Ernst

Haiti, 17 years old

When Ernst arrived in the United States from Haiti on December 20, 2001 at Miami International Airport, he was shocked to be apprehended by INS. His two little sisters were born in the U.S. and his mother lived in Miami and had been a Lawful Permanent Resident (LPR) in the United States since 1988. He didn't understand his immigration status, but he did know his mother had filed an application with INS for him several years ago. In fact, his mother had filed a family visa petition on Ernst's behalf, which INS approved in 1995.

Ernst was placed in detention at Boystown. His initial request to be released to his LPR mother was denied. In mid-January 2002, an INS Deportation Officer indicated to Ernst's mother that her son would be released to her, so she went to Boystown to pick him up. Upon arrival there, she learned that INS had taken Ernst away in handcuffs and shackles, put him on a plane and transferred him 1200 miles away to a facility in Berks County, Pennsylvania. Armed security personnel escorted him on the plane. Ernst's mother did not initially know where INS had taken her son.

INS officials claimed that Ernst was exhibiting behavioral problems while at Boystown. He was therefore placed in the secure facility at Berks, where he was commingled with American juvenile delinquents, subjected to regular strip searches and extremely harsh conditions. In a letter to FIAC, Ernst described the Berks facility as "the Valley of Death" and wrote, "I want you to understand how am my doing this place make me dreams badly this place is horrible terrible and sadness place you just don’t know how am I running out of hopely I can’t take this no more [sic]... please help me."\(^{53}\)

\textbf{In his own words:}

"Secure is a terrible place. It’s a place for criminals—for real. No immigrant should be in there. I wish nobody to go there. They humiliate you every minute, every day... In Secure you can’t talk, you can’t turn your head. You do anything they didn’t tell you to do and they restrain you. That means they throw you down on the floor and hold you there. Or they make you do push-ups. You look the wrong way, you look out of your pod, you do anything and they pull your shirt and scream in your face. They strip-searched us almost every day. It’s gross. They do it all the time: after visits, if they think somebody took something, whenever they want. You got to bend over and cough and they make you spread your cheeks (buttocks). It's humiliating... I had to go to the dentist one time. They took me there in shackles with handcuffs that were connected to a chain around my waist. I had to see the dentist with the handcuffs on, just sitting in that chair with those handcuffs...

-Statement of Ernst to FIAC, June 12, 2002

Although Ernst was eventually moved from the Secure facility, where he was considered a model resident and worked as a trustee, to the "Shelter" facility at Berks, he continued to lament about the conditions of his detention. He described conditions as particularly harsh for the Haitian children at the facility because of language barriers and their treatment by staff.

Although Ernst was detained in Pennsylvania, venue in his immigration case remained in South Florida where his FIAC attorney and family were. When Ernst had his scheduled asylum hearing in Miami in

\(^{53}\) Letters from Ernst: March 10, 2002 and March 4, 2002
early June 2002, he was transported in handcuffs back to Florida. Although his hearing was rescheduled after he was transferred, problems with his detention placement continued. Even though in Pennsylvania Ernst had no further incidents in INS custody and had been moved to a “Shelter” facility, which has the same security classification as Boystown, he was not brought back to Boystown. He was instead placed in a Miami hotel room where he, like all the other children detained there, had no access to recreation or education. He only left his room to go to attorney visitation at Krome (FIAC does not have access to the hotel itself) or court. Ernst begged FIAC staff to help him remain in Florida, saying that he preferred the isolation of the hotel room in Miami to the treatment he received where he was detained in Pennsylvania. Ernst remained at the hotel while his lawyers prepared for his hearing.

A pro bono attorney at the law firm of Shook, Hardy and Bacon generously agreed to work to obtain Ernst’s release. The attorney asked INS to reconsider releasing Ernst to his LPR mother. Ernst also had LPR aunts and uncles in Miami willing to sponsor him.

Ernst was finally released to his mother the day of his asylum hearing. His release came six months after his arrival in the United States, during the first week of July 2002. Although Ernst is now pursuing both asylum and Lawful Permanent Residency in the United States, he says he continues to have nightmares and still feels humiliated about the way he was treated while in INS custody.
Emmanuel, Patrick and Frantz
Haiti, 15, 16 and 17 years old

On December 3, 2001, the U.S. Coast Guard rescued 167 Haitians whose boat nearly capsized off the coast of Florida.\(^{54}\) On the boat were 14 children, including Emmanuel, Patrick and Frantz. Shortly after the boat arrived, INS officials in Washington issued a directive to Miami INS officials not to release these Haitians who passed their credible fear interviews from detention without approval from headquarters.\(^{55}\) While unaccompanied children aboard the December 3rd boat were exempted from this policy because they were not placed in the expedited removal process, these three children were taken to Boystown.\(^{56}\)

Boystown has a number of Creole speaking staff and most Haitian children are released to family or foster care expeditiously.\(^{57}\) However, Emmanuel, Patrick and Frantz remained in detention.

