

“Why Am I Here?” Young Immigrants Find Harsh Punishment in the Land of the Free

by Swanee Hunt, Scripps Howard News Service, September 10, 2003

Picture this child’s story as your own: You flee to America seeking freedom, but when you arrive, you’re thrown in prison. The jail door is slammed shut and the key turned in the lock. You don’t speak the language; you have no lawyer, and no parent or guardian. Most kids would fear the worst and cry uncontrollably, which is just what Amnesty International encountered during interviews with jailed minors seeking asylum in the U.S.

Civil rights violations like these aren’t new since September 11th. Abuse of our youngest immigrants has been taking place in prisons nationwide for years, unreported and unaddressed. Child refugees as young as four, but typically teen-agers, are habitually locked up after what can be a grueling and dangerous solo journey to the U.S. These so-called “unaccompanied minors” from as far away as China, or as close as Cuba, have no friends or relatives to help them once they’ve arrived. Precious few can afford attorneys to guide them through a complex legal maze.

Amnesty International tells the story of 16-year-old Malik, who arrived alone in the U.S. during a cold winter two years ago, seeking asylum from persecution in his native Guinea. After reaching our shores, he was jailed in an adult prison, with rapists and murderers, where he was abused by older inmates. He languished for nine months before his hearing, then found no relief in court. The Immigration and Naturalization Service refused to release him or transfer him to a juvenile center. Malik, who is mentally retarded, is still incarcerated.

This story is cited in Amnesty’s recent report, “Why Am I Here? Children in Immigration Detention.” Similar cases are echoed in studies by other human rights groups.

The number of unaccompanied children detained in the U.S. has more than doubled over the last five years, to more than five thousand a year. On any given day, about 500 are in custody. Most of these children have fled physical abuse, war, sexual trafficking, and child labor. They can be locked up for months, even years, terrorized and humiliated by guards and inmates: they are often handcuffed or held in solitary confinement. Not surprisingly, many are under a suicide watch.

“This is grossly unfair to children whose only ‘offense’ is seeking safe haven in the U.S.,” says Amnesty International Executive Director William Schulz. “When we treat these children harshly, they are further traumatized, and our country’s credibility as a protector of rights is eroded.”

One of the report’s revelations is the seeming disregard for the mentally ill. Amnesty’s researchers found a failure to properly diagnose a child’s mental state and a dearth of psychological counseling. For vulnerable youngsters already traumatized by violence and loss, strip-searches and shackles only heighten their distress. The scenes are heartrending: A teen-age boy in the throes of an anxiety attack is transferred to a jail in handcuffs and leg irons for five days of solitary confinement. Seven-year old “Fega,” curled up in a fetal position, weeps when she hears her native African tongue and asks every woman who comes by if she’s her mother.

These children wouldn’t suffer so if U.S. officials had handled their cases quickly and fairly. International laws call for prompt and fair hearings, legal representation, and an appointed guardian; but the U.S. is in violation of these standards.

Earlier this year, the responsibility for immigrant children seeking asylum was switched to a refugee resettlement office within the Department of Health and Human Services. Child advocates applauded the move, since that agency is more concerned with a child’s well-being than prosecution. But obstacles remain. The resettlement office is short on funds and is bucking a system designed for criminals, not children.

A new law that would ban routine shackling and handcuffing of immigrant children, while guaranteeing access to pro bono counsel and guardians, is in the works on Capitol Hill. But Amnesty International’s Susan Bensch says it’ll be tough to pass in the current political climate. The fear now is that “anyone can be a terrorist. Unaccompanied, small, young children are tarred with the same fearful brush.”

Let’s remember where we came from. Most Americans have ancestors who had the gumption to leave their homelands, either escaping persecution or in search of opportunities. We’re the children of emigrants greeted by Lady Liberty in New York Harbor: “Give me your tired, your poor, your huddled masses yearning to breathe free.”