



Alianza Latina en Contra la Agresión Sexual

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July 8, 2014

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

cc: Vice President Joe Biden  
First Lady Michelle Obama  
Second Lady Dr. Jill Biden  
Secretary Jeh Johnson, Department of Homeland Security  
Cecilia Munoz, Director of Domestic Policy Council  
Lynn Rosenthal, White House Advisor on Violence Against Women  
Felicia Escobar, Senior Policy Advisor, White House Domestic Policy Council  
Julie Rodriguez, Deputy Director, White House Office of Public Engagement  
Alejandro Mayorkas, Director, U.S. Citizenship and Immigration Services  
Maria M. Odom, Ombudsman, U.S. Citizenship and Immigration Services  
and Chair of DHS Council on Combating Violence Against Women.  
Bea Hanson, Acting Director, Office on Violence Against Women  
Joye E. Frost, Director, Office for Victims of Crime  
MaryLouise Kelley, Director, Family Violence Prevention and Services Office at  
Health and Human Services  
Esquinder Negash, Director, Office of Refugee Resettlement  
Molly Groom, Acting Deputy, Assistant Secretary for Policy at Department of  
Homeland Security  
Charlotte Burrows, Associate Deputy Attorney General, Office of the Deputy Attorney  
General (ODAG)  
Juan Osuna, Director of Executive Office for Immigration Review  
Luis CdeBaca, Ambassador-at-large, Office to Monitor and Combat Trafficking in Persons  
Patricia Tamez, Congressional Hispanic Caucus

Dear President Obama,

*Alianza Latina en contra la Agresión Sexual* (ALAS) is the national Latina alliance against sexual violence, a membership network of victim advocates.<sup>1</sup> For over a decade ALAS has worked to address and prevent sexual violence in the United States, especially within Spanish-speaking communities. ALAS members are both direct service providers and state coalition

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<sup>1</sup> Founded by Arte Sana (art heals) in 2004, ALAS has created original outreach materials, tracked the availability of victim services in Spanish across the nation, and has developed nationally endorsed position statements that advocate for the rights of Spanish-speaking victims of sexual violence.

victim advocates. ALAS and the undersigned signatories represent more than 155 anti-sexual violence advocates, organizations, and allies across the nation. We write in response to the humanitarian crisis that is occurring at the U.S.-Mexico border, including both the detention of immigrant children and any attempts to expedite the removal of these children.

Many of these children are survivors of sexual or other forms of violence in their home countries. Some of these children qualify for several forms of immigration relief, including asylum. Others are survivors of sex and/or labor trafficking, thus eligible for human trafficking-related immigration relief. Still others are children who were sexually abused while in the custody of U.S. Customs and Border Protection (CBP), in detention facilities, shelters and in the makeshift warehouses in which they're housed.<sup>2</sup> They, too, are eligible for U.S. immigration relief, such as the U non-immigrant visa.

Any effort to circumvent, dilute, or otherwise fail to fully abide by the removal procedures established by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 will deny these children the critical protections specifically authorized by U.S. law. We call upon you to cease any efforts to remove these children on an expedited basis. We also request that the U.S. government take all necessary measures to respond to the needs of victims of sexual violence and use all means required to prevent further sexual violence against these children while they are in the care of the U.S. government and its agents.

#### **A. Background**

Women and children are fleeing to the U.S., in part, because of the sexual discrimination and exploitation that they have suffered. According to a report by the UN High Commissioner for Refugees, 70% of the 404 children interviewed cited domestic abuse or some other form of violence among their primary reasons for fleeing their homes in Mexico and Central America.<sup>3</sup> One in three teen girls ages 14-18, living in high-crime zones in Guatemala, suffered sexual assault in the previous 12 months.<sup>4</sup> The International Labor Organization estimates that women and girls represent the largest share (55%) of the nearly 21 million victims of forced labor. Women and children are being targeted because they are deemed powerless. Rape and sexual violence are being wielded as weapons against them and they have no other avenues to escape. The rising rate of gender violence and child exploitation in Mexico and Central America created this child crisis, but our broken immigration system exacerbates it.