Early one morning in January 2002, they were woken and told to gather their things. At first they thought maybe they had to go to court, but when Boystown staff erased their names from the board containing all the children's names, they became afraid they were about to be deported. The boys were handcuffed and taken to the Krome detention facility, where they were processed, and then put on a plane to Pennsylvania. On the morning of their transfer they were told, for the first time, that they were "not respectful" at Boystown. They were not told what they had done wrong. A Boystown staff person subsequently told FIAC that a number of the Haitian children aboard the December 3rd boat had been particularly "bad" and had tried to put voodoo spells on the staff.

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Use of Restraints and Strip-Screens of Children by INS

Each time FIAC conducts a "Know Your Rights" presentation for children at Boystown, at least one or two of the children in attendance seem to have a horror story to share regarding their treatment in the United States. They recall being handcuffed and shackled, missing meals, being held with adults, or treated with shocking disrespect by INS officials. For example, a 16-year-old Argentinian girl, Maria, recalls being apprehended while at home, handcuffed along with her family and held in a small room in a Miami INS office for more than ten hours. During that time, neither she nor her family were given any food and were only allowed to use the restroom once. Maria was later separated from her family and placed at Boystown. Her older sister was held at a local county jail and her father and brother at the Krome detention facility.

Similarly, when cousins Elena and Anita (17 and 4 years old) arrived at the Miami International Airport in early 2002, Elena was taken into a small room where she was made to take off all her clothes and strip-searched. A woman interrogating Elena about how and why she came to the United States told her not to bother getting an attorney because she wouldn't need one. Elena, who cried throughout the interview, said the woman did not believe anything she said even though she was being truthful. The woman told Elena, "You may be stupid, but I'm not," and said that Elena could look forward to a long time in prison because she was "no one" and had "no reason" to try to come to the U.S. illegally.

One 14-year-old Guatemalan boy wept throughout one of FIAC's Rights presentations. He later told a FIAC attorney that he had been held at a hotel for ten days, where he described armed guards who stood outside his door and made fun of him.

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\(^{54}\) The boat that ran aground off the Miami coast originally had 187 Haitians on board. Twenty of the Haitians jumped overboard, 18 of them swimming to shore. Two reportedly drowned. Since the 18 made it to shore on their own accord, they were not placed in expedited removal and were released from detention. Although released, none were paroled, and so they could not apply for work permits. The remaining 167 Haitians were rescued by the US Coast Guard and placed in INS custody upon arrival in Miami. Most remain in detention or have been deported.

\(^{55}\) The INS policy denying release to Haitian asylum seekers is not applied to asylum seekers of any other nationality and is a reversal of the Miami INS District's policy that generally favored the release of such persons. A class action lawsuit filed on behalf of the Haitians was dismissed when the Federal Court Judge determined that the Haitians' "cry for freedom needs to be directed to those representatives of the political branches responsible for enacting immigration laws and policies." An appeal is pending with the Eleventh Circuit Court of Appeals. On October 1, 2002, the U.S. Senate Immigration Subcommittee held a hearing regarding the discriminatory treatment of the Haitians, who remain in detention more than ten months after their arrival in the United States.

\(^{56}\) Children on the December 3rd boat who were accompanied by a parent, and were therefore included in their parent's asylum application, were subject to this discriminatory policy. Two such children remain in detention in Pennsylvania. One, who is in Pennsylvania with his mother, is separated from his father who is detained at Krome in Miami.

\(^{57}\) See footnote 20.
The INS Chief of Staff told Haitian community leaders, following the boys’ transfer to Pennsylvania, that the boys had inappropriately interacted with some of the girls at Boystown, an unsubstantiated accusation that the boys denied and were never told of until FIAC asked them about it.

In Pennsylvania, they became increasingly depressed and felt hopelessly isolated and cut off from their community and attorneys. Unlike Boystown, the Berks facility has no Creole-speaking staff and did not use a Creole interpreter to communicate with the boys, causing frequent misunderstandings. Other non-profit agencies in Pennsylvania use a volunteer Creole interpreter from New York City, a three and a half hour drive away.

