



## Seeking Protection, Enduring Prosecution: Unaccompanied Children Detained on the US-Mexico Border

Children who come to the US on their own are in the greatest need of support and protection. They often come seeking asylum, escaping poverty and lack of educational opportunities, fleeing abuse and violence in their home countries, or as victims of human trafficking. Some children make the journey alone to come live with their parents. After spending as many as five days walking through the desert, unaccompanied children crossing over the US-Mexico border are often apprehended and arrested by Border Patrol (BP) agents.

The **Florence Project's Detained Immigrant and Refugee Children's Initiative** provides "Know Your Rights" presentations and representation to all unaccompanied children detained in Arizona for immigration removal proceedings. As part of the Initiative's work to oppose the prolonged and inhumane detention of children, our staff also documents children's testimony of abuse while in BP custody, which can last for up to 72 hours until the children are transferred to the care of the Office of Refugee Resettlement (ORR).

Though some standards have been established regarding the treatment of unaccompanied minors, the BP facilities and treatment of children have not conformed to these standards, and many children are placed in dehumanizing circumstances of detention that make them feel like criminals and pose serious threats to their physical and mental well-being.

I felt very bad. I felt like I  
was in prison.  
- Female, El Salvador, 5

### ***Of the 124 children transferred to ORR custody by the BP in Phoenix, AZ during the months of June and July, 2009:***

**25%** were female, **75%** were male, with an average age of **15**

**25%** were denied water by the BP

**21** reported medical issues, and **3** of these received medical attention while in BP custody

**3** were denied food while in detention, and **37%** received insufficient food (only crackers or less than 3 meals a day)

**18** were physically abused by a BP agent

**85%** reported that the BP holding cell was freezing, while **93%** received a blanket and **51%** of these said that the blanket was dirty

**63%** were offered the chance to make a phone call

**94%** signed some sort of papers, but **64%** said they were not explained to them and **74%** did not understand them

**26%** spoke a language other than Spanish (or English), and **none** of these were given an interpreter by the BP

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**What exactly are the legal rights of unaccompanied minors in BP custody?**

The Flores Settlement Agreement (1997), the result of a lawsuit brought against the former INS on behalf of detained children, established the basic legal rights and standards for detention conditions of minors. *Flores* maintains that the former INS would “continue to treat all minors in its custody with dignity, respect, and special concern for their particular vulnerability as minors.” It guarantees accompanied children adequate food and water, safe and sanitary conditions in detention, and the right to appropriate medical care, recreation and support. As this applies to short term BP custody, all unaccompanied children have the right to:

I was cold and had only a dirty piece of blanket that barely covered me. I asked for another but they said no...I slept that night on the floor with just a piece of plastic under me. I tried to sleep but I kept waking up because I was hungry, sick and cold. I felt sad because they didn't treat me well.

- Male, Guatemala, 17

- A limit of 3 days (72 hours) in BP custody
- Separation from unrelated adults, in the least restrictive setting possible
- Adequate food and water, at least 2 hot meals per day
- Safe and sanitary conditions
- Make phone calls to family and the consulate of their respective country
- Speak to a lawyer

**What about international standards for the rights of children?**

The Convention on the Rights of the Child, which the U.S. signed in 1995, declares that “the best interests of the child” should always be considered. Article 19 states that countries should protect children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation...” The CRC also mirrors other human rights agreements in prohibiting “cruel, inhuman or degrading treatment or punishment” of children and protecting them against unlawful or arbitrary detention. Despite these standards for children’s rights, unaccompanied minors arrested and held by BP report treatment that falls short of these standards.

While I was hiding [in the desert] an officer came up to me. I tried to escape, but he threw me on the ground and handcuffed me. He was vulgar, insulting me and my mom in English. He told me to eat dirt and left me lying on the ground, handcuffed. After walking away for a moment, he ran at me and kicked me in the shoulder.

- Male, El Salvador, 17



**For more information or to report abuses, please contact the Florence Immigrant and Refugee Rights Project's Children's Initiative at [ldepew@firrp.org](mailto:ldepew@firrp.org) or (520) 868-0191 ext. 124.**