

NELSON SMITH

Families at the border still face uncertain future

LUPE, a Rio Grande Valley advocacy group that mainly works with settled immigrants, has gotten involved in the plight of asylum seekers. This summer the advocates were able to reunite 5-year-old Helen with her family 55 days after she'd been separated at the border from her grandmother.

But according to LUPE Executive Director Juanita Valdez-Cox, the child is traumatized. "She doesn't walk into a building without fearing that she'll be taken again."

Although it may have faded from the public eye, the family separation crisis at the Mexican border that prompted national outrage in May and June isn't over. Certainly not for several hundred children who were taken from parents then, and not for thousands more who have arrived unaccompanied.

According to a HHS filing on Sept. 6, of the 2,654 children originally identified as separated, most have been reunited with a separated parent or discharged in the custody of a sponsor. But another 416 remain in custody "where the adult associated with the children in question is not eligible for reunification."

But more than 13,000 minors, many of them teenagers who crossed the border without parents, remain in foster homes and detention centers.

As often-undocumented sponsors have been reluctant to come forward in the new era of tough immigration enforcement, many of these youths are being moved to a new tent city that has sprung up in Tornillo, Texas. The scarcity of sponsors means that they are likely to be held there well beyond the legal time limit.

The numbers are hard to pin down, especially as a surge of new arrivals has kept reporters, researchers, and government agencies playing catch-up. Just last week, Amnesty International asserted that far more families than previously reported had been separated -- over 6,000 "family units" of various configurations between April and August 2018 alone. But AI says this doesn't include an unknown number of situations like Helen's, where separations involved "grandparents or other non-immediate family members, whose relationships authorities categorize as 'fraudulent.'"

How the crisis developed

The 1997 Flores decision said that minors could be detained for only 20 days. In 2015, a federal district court expanded the boundaries of that ruling to include families with minor children. Subsequently, families seeking asylum were given a hearing date -- often postponed many times -- and allowed to locate wherever they had a sponsor. But the number of families seeing asylum skyrocketed, and immigration courts suffered overload. Today there is a backlog of more than 700,000 cases, with hearing delays lasting three to five years.

In early 2018, the Trump Administration announced its "zero tolerance" policy: Every adult coming across the border illegally would be prosecuted. But, because their children couldn't be charged, they were subject to separation and detention while the adults'



This file photo shows immigrants from El Salvador and Guatemala boarding a bus at a detention center in Texas.

cases were processed. After a public outcry, the family separation policy was ostensibly reversed by a June executive order.

The people at issue are asylum seekers, pursuing a legal remedy to escape violence in their homelands, but the Trump Administration sees their claims as largely bogus.

According to Attorney General Jeff Sessions, "Saying a few simple words -- claiming a fear of return -- has transformed a straightforward arrest for illegal entry and immediate return to too often into a prolonged legal process, where an alien may be released from custody into the United States and possibly never show up for an immigration hearing."

What I saw

Recently, I went to the border region to understand the situation better and visited both with migrant advocates and with those responsible for apprehending them.

Robert Lopez is a community outreach specialist for the Texas Civil Rights Project, helping families to navigate the complex legal processes of asylum claims. TCRP has persuaded a constellation of law firms to dispatch attorneys to the border, to date representing 90 families.

Over the summer, TCRP interviewed 382 parents separated from their children, and developed a snapshot of how these cases have progressed.

As of mid-August, 187 families had been reunited and released; 30 were reunited but still held in family detention facilities. Twenty-six parents, many in adult detention facilities, had not gotten their children back.

At least 13 adults had been deported without their children; two children were deported without their parent. TCRP couldn't determine whether 124 clients no longer in ICE custody had been deported or released.

Because some parents agree to leave children here when deported, some believe they're crossing the border just to dump their kids on American soil. But Lopez told me: "Every single parent who's come here wants to be with their child. They'll only leave if coerced, or if the other parent is already here."

At the Humanitarian Respite Cen-

ter in McAllen, operated by Catholic Charities of the Rio Grande Valley, I witnessed asylum seekers at a critical and vulnerable moment.