Following their transfer, the boys began calling FIAC frequently, begging to be released or transferred back to South Florida. Emmanuel in particular was crying himself to sleep every night. The boys claimed to be treated harshly by staff and said sometimes when other children were taken on outings they were not allowed to go and were not told why. Although FIAC was eventually able to obtain pro bono representation for the boys in Pennsylvania, they continued to call FIAC repeatedly to express their frustration and isolation.

INS staff in Pennsylvania were unfamiliar with the foster care program available for unaccompanied Haitian children, even though it is national policy and was mandated by the U.S. Congress, so the release process for Emmanuel, Patrick and Frantz became painfully prolonged. Their lengthy detention aggravated their sense of isolation and hopelessness.

In August 2002, following repeated release requests and explanations of the foster care program the boys’ were eligible to participate in, Emmanuel and Patrick were finally released. Frantz remains in detention because he has been unable to secure a birth certificate that the INS can authenticate.58

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Leonie

Jamaica, 16 years old

Leonie’s hands shook as she passed a crumpled paper through the attorney visitation slot to a FIAC paralegal. She looked through the Plexiglas divider in the Krome attorney visitation room and said very softly, “I’m really scared. I don’t want them to deport me, please help me,” before she covered her face with her hands and began to sob. The piece of paper, which gave her notice of the date and place of her first immigration court hearing, was the only information she had about her immigration proceedings. Leonie said that within a few days of her placement at Boystown, she had been taken to a dentist. She was not told why she was having a dental exam until it was over. The dentist told her she was 18, and Leonie was transferred to the local hotel room where she had virtually no access to the outside world. Because FIAC does not have access to names of detainees held at the hotel, Leonie’s circumstances were unknown for nearly a month.® No one had spoken to Leonie about her situation until FIAC visited her.

Like all INS detainees at the hotel, Leonie could not go outside. In fact, the only time she could breathe fresh air was when she was being transported to Krome for an attorney visit or court. She had no activities, no recreation, no school. For nearly three months while she was at the hotel, Leonie only had the same underwear she was transferred there in, despite repeated requests by herself and FIAC that her property be transferred to her at the hotel.

INS questioned Leonie’s statement that she was sixteen years old, as well as the statements regarding her guardian, with whom she had lived for the past three years and who had registered her for school in New York, where she had been in the 10th grade. INS did not allow Leonie to be returned to Boystown until FIAC obtained her birth certificate and it was authenticated.

Back at Boystown, Leonie’s entire demeanor changed. She smiled and laughed a lot, and said how grateful she is to have been taken out of the hotel. However, she told FIAC that at Boystown, “They open and read our letters and [another detained girl] got in trouble for what she wrote. When I found that out, well, I never felt like I was in jail here [at Boystown] before but now I do.”®

Leonie’s biological mother in Jamaica severely mistreated her, physically and emotionally. Any money her father sent to her in Jamaica went instead to her mother’s many vices. When Leonie’s father learned of the abuse, he brought her to live with him and his partner and their daughter in New York. Leonie’s reunification with her father was what she calls the “happiest time of [her] life,” until he died of leukemia in November 2001 and her house burned down later the same month. She struggled a great deal with the loss of her father, and in May 2002, the INS in Florida apprehended her and a friend.

Leonie didn’t know anything about her immigration status until INS apprehended her. For months, FIAC advocated for Leonie’s release to her guardian in New York, who has been a Lawful Permanent Resident for over 25 years and is the only real mother Leonie has ever known. Recently, the Office of Juvenile Affairs (OJA) has become the decision-maker on all children’s release requests, as opposed to the local INS. In Leonie’s case, the local INS faxed a one-page summary of her case, which recommended that her release request be denied because of the lack of “blood relationship.” Upon learning of this, FIAC contacted the interim director of the OJA and sent her all the supporting documents for Leonie’s release, which were not included in the local INS’ one-page summary. After careful review, the OJA overturned local INS’ recommendation and Leonie was finally released to her guardian in New York on October 24, 2002, after more than five months in detention.