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<sup>2</sup> American Civil Liberties Union (ACLU), et al. v. Department of Homeland Security. Systemic Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection. (Complaint filed on June 11, 2014), <http://www.acluaz.org/sites/default/files/documents/DHS%20Complaint%20re%20CBP%20Abuse%20of%20UICs.pdf>

<sup>3</sup> The United Nations High Commissioner for Refugees (UNHCR). Children on the Run. (May 2014), [http://www.unhcrwashington.org/sites/default/files/UAC\\_Children%20On%20the%20Run\\_Executive%20Summary\\_May2014.pdf](http://www.unhcrwashington.org/sites/default/files/UAC_Children%20On%20the%20Run_Executive%20Summary_May2014.pdf); See also "Children Lose Childhoods in Immigrant Detention 'Safe Haven' Centers: Sexual, Physical and Verbal Abuses." (June 2, 2014), <http://www.borderlandbeat.com/2014/06/children-lose-childhoods-in-immigrant.html>

<sup>4</sup> Holly Burkhalter. "Opinion: Curb the child migration crisis begins with combating sexual abuse." (June 27, 2014), [http://www.washingtonpost.com/opinions/holly-burkhalter-curb-the-child-migration-crisis-begins-with-combating-sexual-abuse/2014/06/27/00fd58d8-fd5c-11e3-b1f4-8e77c632c07b\\_story.html](http://www.washingtonpost.com/opinions/holly-burkhalter-curb-the-child-migration-crisis-begins-with-combating-sexual-abuse/2014/06/27/00fd58d8-fd5c-11e3-b1f4-8e77c632c07b_story.html)

The sexual violence that these children have experienced is not occurring outside the U.S. alone. Rather, children have reported sexual violence against them by border agents, immigration detention staff, and other detainees.<sup>5</sup> For example, U.S. government "significant incident reports" from March 2011 to March 2013, provided to the Houston Chronicle,<sup>6</sup> reveal that children and teenagers reported having sexual contact — ranging from kissing to unwanted touching to intercourse — with staff in Texas, Florida, New York and Illinois. Youths in Office of Refugee Resettlement (ORR) custody in Texas were molested as they slept, and sexually harassed and seduced by staff members, and then shoved, kicked, punched and threatened with deportation if they reported the abuse.<sup>7</sup>

Child survivors of sexual violence experience a range of short- and long-term physical and emotional consequences.<sup>8</sup> The United States has a legal and moral imperative to respond to these child survivors with empathy and safety, not detention and removal. To this end, we urge you to respond to this crisis by providing culturally and linguistically appropriate<sup>9</sup> services to the children in need. The United States government must institute procedures to prevent further violence and abuse at the hands of U.S. Customs and Border Patrol (CBP) agents and detention facility staff, including any individuals who have access to the women and children under U.S. care and custody.

## **B. Recommendations**

We call upon you to ensure that:

- (1) Detainees are physically safe and free from abuse while confined;
- (2) Measures are taken to prevent targeted violence against children who identify as or are perceived to be lesbian, gay, bisexual, transgender or queer (LGBTQ);
- (3) All Border Patrol and detention facility staff who interact with children receive culturally and linguistically appropriate, sexual assault specific training on how to identify and treat any child who has experienced sexual violence. To the extent that the federal government does not currently have resources to provide the required training, the U.S. should contract with anti-sexual violence experts to provide the required training;
- (4) All Border Patrol and detention facility staff employ specialized interview techniques established for child victims where sexual violence is suspected or disclosed;
- (5) Staff respond immediately to the medical needs of every sexual violence survivor, including providing timely, expert medical forensic care and treatment, and prioritize such care over other, non-urgent, administrative needs;

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<sup>5</sup> “[A]pproximately one in four children included in this complaint reported some form of physical abuse, including sexual assault, beatings, and the use of stress positions by CBP officials.” ACLU at 2.

<sup>6</sup> See: Susan Carroll. “Crossing Alone: Children Fleeing to U.S. Land in Shadowy System.” (May 29, 2014 5:24pm), <http://www.houstonchronicle.com/news/investigations/article/Crossing-alone-Children-fleeing-to-U-S-land-in-5503127.php>

<sup>7</sup> FN 7 *Id*

<sup>8</sup> Physical consequences of sexual assault include abdominal pain, teen motherhood, pregnancy, premature delivery, high rates of obesity, early onset of puberty, HIV and sexually transmitted infection. Emotional consequences can include fear, depression, serious and chronic mental illness, suicidal ideation and serious suicide attempts, and persistent PTSD.

<sup>9</sup> Not all of these children are Spanish speakers. There are many indigenous languages spoken throughout Central America. In Guatemala alone there are more than 20 different Mayan languages.

