

Unaccompanied Children: What Oregon Can Do

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The Background

- Human Race Has Always Migrated
 - Natural Disasters, War, Famine, Poverty, Oppression, Violence
- North America Was Populated through Migration
- United States Specifically Was Born from and Maintained through Migration
 - Mayflower plus Subsequent Waves (English, African Slaves, Irish, Italians, Chinese, Russians, Mexicans, and Many More)
- Children Become Separated from Family throughout the Migration Process
 - Ex., Mayflower passengers included two orphans and two unaccompanied children

The Problems

- Most Children Fare Far Worse When Separated from Family
 - Ex., Both of the unaccompanied children on the Mayflower died before the end of the first winter in Plymouth (only two female children to do so)
- Unaccompanied Children Susceptible to Trafficking, Abuse, and Exploitation
- Immigration Laws Are Not Focused on Children, Family Integrity, or Family Reunification
- Immigrations Laws Are So Complex That Not Even the SCOTUS Justices Understand Them (Let Alone Most Attorneys)

Unaccompanied Children in the U.S. Today

- 60,000 Unaccompanied Children Expected To Come to U.S. in 2014 Alone (Far Exceeding Recent Years and Earlier Estimates)
- Right to Counsel is Not Recognized for Unaccompanied Children in the U.S. due to Interpretations of 8 U.S.C. § 292 (“privilege” and “at no expense to the Government”)
- Inadequate Resources Allocated To Provide Care and Fair and Just Processing of Their Legal Claims To Be Here (40% Arguably Have Claim, But Without Legal Representation, 93% Are Ordered To Return)
- Obama Administration Just Announced \$2 Million AmeriCorp Grant to Fund 100 Attorneys and Paralegals To Assist (600 Child Clients Each=Not Nearly Enough)
- Portland Is One of the Cities Targeted for the Funding

What I Am Doing

- Conducted Legal Research and Analysis on the Question of Representing Unaccompanied Children through Willamette's Clinical Law Program
- Published Academic Paper on Need for Attorneys to Represent These Children (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=242671)
- Published Op-Ed (available at <http://www.statesmanjournal.com/story/opinion/2014/06/10/child-refugees-need-legal-help/10291857/>)
- Presenting Publicly
- Producing Informational Video for FWD.us and LegalED
- Supporting Law School Clinics Interested in AmeriCorps Grants (http://lawprofessors.typepad.com/clinic_prof/2014/06/funding-opportunity-for-law-school-clinics.html)

What You Can Do

- Make Oregon a Humane Place for All Children Where Their Rights Are Respected and Upheld
- Support Immigration Law Reform
 - Seek leadership and support from Oregon's Congressional delegation on these issues
- Support Foster Care Reform
 - Seek greater commitment in law and practice to family placements, support, and reunification
- Provide Comprehensive Legal and Advocacy Support to All Children in Oregon's Foster Care System
 - Attorneys for all children should be default
 - Provide adequate funding for a CASA for every individual child
- Support Local Resources in Applying for AmeriCorps Grants (Due Next Month!)
 - Catholic Charities?
 - Youth, Rights & Justice?

Other Resources

- A Treacherous Journey (http://www.uchastings.edu/centers/cgrs-docs/treacherous_journey_cgrs_kind_report.pdf)
- Child Migration and Human Rights in a Global Age (<http://press.princeton.edu/titles/10210.html>)
- AmeriCorps Funding Application (<http://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2014/justice-ameri-corps-legal-services>; see also <http://www.nytimes.com/2014/06/07/us/us-to-provide-lawyers-for-children-facing-deportation.html?hpw&rref=us&r=0>)
- Press Coverage (<http://www.nytimes.com/2013/04/11/opinion/give-lawyers-to-immigrant-children.html?r=0>)

Questions? Discussion?