® Statement by Leonie to FIAC, June 7, 2002.
® FIAC has raised its concerns about treatment of INS detainees at the hotel and the serious lack of attorney access there in a letter to Officer-in-Charge, Wesley Lee, on May 30, 2002. To date, FIAC has not received a response.
® Statement by Leonie to FIAC, August 21, 2002.
Conclusion and Recommendations

“"It seems like they got the laws all messed up here. I mean, they spend all this time on kids but it's the adults that seem to be causing the problems in this country... I think they ought to spend more time going after the big people."

~ Leonie, August 21, 2002

As the treatment of the individual children profiled in this report demonstrate, it is impossible for a single agency—the INS—to manage its equally important, but conflicting, roles as enforcement officer and caretaker of these vulnerable children in its custody. The American Bar Association, American Civil Liberties Union, Amnesty International, the Lawyer's Committee for Human Rights, the Women's Commission for Refugee Women and Children as well as countless other local, national and international groups, including FIAC, have all called for a serious overhaul in the way INS treats children in its custody. National advocacy efforts have gained momentum in the past year with the introduction of legislation that would significantly reform the manner in which children in INS custody are treated.

INS’ response to this legislation was to announce an internal restructuring and to create an Office of Juvenile Affairs (OJA) within the agency. As the children profiled in this report demonstrate, however, creation of this office has not changed the treatment of detained immigrant and refugee children and fails to address the inherent conflict of interest the INS faces as both captor and caregiver of children in its custody. Local INS officials continue to supervise the daily care and services provided to the children and continue to make their own recommendations to the OJA regarding important decisions, including consent for Special Immigrant Juvenile Status, release and detention placement.

Legislation being considered in the U.S. Senate would initially have placed the care and custody of children under the new Department of Homeland Security (DHS), a law enforcement agency focused on combating terrorism inside the U.S. This again failed to resolve the conflict facing an enforcement agency whose primary concern is security rather than adequately caring for immigrant children. The DHS should be able to focus exclusively on enforcement and reducing the nation’s vulnerability to terror. It should not be required to handle responsibility for the custody and care of a population as vulnerable as immigrant and refugee children. Doing so endangers the best interest of the children our laws were meant to protect.

Fortunately, both the Gramm and Lieberman Substitutes being considered to this legislation would remove the care and custody of the children from the DHS and Department of Justice to the Office of Refugee Resettlement (ORR), which has significant child welfare expertise and experience with resettling unaccompanied refugee minors, although there is no time frame for when this must be accomplished by. Unfortunately however, the Bush Administration is backing the Gramm Substitute, which eliminates the fundamental safeguards of an attorney and guardian ad litem for immigrant and refugee children and also fails to establish a time limit within which children must be transferred to ORR. Unlike Gramm’s proposal, Title XII of the Lieberman Substitute provides for the government appointment of an attorney for each child, as well as a guardian ad litem trained in child welfare to look after the best interest of the child. In addition to our full support for the Lieberman Substitute, which would fundamentally change the way immigrant and refugee children are treated in this country, FIAC wishes to focus on the following INS policies and practices in Florida, which should be immediately addressed and/or changed:

1. Children in INS detention should be released to the care of family or guardians as quickly as possible. A relative’s immigration status should not be used against them when s/he comes forward to care for a child. Persons experienced in child welfare, not local deportation officers or juvenile coordinators, should make decisions regarding release. Detailed reasons for any denial.

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of release of a child should be provided expeditiously to the child and his/her attorney, and the child should have the right to challenge such a denial.

2. INS should grant access to juvenile court to all minors wishing to file juvenile dependency petitions who have alleged abuse, abandonment or neglect. The Juvenile Court, not INS, should determine the veracity of the allegations. INS should act affirmatively in the child’s interest as soon as an allegation of abuse, abandonment or neglect is made.

3. Dental/forensic exams are not scientifically reliable and should not be the only manner to determine a young person’s age. The benefit of doubt should be given to the child regarding his/her stated age. The INS should accept alternative evidence of age. Individuals deemed to be adults should be able to appeal that decision to an objective decision maker.

4. Children should not be kept in isolation at local hotels. If children are placed there, they should be afforded the same access and services as children at Boystown, including, but not limited to: adequate attorney access, recreation and education.

5. Non-violent, non-criminal children should never be commingled with youthful (or adult) offenders. INS should expand its foster and shelter care capabilities to prevent the placement of such children in “Secure” facilities, which violate the Flores agreement.

6. Children with ties to the community (such as family or legal representation locally) should only be transferred in exceptional circumstances. Children and their attorneys should always be notified before transfer and be provided a fair opportunity to challenge the transfer.

