# Pro-Con: Border children

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## *Thousands of children have flooded the U.S. border with Mexico in the past several months, and the Obama administration is struggling to decide how to handle the crisis. Here are two opposing views.*



*(Photo: Pool photo by Eric Gay )*

**Meet children with immigration judges**

In the past nine months, enough unaccompanied children to fill Yankee Stadium have shown up at the U.S. border with Mexico.

They’re coming because violence is on the rise in the Central American nations of Guatemala, El Salvador and Honduras. And they’re coming because smuggling rings have figured out that minors pose a particular problem for U.S. authorities trying to police the border.

This influx of migrant children — a more than threefold increase from five years ago — represents both a humanitarian crisis and a vexing public policy problem.

Unlike adults trying to sneak across, the children typically turn themselves in to the Border Patrol as soon as they reach the USA. And thanks to anti-trafficking laws that predate the Obama administration, deporting minors is an arduous process.

It includes a guaranteed right to a hearing on refugee status. The wait time for a hearing is pushing two years, which prompts the Office of Refugee Resettlement to release many of the kids into the custody of relatives, where they might or might not be heard from again.

What to do?

One key is to meet the surge of children with a surge of immigration judges to the resettlement centers where the children are initially housed.

The kids’ cases could be heard on an expedited, yet humane, basis. Those who can demonstrate that they face real danger if returned home would be allowed to stay. Those who can’t would be deported.

Once some of the children began reappearing in their home countries, families would rethink their willingness to spend great sums, and to put their children at such risk, to send them to the United States. The heavy sales pitches and misinformation campaigns used by smugglers would be undermined.

The Obama administration has taken some preliminary steps in this direction. Yet as sensible as this approach seems, it faces opposition from both extremes in the immigration fight.

Some on the left argue that all the children should simply be allowed to settle in the United States. That would undermine the rule of law and serve as a magnet for tens of thousands more.On the right, lawmakers who have insisted on spending billions of dollars on border security have been surprisingly reluctant to invest in a robust court system.

The entire United States has only 220 of these specialty immigration judges, who have a backlog of 350,000 cases. The Senate approved a measure last year that would double their numbers. The House, however, has yet to get on board because many members see judges as gateways to legal status rather than necessary arbiters of cases.

Some Republicans are also keen on using the influx of children to score political points by blaming it on President Obama’s push for broad immigration overhaul. Yes, The possibility of a path to citizenship for undocumented immigrants — particularly children — might be playing some role in the influx. But the main drivers of this crisis are existing conditions and laws, not potential future ones.

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**Don’t shortcut legal process of children**

The influx of unaccompanied children across our southern border — more than 50,000 since October— is the result of increased violence in Central America by gangs and drug-related criminal organizations. Honduras, for example, has the highest murder rate per capita in the world. El Salvador is in the top five.

The reaction in the United States to this migration phenomenon has ranged from compassion to hostility. Some elected officials blame lax enforcement policies or lenient laws for the problem. Such assertions reveal a misunderstanding of the reality facing these children. They are threatened by gangs every day in school, on public transportation and in their neighborhoods with violence and death.

What should the United States do to respond to this challenge? Consistent with domestic and international law, we should provide shelter and care to these children and a chance to remain if they can show in immigration court that return could result in bodily harm or death. In a recent survey, the United Nations High Commissioner for Refugees found that nearly 60 percent of children had legitimate claims to international legal protection.

Cutting short the legal process is one way many of these children could be returned to their persecutors.

Additional resources for immigration judges are needed to meet the increased demand, but care must be taken so that these vulnerable children can present their cases with legal representation and the right to appeal, consistent with due process rights. Mental health and other social service support should be available to help them overcome the trauma of their journey and better articulate their fear of return.

Sending immigration judges into shelters to conduct hearings threatens these due process criteria and the ability of these children to obtain the legal protection they may deserve.

The United States must work with Central American governments to address the push factors of violence, insecurity and the lack of opportunity.

In the meantime, we must join together as a nation to support these children, consistent with the law and with our values.

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**Children at the Border Are Not a Crisis for Americans by Benjamin Powell**

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The unaccompanied children arriving on our Southwest border are not causing an immigration crisis for Americans. Politicians, as usual, are sensationalizing the facts for their own partisan agendas. More immigrant children are arriving but the crisis is for them, not the native born in the United States.

The number of unaccompanied children under 12 caught crossing the border illegally has [surged](http://www.latimes.com/nation/nationnow/la-na-illegal-immigration-unaccompanied-minors-20140724-story.html#page=1) by 117 percent this fiscal year. That sounds like a big increase but it only amounts to an increase of around 4,000 children. If we count the absolute number of children, including teenagers, detained, they are still less than 47,000 in total.