CCRGV saw that families were being dropped off by ICE at the bus terminal with nothing in their pockets and no guidance, so they devised a support system that I saw in real time.

A bus pulled up and let out dozens of families -- parents and children -- who had been held for up to the Flores 20-day limit and were now free to join sponsors and await asylum hearings in other parts of the country.

They seemed worn and tired but determined. A volunteer mentioned that detention centers are so cold that detainees call them "hielera" (Spanish for icebox).

The children quickly got washed up, then filed into a small dining room where they were served bowls of hearty-looking chicken soup. They ate in silence. Volunteers manned the busy kitchen; in adjacent rooms, others sorted and folded clothing donations, organized shelves of canned food, and filled bags with snacks and sandwiches for the long bus trips ahead.

In the waiting room, three young women sat at a head table and called the parents in turn, to arrange a bus ride that would take them to their sponsors in Iowa or Oregon or wherever they might settle.

The parents would be given a bus ticket and a snack bag, and an envelope containing their paperwork and a hearing date, with a stapled-on notice saying "Please help me. I do not speak English. What bus do I need to take? Thank you for your help!"

This was one busload; the center sees between 100 and 200 such families on an average day.

The enforcers

The Rio Grande Valley is by far the busiest of Customs and Border Protection's 20 sectors. Its 3100 agents have already apprehended about 160,000 people trying to cross the border illegally this year, including 60,000 family units. Two thousand people were apprehended in a three-day stretch in mid-September.

Border Patrol is a component of CBP. I sat down with a group of agents

and was impressed by their dedication and no-excuses attitude. Asked about studies showing immigrants committing crime at a lower rate than native-born Americans, one said: "We should not have illegal alien murders, period," and added that the recent MS-13 murders of five Houstonians could clearly be traced to the border.

CPB officers initially decide whether asylum claims are justified, in what is called a "credible fear" interview, and the numbers have indeed skyrocketed.

According to reporting by *Vox*, "In fiscal year 2007, asylum officers completed 5,171 credible fear interviews. In fiscal year 2016, they completed 91,786." Although 80 percent of the 2016 applicants passed the initial screening, those numbers probably do represent some gaming of the system. The officers certainly voiced some skepticism about asylum claims, saying that Mexican cartels were making a windfall from payoffs by potential sponsors, and that much of the Central American migration was from rural areas, while their own surveillance shows gang activity concentrated in cities.

But the migrant advocates disagreed. All said there is real, "credible" fear of violence that's driving mothers to collect their kids and head for the border in the middle of the night.

A way forward?

In Washington as well as at the border, we seem to have an impasse between those whose paramount objective is to keep children and families from detention, and those who see detention as a necessary step toward eventual return of most asylum seekers to their country of origin.

The Trump Administration -- in the latter camp -- is moving to narrow the grounds on which asylum can be approved by eliminating claims based on gang or domestic violence; cutting the backlog by adding 50 percent more immigration judges; and -- most controversially -- terminating the Flores agreement altogether, allowing the government to hold families until a judge can hear their case.

But a new surge of families in recent weeks is straining the system and rekindling the debate about how fami-

lies are to be treated.

Last week *The Washington Post* reported that the Trump Administration is considering a partial reversal of its ban on family separations by giving parents a so-called "binary choice": either remaining in family detention while their case is processed, which could take months, or allowing their children to be put in a government shelter while a third party seeks custody. This initiative is apparently being pushed by hardliner Stephen Miller, who according to the *Post* "believes the springtime separations worked as an effective deterrent to illegal crossings."

So coming back before us, just as elections approach, is the urgent question of what to do about asylum-seeking families. We might make some progress by acknowledging two points on which I heard surprising agreement between advocates and agents.

First, Zero Tolerance was initiated without no cognizance of the yawning gaps in system capacity. Responsibility for the children was diffused among agencies. Contracts for housing and educational services were let with unclear standards and distant oversight. The corps of immigration court judges was already unable to make a dent in the backlog of cases, much less to face an onslaught of new ones.