7. FIAC fully supports the recommendations by the American Bar Association on best practices for immigration proceedings in order to ensure respect for the rights of detained immigrant and refugee children. The ABA’s best practices, which are attached to this report, encourage a more active role by the Immigration Court in protecting the rights of the child. FIAC further recommends that in Miami immigration proceedings not be held at Krome, an adult detention facility, where children must listen to gunfire from the firing range while sometimes waiting hours in the sun for their hearings.

8. Strip-searches, handcuffing, shackling, and other forms of “restraint” of non-violent, non-criminal children should be prohibited.

9. Interpreters in the child’s best language should always be used in any conversation of substance with a child.

10. Telephone calls and any other private conversations of a child should not be used against him/her in removal proceedings.

11. Guardians ad litem should be appointed for children to look after their best interest. Such guardians should work closely with the child and have expertise in child welfare and the special needs of immigrant and refugee children.
Index of Attachments

Articles and Editorials


**Correspondence, Memorandums, Urgent Actions and Letters**

2. Letter to FIAC Executive Director Cheryl Little from INS Executive Associate Commissioner Johnny N. Williams, July 22, 2002.

3. Letter to Krome Officer in Charge Wesley Lee from FIAC Executive Director Cheryl Little, May 30, 2002.


7. Letter to FIAC Executive Director Cheryl Little from INS Acting Director of the Office of Juvenile Affairs Steven J. Farquharson, received May 7, 2002.


9. Letter to American Immigration Lawyers Association South Florida Chapter President Mary Kramer and FIAC Executive Director Cheryl Little from Assistant Chief Immigration Judge Gail Padgett, March 12, 2002.

10. Letter to Chief Immigration Judge Michael J. Creppy from American Immigration Lawyers Association South Florida Chapter President Mary Kramer and FIAC Executive Director Cheryl Little, February 5, 2002.


13. Letter to INS Deputy Executive Associate Commissioner Anthony S. Tangeman from FIAC Executive Director Cheryl Little, April 4, 2001.

The INS v. Juvenile Justice

Every year the INS locks up some 5,000 children. For most, their only crime is seeking asylum.

by Alisa Solomon

Alfredo Lopez Sanchez knew he was facing a tough journey when he fled his abusive home in Guatemala last summer and made his way to the United States. Fearing for his life, the 15-year-old boy felt he had no choice but to seek refuge in the "land of freedom." But that is not what he found. For more than a year now, the Immigration and Naturalization Service (INS) has penned him in jails, in youth detention centers, and even in a Miami hotel room. A short, Mayan boy with intense eyes and expressive face, Alfredo has been transferred nine times from facility to facility, often shackled by the wrists and ankles. Speaking only the rare dialect Southern Low Mam, he often could not understand what was happening or why.

Of course, advocates for child refugees who speak perfect English have just as hard a time understanding why the INS treats kids in such arbitrary and pitiless ways. The INS locks up some 5,000 children each year, most of them boys averaging 15 years of age.

According to INS spokesperson Karen Kraushaar, when minors enter the U.S. illegally—like adults, usually seeking democratic freedoms and economic opportunity, or fleeing persecution or war—the government takes great pains to locate U.S. relatives and typically manages to turn kids over to them within three days. In the thousands of instances in which such efforts fail, though, the agency places children into custody in one of 90 facilities around the country—usually campus-like shelters run by nonprofit agencies, but sometimes in high-security prisons that incarcerate U.S.-citizen juvenile offenders. Meanwhile, the immigration courts consider whether the children will be deported. While that process averages a little more than a month, says Kraushaar, it can drag on much longer if there's trouble finding a sponsor or if the agency fears that the purported "relatives" are really smugglers who sell kids into indentured servitude or prostitution.

More than a third of detained youngsters wind up like Alfredo, languishing for months, and sometimes more than a year. A 1985 class-action suit, Flores v. Reno, challenged, among other things, the often lengthy terms and harsh conditions of minors' confinement. Its settle-
ment in 1997—after 12 circuitous years of appeals that went all the way to the Supreme Court—established national guidelines requiring, for instance, that children be detained in the least restrictive settings possible.

But a report last September by the Office of the Inspector General found that the INS was placing too many kids in high-security juvenile prisons, needlessly using restraints on them, and failing in other ways to live up to the 1997 settlement. Of the 4,136 unaccompanied minors held for more than 72 hours in fiscal year 2000, the report detailed, more than a third spent at least some portion of their detention in prisons. Having committed no offense other than seeking refuge, they are locked behind bars and razor wire, watched by guards trained to control criminals.