Nebraska GOP Senate candidate Ben Sasse lacks perspective when he [complains](http://www.washingtontimes.com/news/2014/jul/28/gop-senate-candidate-obama-needs-visit-central-ame/#ixzz38saiNuFD), "How many more kids are going to be put on top of trains? Half-a-million? A million? Five million?" before the President sends a strong message to these children that they cannot migrate here.

Prior to our recent recession, there were around a million and a half annual attempts to cross the Southwest border illegally and roughly a third were successful. In recent years, net migration from Mexico has turned [negative](http://www.pewhispanic.org/2012/04/23/net-migration-from-mexico-falls-to-zero-and-perhaps-less/). The migration turn-around is a product of the improved performance of the Mexican economy relative to the U.S economy and the fall in Mexican fertility rates. Neither of these trends is likely to reverse in the near future.

With the wave of illegal Mexican migration largely behind us, an increase of a little more than 8,000 unaccompanied children, mostly from Honduras, Guatemala and El Salvador, hardly amounts to a crisis. That number, and the children from these countries that are encouraged to migrate in the future, could easily be absorbed without significant ramifications for the native born population of the United States.

A key difference, compared to the illegal Mexican migration of prior decades, is that these are all children rather than adult workers. That makes it more likely that these kids are net tax consumers when they first arrive. President Obama has already requested $3.7 billion just to deal with the temporary problems related to these children. If they were allowed to stay their education and health care would cost tax payers many billions more.

But when considering the fiscal impact of any immigrant, we cannot just look at a snapshot in time but instead must consider the taxes they will pay and government services that they consume over their lifetimes. Serious scholarship on the fiscal impact of immigrants accounts for this lifecycle of taxes and services and any additional dynamic effects immigrants have on taxes generated in other parts of the economy.

Methodologies and assumptions vary from study to study but most serious [scholarship](http://www.depts.ttu.edu/freemarketinstitute/docs/TheFiscalImpactofImmigration.pdf) finds that immigrants have little net fiscal impact over their lifetime. Some studies find negative impacts, some find positive impacts, but they are all small and clustered around zero. That means that, although there are some upfront tax costs of these migrant children, they won't impoverish taxpayers over the long run.

All of this is not to say that there is not a crisis. It is just not an immigration crisis for Americans. The crisis confronts these children. They have fled poverty and violence in their home countries. The United States government's war on drugs is one of the main [causes](http://www.huffingtonpost.com/mary-l-g-theroux/voyage-of-the-damned-war-_b_5621296.html) of the violence that they flee.

In order to solve their crisis the children should be given refugee status and allowed to stay and the United States government should end its [unwinnable](http://www.econlib.org/library/Columns/y2013/Powelldrugs.html) war on drugs. That would help these children now. It would lower the violence and corruption in their home countries so that fewer families would feel the need to send their children North in the future.

As an upshot, we in the United States would be made better off too. The immigrant children would provide modest net economic [gains](http://www.econlib.org/library/Columns/y2010/Powellimmigration.html) to us once they are adults and drug legalization would [eliminate](http://dailycaller.com/2012/04/11/time-to-end-our-unwinnable-drug-war/) many of the evils associated with prohibition while making us a freer and more prosperous society.

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### PRO: Provide visas when justified, send home safely when necessary by Linda Kelly

INDIANAPOLIS — Southwest Indiana is a long way from the U.S.-Mexico border, but the area recently became a hot spot of undocumented children from Mexico and Central America who snuck their way into the country.

From 2004 to 2010, the federal government hired a privately owned youth jail center in Vincennes, Indiana, to house immigrant children. It was meant to hold the children considered the most dangerous.

These children arrived at the Southwest Indiana Regional Youth Village after being identified at the border because of tattoos or suspicion of drug use and other offenses in their home countries. Others had caused trouble or run away from less secure holding centers in the United States. A few had U.S. police records.

As the director of the Immigration Clinic of Indiana University's school of law, I traveled to Vincennes with volunteer law school students. We went to provide legal assistance to these kids.

## "Know Your Rights"

The federal government helped pay for the Immigration Clinic students and me to give "Know Your Rights" presentations to the children. We explained to them their legal rights and what they could expect once they went to immigration court.

Children — like adults — have no legal right to government-provided attorneys in immigration proceedings. As a result, we interviewed the children to match strong cases with volunteer attorneys.

We found children fleeing domestic abuse, gang violence and drugs. Some were raped and mistreated in other U.S. holding centers.

These children were eligible for U.S. government protection in the form of asylum and other special visas. The visas, which grant them permission to stay in the U.S., are for abandoned children and victims of crime and human trafficking. Many children have been trafficked from their homes to other places and forced to work. Many were reunited with family in the United States. Others went home voluntarily. Some were deported.

## SWAT Team At Protest

At one point, the immigrant children in Vincennes staged a peaceful sit-down to protest the conditions in which they were held. The local Knox County SWAT team was called in with riot gear, billy clubs and a police dog. Children were subject to lockdown, solitary confinement and other abuse.