- (6) Children are provided with linguistically appropriate interpreters who have been specifically trained on how to work with youth whenever and wherever needed;
- (7) Designated health centers, whose staff are trained and experienced in conducting medical forensic evaluation of children, receive child sexual violence survivors and provide medical forensic care. If there are no healthcare facilities available, the detention facilities should contract for these services with specially trained providers in the medical forensic care of children;
- (8) All staff have access to a list of all available sexual violence resources, including a list of local advocacy agencies that respond to victims of sexual violence, and that advocacy services be made available to all victims of sexual violence as soon as possible;
- (9) The best interests of the child are considered when determining how to prevent or respond to an incident of sexual violence, including any placement or care decisions;
- (10) Victims of sexual violence, including children, are not discriminated against;<sup>10</sup>
- (11) Interim separate housing is provided for all unaccompanied children until a care placement is secured; and
- (12) Children are fully considered for forms of immigration relief that are available under U.S. immigration laws and that they are provided with full, objective hearings before an immigration judge, pursuant to the Immigration and Nationality Act, Section 240. These children should also be represented by counsel during these proceedings to help them understand their rights and the complicated legal proceedings.

## **CONCLUSION**

Mr. President, we call upon you and our other elected officials to act swiftly to remedy this humanitarian crisis, including establishing an appropriate and effective response to support and assist the immigrant child survivors of sexual violence who have sought refuge in the United States. These innocent victims seek only the opportunity to live free of the violence they and their compatriots have endured in their home countries. As such, we ask you to take the necessary actions to ensure the safety of the children by preventing any future victimization, and to address any form of sexual violence that these children were subjected to at the hands of CBP and others charged with protecting them. We request that due consideration be given to the impact that prolonged detention and/or expedited deportation may have on children who are already traumatized and that you act to minimize any further harm to them. Finally, we ask you and our other political leaders to view them as children first, survivors second and immigrants last. Rolling back the protections of the TVPRA will diminish the likelihood that these children will ever be able to adequately overcome the pain that they have already endured. This drastic measure and other similar proposals stand to deprive them of their rights and place them in harm's way.

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<sup>10</sup> Adapted from: UN High Commissioner for Refugees (UNHCR), *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, (May 2003), <http://www.refworld.org/docid/3edcd0661.html>

Respectfully submitted,

Laura E. Zárate, Founder, Arte Sana & Alianza Latina en contra la Agresión Sexual  
Mónica Ramírez, Secretary, Alianza Nacional de Campesinas (The National Farmworker Women's Alliance)

Kim Day, SAFETA Project Director, International Association of Forensic Nurses

Stacy Malone, Executive Director, Victim Rights Law Center

Jessica Mindlin, National Director of Training and Technical Assistance, Victim Rights Law Center

Katryn Duarte, Member, Alianza Latina en contra la Agresión Sexual

Anne K. Ream, Founder, The Voices and Faces Project

*Joined by:*

Dolores Huerta, President of Dolores Huerta Foundation

Adriana J. Darris

Advocates for Basic Legal Equality

Alabama State Association of Cooperatives, Forkland, AL

Albany County Crime Victim/Witness Program

Altagracia Villarreal Santos

Americans for Immigrant Justice

Angelica Ramos

Arkansas Coalition Against Sexual Assault

Arizona Coalition to End Sexual and Domestic Violence

ART WORKS Projects for Human Rights

Asian Pacific Islander Legal Outreach

ASISTA Immigration Assistance

California Coalition Against Sexual Assault

California Rural Legal Assistance Foundation, Inc.

Carmen Stevens, San Luis Valley Immigrant Resource Center Immigrant Advocate

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

Chicago Alliance Against Sexual Exploitation

Civitas ChildLaw Center, a program of Loyola University Chicago School of Law

Clara Lindstrom, ALAS Co-Founder

Colectiva Legal del Pueblo

Collective Action for Safe Spaces, Washington, DC

Colorado Coalition Against Sexual Assault

Community Food and Justice Coalition

Community Legal Services in East Palo Alto

Connecticut Sexual Assault Crisis Services, Inc.

Day One, the Sexual Assault & Trauma Resource Center

DC Rape Crisis Center

Delaware Civil Clinic of Widener University School of Law

Enlace Comunitario

FarmBillPrimer.Org

Federation of Southern Cooperatives/Land Assistance Fund, Epes, AL

Florida Council Against Sexual Violence