**Time To Push for Change**

So children’s advocates and human rights groups have galvanized around the issue again, documenting abuses and lobbying legislators. In March, Diane Feinstein (D-Calif.) introduced a Senate bill to reform the gravest problems, including the lack of guaranteed attorneys or guardians. INS commissioner James Ziglar created a special office of juvenile affairs and promised reforms. But now, as “homeland security” overwhelms the congressional agenda, and INS restructuring remains up for grabs, the kids are all but forgotten. “This is a good time to push,” says Bill Frelick, director of Refugee Programs for Amnesty International USA. “We had seen some movement in Congress and if we keep pressure up, we can make a real difference.”

AIUSA launched a membership action on behalf of three children last spring, urging members to write the INS, demanding compliance with Flores as well as with international law and standards. These prohibit detaining minors seeking asylum, much less subjecting them to such harsh conditions.

In addition to highlighting Alfredo’s case, AIUSA has also rallied behind Ernst Poulard, a 17-year-old Haitian, and Malik Jarno, a mentally retarded youth from Guinea. Ernst arrived in the U.S. last December, expecting to join his mother, who has been a lawful permanent resident here since 1988. But because Ernst did not wait for official entry documents, the INS apprehended him upon arrival and put him in detention. His pro bono attorney, Christina Kleiser of the Florida Immigrant Advocacy Center (FIAC), faced what she describes as “an absurd level of red tape” and tried to rectify “the fundamental lack of due process.” After six months of detention, Ernst was finally released to his mother.

Malik has not been so lucky. Orphaned at 16 by violence in Guinea, he used false documents to enter the U.S. in January 2001 and requested
political asylum. Relying on controversial x-ray tests, the INS insisted he was 18 and placed him in an adult prison. There, where nobody spoke his West African language, Puhlar, Malik endured nine miserable months before even seeing a lawyer or having an immigration hearing. In the meantime, his lawyers say, fellow inmates abused him and guards pepper-sprayed and severely beat him.

When lawyers provided a birth certificate, he was merely moved to solitary confinement with a note on his door saying, "Juvenile." In solitary, Malik had to submit written requests for permission to phone his lawyers or even to take a shower. Six months later, on April 10, the INS finally acknowledged that his birth certificate was authentic and transferred him to a juvenile facility. After a lengthy and humiliating hearing, his asylum application was denied. He remains in detention as his appeal crawls through the system.

Theory As Fact
The use of x-rays to determine age—they measure growth of wisdom teeth and whether the radius and ulna bones have fused in the wrist—is hotly contested. Adults have narrower legal avenues of relief and usually face more severe detention conditions than those under 18, so undocumented migrants have good motives for trying to pass as minors.

According to Dr. Robert Trager, a dentist with offices at JFK and LaGuardia airports, who has conducted some 1,500 such tests for the INS, undocumented travelers "try every trick in the book to get in here and you've got to feel sorry for them, but I can't let personal feelings get in the way of science." Claiming 96 percent accuracy, Trager finds that 9 out of 10 patients are lying.

But Dr. Herbert F. Frommer, director of radiology at New York University's College of Dentistry, says that "Dr. Trager's position has no scientific validity." In a sworn affidavit, Frommer cites a "wide variation in the age at which third molars erupt in the mouth" because of differences in "race, gender, and ethnic origin" among other factors. Many orthopedists regard the wrist-bone test as equally imprecise.

Kraushaar defends the tests: "What if a terrorist who was 19 said he was 16 and an orphan, and the story didn't check out, but we released him and he went and blew up a building? Would it be his attorney that would take the fall? I don't think so."

For 15 months "Fega," 8, was held in a Miami shelter where she suffered psychological trauma. The Nigerian girl sits in the audience at a Senate hearing on the Unaccompanied Alien Child Protection Act.

Thus Mohamed Boukraje spent 19 months in the adult facility in Elizabeth, New Jersey, a fluorescent-lit former warehouse where detainees are never allowed outdoors. Orphaned at age 10 in his native Algeria when a car bomb blew up his parents and sister, he lived with an aunt until she threw him out, concerned that Mohamed’s father’s reputation as a “traitor” would harm her family’s standing. Mohamed stowed away on a boat to France, then made his way to Italy, where for about four years he picked up menial jobs and squatted in abandoned buildings.