When they told IU's law school students of the holding center's bad treatment, we notified the federal government, which took immediate action. Shortly thereafter, the privately owned center stopped housing immigrant children.

The federal treatment of today's immigrant children is like what happened at Vincennes, although on a much larger scale.

The violence in Central America is increasing because the U.S. keeps buying illegal drugs and guns from there. Children are gathering along the border. Volunteer attorneys are being recruited to travel to these sites to deliver "Know Your Rights" presentations and individually screen children. Privately paid attorneys and those offering their services for free are representing children reunited with families throughout the country.

U.S. immigration and refugee law protects survivors of violence and persecution. Attorneys, law school students and other volunteers are now stepping up and coordinating their services with the federal government.

## Protecting The Children

Certainly, it is not a perfect system. But the Obama administration continues to demonstrate a commitment to protecting undocumented children within today's political and legal limits.

Part of that effort includes figuring out whether children in Honduras should count as refugees. Individuals fearing persecution throughout the world have had the right to seek refugee status at U.S. embassies because of the Refugee Act of 1980.

These laws are built upon our historical protection of persons and acceptance of international agreements passed in the wake of World War II.

Not every child should be allowed to stay. But turning children away at gunpoint does not match with law and practice. Our youngest immigrants must continue to have their legal rights protected, provided visas when justified, and sent back home safely as necessary.

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### CON: Secure the border, discourage illegal crossings by Roger F. Noriega

WASHINGTON — Try as he might, President Obama cannot escape responsibility for the disaster at the U.S. southwest border. It's been caused, in part, by his administration's mismanagement.

Until Congress returns next month, he should use the tools he has to secure the border and to discourage illegal crossings. One can only hope that he will not take actions on his own that might make matters worse.

The president has been trying to walk a fine line. He wants to keep Latino leaders who support him happy, while at the same time convincing Central Americans not to start the perilous journey north. Although compassionate talk about immigrants is good politics, it is not good policy.

After all, the current crisis has been stoked by loose talk in Washington about a possible "amnesty" of illegal immigrants. Obama's 2012 decision to suspend deportation of youth with long-standing ties to the United States got people first talking about an amnesty that would pardon immigrants who crossed illegally. News that young children arriving at the border were being released until their hearings only increased the chatter.

## A Rush Across The Border

During a visit to Washington last month, Honduran President Juan Orlando Hernandez blamed the unclear understanding of U.S. border enforcement for helping encourage people to rush across the U.S. border. It is part of what he calls the "pull factor."

Hernandez also explained the push factor: drug violence that creates insecurity and deadly street gangs preying on youth in his country and neighboring El Salvador and Guatemala. Unfortunately, these are poor nations with governments unable or unwilling to deal with these challenges.

Immigrant supporters assert that more than half of those arriving recently have legitimate claims that require a hearing under U.S. and international law to determine if they qualify as refugees.

That is contradicted by a Border Patrol survey in May that found that nearly all of those interviewed made the trek because of recent rumors of weak border enforcement. According to sources in Central America, so-called "coyotes" — criminals who make their living smuggling people — have been advertising weak U.S. border enforcement to drum up business.

## Crisis Fueled By Smuggling

In 2008, a law was passed to prevent human trafficking, a crime in which people are taken from their homes and forced to work elsewhere, usually in another country. Part of the initial problem in responding to the border crisis was the Obama administration's too broad use of that law. It requires a complicated hearing to determine if an immigrant should receive protection in the form of asylum, which allows them to stay in the U.S.

The current crisis is fueled primarily by smuggling, not trafficking. Border guards should be allowed to use their experience and judgment to screen for authentic refugee or trafficking cases.

Of course, real refugees in U.S. territory must be treated lawfully. However, the United Nations should work with local governments to offer relief to refugees in their country of origin. It shouldn't wait for them to run all the way to the U.S. border.

One thing that all can agree upon is that no one is better off risking the thousand-mile trek through Mexico. Many migrants are abused, robbed, raped or killed along the journey.

If the appearance of weak enforcement lures people to risk life and limb that must change immediately. Republicans made these arguments while crafting a tough measure. It would strengthen border enforcement, make it easier to deport new arrivals and send a clear signal that the border is being secured.

## Securing The Border

Although the president initially talked tough on border enforcement, his political advisers apparently recommended that he toss the "hot potato" to congressional Republicans.

However, securing the border is the responsibility of the president, not the Congress. And, the president does not need new authority to get a handle on this crisis. He can gain control of it by stating firmly that illegal crossings will be stopped, most new arrivals will be turned around, and that "amnesty-for-all" is off the table.

Seeking a domestic political "win" by blaming congressional Republicans for inaction on the border is extraordinarily irresponsible — even dangerous.

Not only does it prolong the current crisis, it undermines any agreements between Democrats and Republicans. They'll need to work together to pay the costs of the current crisis and to eventually rebuild an immigration system that is failing the country.

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