Children Seeking Safe Haven: The Health Impact of Migration across our Southern Border

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Disclosure

• In the past 12 months, I have had no relevant financial relationships with the manufacturer(s) of any commercial product(s) and/or provider(s) of commercial services discussed in this CME activity.

• I do not intend to discuss an unapproved/investigative use of a commercial product/device in my presentation.
Learning Objectives

• Provide background for understanding the experiences of immigrant children

• Discuss the migration experience of newly-arrived immigrant children

• Understand the critical roles of community-based health care, education, and legal representation for newly-arrived immigrant children

Current State of Affairs

• Increased border enforcement

• Expanded interior enforcement

• Refugee and Muslim travel ban

• Termination of DACA

• Threatened participation in public programs: “Public Charge”

• Ongoing rhetoric that criminalizes immigrant families and threatens health and wellbeing
In 2017, 421,000 children (5%) in CA were born outside of the US.

Framework: Understanding the Experience of Immigrant Children at our Southern Border

Slide Adapted from Alan Shapiro, MD
Toxic Stress Framework

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• Consider the role of pediatricians as advocates
What Drives This Migration?

The Push
- Violence – homicide
- Food insecurity
- Poverty
- Political instability
- Domestic violence, child abuse
- Environment (e.g. severe drought)
- Targeted persecution (youth, ethnic minorities, LGBTQ, girls)
- Trafficking: labor, sex

The Pull
- Reunification with family
- Education
- Economic opportunities
- Safety

Lack of Protection | Seeking Protection

Rosenblum & Ball, Migration Policy Institute, 2016

The Journey

In Children’s Words

“I tied my belt to the train so I wouldn’t fall off if I fell asleep.”

“I often spent days without eating and had to wash cars to make enough money to buy food.”

“My family sold their farm to finance my trip to the US.”

Slide Adapted from Alan Shapiro, MD

Crossing the Border

In Children’s Words

“I almost drowned crossing the river when the inner tube deflated.”

“We walked for six hours in the desert and ran out of water. I wasn’t sure I would survive.”

“We were kidnapped at the border by our guide and my parents couldn’t pay the ransom. I thought I was going to be killed.”

Slide Adapted from Alan Shapiro, MD
Complex Trauma

In Children’s Words
“I was wet from crossing the river and didn’t get dry clothes until the next morning.”
“They separated me from my older sister. I thought I’d never see her again.”

Slide Adapted from Alan Shapiro, MD
Family units make up an increasing share of U.S. border apprehensions

% of apprehensions at the U.S. southwest border from January to December, by type

Child Deaths with Processing

The Flores Settlement

- Requires government to prioritize child welfare when assuming custody of immigrant children seeking safe haven in the US
- Protects immigrant children from over-incarceration in unsafe and inappropriate conditions:
- Applies to unaccompanied children and children in family units

Through a proposed regulation, the Flores Settlement is at risk!

Unaccompanied *Alien* Children
The Homeland Security Act of 2002

- Under the age of 18
- Without legal immigration status
- Without a parent or guardian in the United States available to provide care and physical custody... *at the time of apprehension*
- Primarily from non-contiguous countries

Image: http://www.takepart.com/article/2013/12/10/undocumented-kids-border

Slide Adapted from Alan Shapiro, MD
Trafficking Victims Protection Reauthorization Act (TVPRA)

- Passed in 2008
- Mandates screening by Customs and Border Protection (CBP) for trafficking for unaccompanied children from Mexico and Canada before repatriation or placement in immigration proceedings

Efforts to undermine TVPRA have been proposed.

Unaccompanied Immigrant Children
ORR Children’s Shelters
Unaccompanied Immigrant Children: Release to Sponsors


### Unaccompanied Immigrant Children Release to Sponsors: CA

<table>
<thead>
<tr>
<th>FY 2014</th>
<th>FY 2015</th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
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</thead>
<tbody>
<tr>
<td>5,831</td>
<td>3,629</td>
<td>7,381</td>
<td>6,268</td>
<td>4,655</td>
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</table>

**Release by County: October 2018 – December 2018**

<table>
<thead>
<tr>
<th>County</th>
<th>Release</th>
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<tbody>
<tr>
<td>Alameda County</td>
<td>139</td>
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<td>Contra Costa County</td>
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<tr>
<td>Los Angeles County</td>
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<tr>
<td>Orange County</td>
<td>65</td>
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<tr>
<td>Riverside County</td>
<td>79</td>
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<td>San Mateo County</td>
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<td>Santa Clara County</td>
<td>64</td>
</tr>
</tbody>
</table>

