. Though the occurrence of mistaken removal to Honduras is decidedly less common than in Mexico, similar risks and concerns warrant attention to the situation. ICE should confirm that country-of-origin authorities are aware of the possibility and process for returning an unaccompanied child to the United States if he is incorrectly removed, especially in instances where the child expresses a fear of return.