Second, this problem can't be fixed by cracking down once migrants have arrived. However "credible fear" is defined, Central Americans will keep coming northward until these countries are stabilized. More resources must be put to that task.

In a recent Senate hearing, these positions were argued along partisan lines, in seeming opposition to each other. But system capacity and root causes must be addressed together.

A final note: Helen's story is told at greater length in a deeply researched *New Yorker* article by Sarah Stillman that appeared in early October. Among many troubling findings, one stands out: that the 5-year-old, guided by the adults holding her in detention, signed a release form waiving her right to a Flores bond hearing. That's when a judge determines if the subject is a danger to the community. Had the hearing been held, Helen and her family might have been reunited sooner.

We don't know how many other Helens there are, but the form she signed is telling. Printed at the bottom is a line for "Child's Name," another for "Child's Alien Number" and then -- "Child's Signature."

The bureaucracy understands that there are enough such cases to require printed forms asking for a child's signature, and that is alarming.

— Nelson Smith lives in Shepherdstown and works in education policy. He traveled to the border in September at the invitation of a friend who leads a network of public charter schools that serve thousands of students in the region



THE CLIMATE GROUP

'Toxic' Rockwool? Green experts won't condemn Ranson project

Editor's note: The Climate Group, the organizers of Climate Week NYC held last month, released a statement on Rockwool after activists from Jefferson County carrying "Toxic Rockwool" signs traveled to the city to protest the event.

The *New York Times* described the 10th-annual Climate Week "as the leading international forum for politicians, nongovernmental organizations, activists and policymakers to share climate-related strategies and successes with like-minded people."

Rockwool Group was among the sponsors of the event, and speakers at the conference included Jens Birgeron, the 80-year-old Denmark company's CEO and a handful of other senior business figures along with presidents and prime ministers from around globe, Gov. Jerry Brown of California and Patricia Espinosa, Executive Secretary of the UN Framework Convention on Climate Change.

Here's the full statement from The Climate Group:

The Climate Group is an international [nongovernmental organizations] with a mission to accelerate climate action. We started Climate Week NYC 10 years ago, and it now involves over 140 events run by countless other organizations; we run several of those ourselves. We coordinate the summit, in coopera-

tion with the UN and the City of New York.

We are aware of the concerns regarding the Rockwool plant siting in West Virginia. As Rockwool serves as a Climate Week NYC sponsor, we take the situation seriously and our leadership team has given much thought to the concerns raised.

The Climate Group engages with companies like Rockwool because more sustainable insulation and building materials are critical for the low carbon transition. With buildings making up approximately 32 percent of global emissions, dealing with those emissions is critical.

Heating and cooling form a large part of a building's emissions in the use phase -- this is why insulation is such a key part of a low carbon future.

On the issues around the site in Ranson, West Virginia, we hear the concerns of local citizens and are working with Rockwool to understand the details of their responses and the views of relevant authorities.

As an international climate NGO, we have to base our judgments on the basis of fact. We are simply not in a position to judge the suitability of the Ranson site and alleged environmental issues. We have, however, used our discussions with Rockwool to encourage them to do everything possible to engage with

the different groups concerned with the plant.

In no way does involvement in Climate Week NYC provide a blanket endorsement of a business. We work with businesses from all sectors and regions of the world that are in different stages of their sustainability journey.

Our role is to work with them to advise and encourage them to reduce emissions throughout their business, and to accelerate this change.

Rockwool has published many details on their commitment to sustainability, outlined here. They operate in tens of countries, many with tough environmental standards such as Denmark. We will continue to engage with the company's leadership to ask them to advance their environmental responsibility.

Only business and governments have the resources to invest in the low carbon revolution and deliver the scale of change required to limit global warming. That is why The Climate Group engages and works with as many as we can on this path as possible, even when we are challenged for doing so.

— Helen Clarkson serves as the CEO of The Climate Group and Joan MacNaughton, is The Climate Group's chairwoman. This statement originally appeared on The Climate Group's website, climateweeknyc.org



A Rockwool protester carries a sign outside Climate Week in New York City last month.