



League of United Latin American Citizens

August 20, 2014

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United States Senate
Washington, D.C. 20510

Dear Senator:

On behalf of the League of United Latin American Citizens (LULAC), the nation's oldest and largest Latino civil rights organization in the country, I write to express deep concern regarding ongoing reports of U.S. citizen children locked up in detention facilities across the country. Our organization is particularly concerned about the lax screenings, oversight, and poorly handled casework, that may be leading to the undue incarceration of U.S. citizen children at migrant detention facilities as a result of attempts to speed up the processing and deportation of Central American child refugees.

As you may be aware, recently the Los Angeles Times reported on the case of an 11 year-old boy who was released from a migrant detention center in New Mexico after authorities discovered that the boy was actually a U.S. citizen (copy of article is attached). According to sources, the young boy spent nearly a month at a detention center in Artesia, NM before a visiting immigration lawyer at the center happened to discover the boy's status. Needless to say, the young boy should have never been in that position, and his detention raises critical questions regarding the need for additional oversight, training, and development of personnel as well as the need for additional access to lawyers, advocates, and counselors.

In light of this incident and the potential for numerous other erroneous detentions, LULAC requests that Congress request a thorough review of the policies and procedures related to the screening, questioning, and handling of all children by detained by Department of Homeland Security officials. In addition, we ask that Congress get assurances from the Department of Homeland Security that no more U.S. citizen children are unduly caught up in detention centers because of inadequate screening and processing.

Our organization strongly appreciates the work of officials at the Department of Homeland Security but we also understand the importance of oversight and due process for these vulnerable children and expect that Congress will review this urgent matter. Please feel free to have your staff contact Luis Torres, LULAC Director of Policy and Legislation, for more information at (202) 833-6130 or at LATorres@lulac.org.

Sincerely,

Margaret Moran

LULAC National President

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Child's detention despite citizenship reveals immigration case woes



An immigration detention center in Artesia, N.M., where an 11-year-old boy was detained for a month despite being a U.S. citizen. (Juan Carlos Llorca / Associated Press)

By **CINDY CARCAMO** *contact the reporter*

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An 11-year-old immigrant boy detained for more than a month turns out to be a U.S. citizen

Processing of immigration cases is filled with pitfalls, as seen in the case of detained child, a U.S. citizen

Immigration law often collides with modern, blended families, in which some members are citizens, some not

An 11-year-old boy — one of hundreds who have been shuttled to an immigration detention facility in the middle of the New Mexican desert — was released this week after it was discovered that he is a U.S. citizen, according to the child's attorney.

The boy spent more than a month at the detention center in Artesia, N.M., before an immigration attorney who happened to be visiting the facility discovered his status last week. The child, whose father is a U.S. citizen, had migrated from Central America with his mother before both were detained.

"I don't think they asked him the right questions," said the boy's attorney, Stephen Manning. "He should never have been there."

Leticia Zamarripa, a spokeswoman with Department of Homeland Security, described the case as "a complex matter" but said she could not comment on individual immigration cases because of privacy issues.

She did say that if an immigration detainee claims U.S. citizenship, the person could be released from custody while Immigration and Customs Enforcement officials investigate. Ultimately, an immigration judge decides whether a person is eligible to remain in the United States.

The case highlights the difficulties and potential pitfalls federal officials have faced in speeding up the processing of the thousands of single parents with children who have fled Central America and entered the U.S. through its southern border, said Laura Lichter, an immigration attorney.

Lichter is part of a contingent of lawyers that has been given access to the Artesia facility to provide free legal counsel to the detainees.

"I think the fact that a U.S. citizen was detained and for this long before anyone actually realized that there was even the possibility that they had detained a U.S. citizen shows you just how little respect and attention is being given to people's cases," said Lichter, former president of American Immigration Lawyers Assn. "What this shows you is that there really is no due process here and that the system is only working in a way to deport people from the country. It is not working to protect people's claims."

The boy's case also reflects what happens when U.S. immigration law collides with the reality of modern, blended families, in which some members may be in the country legally while others are not.

Manning said that according to immigration law, because the boy's father is a U.S. citizen, his child is too, even though the boy was born abroad.

Once federal authorities were alerted to the boy's status, Manning said, they acted immediately to release him. His mother also was released, though it's unclear whether she is eligible for legal relief, Manning said.

Manning was hesitant to release any identifying information on the child — such as the country he had originated from or where he was heading within the U.S. He did say, however, that the boy and his mother were on their way to be reunited with family and that the father lives in the U.S.

In the last nine months, nearly 63,000 single parents with at least one child have been apprehended along the Southwest border, mainly in southern Texas. At the same time, about the same number of unaccompanied children have been apprehended along the border.

Most of the migrants are from Central America — mainly Honduras, Guatemala and El Salvador. Although some have tried to enter the U.S. illegally, many have given themselves up to Border Patrol officers upon entering the United States. A combination of factors — including escalating gang violence, crushing poverty and rumors about potential immigration relief — has led a surge of people heading north.

The exodus from Central America has overwhelmed Homeland Security officials, who have vowed to speed up immigration hearings but have also struggled to house immigrant families and unaccompanied children.

Immigrant rights groups and immigration attorneys have countered that quick removals would violate many migrants' rights of due process. There have also been reports of abuses and inadequate access to attorneys, healthcare and food at new detention facilities, specifically in Artesia.

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<http://www.latimes.com/world/mexico-americas/la-na-citizen-detained-20140815-story.html>