In October 2000 he joined some other workers on a boat he thought was going to Canada, but the INS fished him out when the ship docked in New Jersey. They took him right to Trager’s office at the airport, where the doctor pronounced him to be at least 18; Mohamed said he was 16.

According to a psychiatric evaluation by Dr. Alice Kross Frankel, Mohamed was “suffering from both depression and traumatic stress reactions” that were exacerbated by his imprisonment and “altogether inappropriate placement.” He was weeping his bed when he first arrived at Elizabeth and was still having nightmares a year-and-a-half later. Frankel recommended Mohamed’s prompt release to a nonprofit youth home that had agreed to take him.

Meanwhile, immigration judges rejected his asylum request and then his appeal, forcing attorney Erin Corcoran of the Hebrew Immigrant Aid Society to race against the clock: Mohamed’s 18th birthday was approaching and the only relief left was “special immigrant juvenile status,” a sort of junior green card for youngsters who are abandoned, abused, or neglected. But even if the INS had recognized Mohamed as a juvenile, Corcoran would still be faced with the problem that the INS usually
Having committed no offense other than seeking refuge, the children are locked behind bars and razor-wire, watched by guards trained to control criminals.

refuses to permit hearings of such cases in family court, the venue that decides who qualifies for this special status.

Mohamed turned 18 on June 25, and a couple of weeks later, Corcoran got a call from another detainee, reporting that Mohamed had been removed. After days of trying to reach his deportation officer, she was relieved, if surprised, to learn that the youth had been sent to Italy.

Conflict of Interest

Advocates are hopeful that once Congress revamps the INS and Homeland Security, responsibility for unaccompanied minors may end up at the Office of Refugee Resettlement. ORR uses a fuller set of tools, including interviews and psychiatric evaluations, to determine age. And it does not have a built-in conflict of interest: the job of both serving the best interests of the children in its custody and of trying to deport them.

The INS's dual function can make children pawns in a larger game. The supervisor of the division in Florida, for instance, brazenly told a judge at a hearing in Alfredo's case last February that he would not release the boy to a foster care program because he was waiting for Alfredo's brother, living illegally in the U.S., to come claim him—and to be put into deportation proceedings himself.

In a more alarming example, zealous INS officers deported 13-year-old Isau Flores-Portillo, a street kid from Honduras, even though his asylum appeal was still pending. Pro bono attorneys insist Isau believe he faced torture or even death back home, where, according to a 2000 State Department report, "Honduran security forces were suspected of an estimated 200 extrajudicial killings, many involving persons under 18." They sued the government for this alarming violation of Isau's rights. And because, as attorney Javier Maldonado puts it, "they really didn't want to defend that in front of a court," the INS tracked down Isau in May and brought him back to the U.S.—only to send him straight to detention.

Isau is currently being held at Berks County Youth Center in Leesport, Pa., a low-security shelter without bars or barred wire, which provides classes each day and soccer games. But even with the relative amenities of the shelter environment, kids miss out on the simple things most teenagers in America take for granted:

ed: enough time in a shower to rinse off the soap, or having a pen and paper in one's room. The kids at Berks also report being threatened with transfer to a high-security prison wing if they misbehave.

More important, detention presents special emotional hardships for teenagers: loneliness, boredom, and the shame and intimidation of being treated like a criminal. A Jamaican teen spent a month-and-a-half in the high-security wing at Berks. Even worse than seeing kids thrown and pinned to the ground by guards for the crime of lifting an arm, she says, was suffering the acute adolescent embarrassment of having to dispose of sanitary napkins in full sight of the boys because there were no trash bins in the bathrooms.

In Miami, FIAC attorneys who represented Alfredo wanted to give him a donated Christmas present of a jigsaw puzzle and art set while he was confined to the hotel room with nothing to do and no one who spoke his language. The INS barred the gift as "contraband."

And his chances of enjoying the basic gift of freedom, a right all human beings deserve, seem to be dwindling by the day. His asylum request was denied even though the judge found Alfredo credible, accepted expert testimony that he was suffering post-traumatic stress disorder, and agreed that he would likely face further abuse if returned to Guatemala. Indeed, the judge stated, "If this court were deciding whether the respondent should be allowed to remain in the United States for humanitarian reasons, it would be a simple decision." Yet because in legalistic terms the violence he faced in Guatemala was not perpetrated by the state, Alfredo did not qualify for asylum.