Release credit: TOBIAS SHEARER

Photo credit: TOBIAS SHEARER
ICE arrested 170 potential sponsors of unaccompanied migrant children

by Genevieve Field, CNN
Updated 2:06 PM ET, Mon December 10, 2018

NEW YORK, NY - APRIL 11: U.S. Immigration and Customs Enforcement (ICE) officers process detained undocumented immigrants on April 11, 2018 at the U.S. Federal Building in lower Manhattan, New York City. (Photo by John Moore/Getty Images)

Children in Family Units: Detention Centers
Family Detention: Not a Solution to Separation


Children in Family Units: Community Release

Photo Credit: American Academy of Pediatrics
Children in Family Units: Community Release

Photo Credit: Benard Dreyer, MD, FAAP

Children in Family Units
Community Release

Asylum seekers wait at a Greyhound bus station in El Paso, Texas, after being dropped off by Immigration and Customs Enforcement, on Dec. 22, 2018. (PAUL RICHIE/AFP/Getty Images)
Separation of Children and Families

“Studies overwhelmingly demonstrate the irreparable harm caused by breaking up families.”

Dr. Colleen Kraft; President, American Academy of Pediatrics


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Access to Healthcare

Identifying Newly-Arrived Immigrant Children

• **Why?** Unique medical, psychosocial and legal needs

• **Where?** Schools, legal offices, CBO, homeless shelters/ drop-in centers, soccer fields, houses of worship, healthcare settings

• **How: 3 questions**
  - Did you meet border patrol at or near the border?
  - How old were you when you met border patrol?
  - Who were you with?
    - No parent/legal guardian = Unaccompanied
    - Parent/legal guardian= Family Unit

• **Corollary question:** Do you have a lawyer?

Slide Adapted from Alan Shapiro, MD
Newly-Arrived Immigrant Children: A Special Population

- CDC Refugee Health Guidelines
- Office of Refugee Resettlement
- AAP RedBook
- AAP Immigrant Health Toolkit

Access to Legal Services

No child should ever have to represent himself or herself in court.

- 60% of unaccompanied children in deportation proceedings do not have attorneys in immigration court.

- Children without counsel are 5 times more likely to be deported, regardless of the merits of their case or the dangers to which they would return.

- Healthcare improves legal outcomes.

- Legal Services Corporation funding restriction for many immigrants without lawful status (exceptions: trafficking, crime victims).


Slide Credit: Adapted from presentation with Jennifer Nagda, JD and Lanre Falusi, MD, FAAP
Children as Adults-in-Miniature

- Children’s cases often separated from parents
- Children find/pay for their lawyer
- Children must prove they should not be deported
  - Testimony and hostile cross examination
  - Confusion/mistakes in any statement can lead to designation as “not credible” and not deserving of protection
- No law requiring judges or immigration officials to consider each child’s best interests or even whether anyone is available and able to care for them if they are deported

Source: ProBAR, legal services provider, Harlingen, Texas

Legal Relief: Most Common

<table>
<thead>
<tr>
<th>Status</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Asylum</td>
<td>Based on well-founded fear of persecution by or permitted by the government based on one of five grounds: race, religion, nationality, political opinion, or membership in a particular social group.</td>
</tr>
<tr>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>Noncitizen minors who were abused, neglected, or abandoned by one or both parents.</td>
</tr>
<tr>
<td>U Visa</td>
<td>Victims of certain serious crimes who and have cooperated with law enforcement in the investigation or prosecution of the crime.</td>
</tr>
<tr>
<td>T visa</td>
<td>Victims of a severe form of trafficking and can demonstrate that he or she would suffer extreme hardship involving unusual or severe harm if removed from the United States.</td>
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</table>
What Rights Do Immigrant Children Have in Schools?

Immigrant children, regardless of immigration status, have the right to free public K-12 education (Plyler v. Doe, 1982)

Immigrant parents and students with limited English proficiency (LEP) are also entitled to language-assistance programs

AAP Immigrant Health Toolkit: Section 2: Access to Health Care and Public Benefits

Slide Credit: Adapted from presentation with Jennifer Nagda, JD and Lanre Falusi, MD, FAAP

What Can We Do?

Individual Clinic
Community Regional National “Public Sphere”

More to come in our breakout session!
Conclusions

- Pediatricians have a responsibility to support all children, regardless of where they or their parents were born.
- Our work is inspired by compassion, informed by data, and moved forward through dedication and collaboration.

Acknowledgments

- American Academy of Pediatrics (AAP) colleagues and staff
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- Wake Forest School of Medicine colleagues
- Community partners in Winston-Salem, NC and Greenville, SC
- Children and families who offer the privilege of their trust

Photographer: Verónica G. Cárdenas-Vento; http://veronicagabriela.com/
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