FIAC appealed the decision, and finally, in late July Kleiser received a one-sentence response upholding the denial. Outraged, she is scrambling to file motions to reconsider and for a stay of deportation. Meanwhile, although Alfredo is a prime candidate for special immigrant juvenile status, the INS has so far refused to let his case be heard before a family court. Kleiser fears he could be returned to certain violence any day.

Alfredo and other children like him have little hope once the wheels of justice roll over them. But says Kleiser, "Support actions by the public really do help, and they are needed more than ever."
Edwin Muñoz fled his native Honduras for his life, only to become one of the thousands of foreign children who each year are detained, sometimes incarcerated and even abused in the custody of U.S. immigration authorities.

Who Will Stand Up For Them?

A REPORT By David Oliver Relin

Edwin Muñoz, 16, was locked in a cell in San Diego Juvenile Hall for 18 hours a day, beaten by authorities and held among violent criminals for nearly six months. Recently, he told his story before the Senate Judiciary Committee as Congress ponders the future of the Immigration and Naturalization Service.

INSIDE: In Step With Jackie Collins... By James Brady
Each year, thousands of foreign children—some as young as 18 months—are deported without having their claims for asylum heard. With no parent or guardian...

Who Will Stand

BY THE TIME HE TURNED 13, life in his native Honduras had become unbearable for Edwin Muñoz. His father was dead. His mother had abandoned him. Edwin lived with a cousin who forced him to beg on the streets and beat him with a stick if he didn't return with enough money. Edwin was afraid to report the abuse and risk being thrown out, because he'd heard that Honduran authorities killed homeless children.

So, with little hope for an endurable life in his homeland, Edwin walked and hitchhiked across Honduras, Guatemala and Mexico, working for food and sleeping in ditches. In August 2000, he was apprehended as he tried to sneak into California. But he wasn't worried.

"My whole life," he says, "I'd heard wonderful things about America and how children were treated there."

Then the dream that had drawn Edwin Muñoz so far north was crushed.

Sitting up straight in a white shirt and black pants, Edwin, now 16, tried not to cry at a recent hearing of the Senate Judiciary Committee. He explained how, in shackles, he was shuffled between U.S. Immigration and Naturalization Service (INS) facilities until he was taken to San Diego Juvenile Hall, which he called "the worst place I have ever been in my life." There, Edwin testified, he was locked in his cell 18 hours a day, beaten with sticks by authorities, doused with pepper spray and held among violent criminals for nearly six months. "I cried a lot in my cell," Edwin said. "Wondering why everything was turning out so badly for me in the U.S. and if I would ever be free."

Lost in the system

Edwin's story is all too common. The INS says it placed more than 4,000 foreign minors in detention last year. While the average age of the children in custody is 15, some are as young as 18 months. The largest group is Latin Americans caught crossing the Mexican border. But they come from as far away as China and Nigeria, apprehended at airports or on immigration sweeps, part of a rising tide of 20 million refugee children worldwide.

And though most are guilty of nothing more than entering America illegally, more than 30% of these children are incarcerated among violent criminals. Others are warehoused in minimum-security facilities while their childhoods tick away. Worst of all, many are deported without their claims for asylum ever being heard even if, like Edwin, they fled life-threatening abuse in their homelands.

What should happen to them?

In the aftermath of Sept. 11, and as Congress considers dismantling the INS altogether, what should happen to the children in its charge? Sen. Diane Feinstein (D., Calif.) believes that we need to tighten our borders to prevent terrorists from entering our country illegally, as we also must provide protections for helpless children. "We cannot continue to allow children who come to our country—often traumatized and guilty of no crime—to be held in jails and treated like criminals," she says.

Sen. Feinstein became outraged when she learned about Phanupong Khaisri, a 3-year-old Thai child detained at the Los Angeles airport. Nicknamed "Got," the child had been drugged by human smugglers and used as a decoy to deceive airport authorities. Despite the fact that he'd been sold by his mother and faced danger if he returned to Thailand, the INS sought to deport Got. Senator Feinstein and others intervened. In January 2001, Feinstein introduced the Unaccompanied Alien Child Protection Act, which would...
incarcerated by U.S. immigration officials after arriving alone or being abandoned here.

Up For Them?

"Go!

AGE WHEN DETAINED: 2
HOMELAND: Thailand
CLAIM FOR ASYLUM: Sold to human smugglers by his mother and used by them as a decoy.
TREATMENT: Despite the obvious danger Got would face if he returned to Thailand, the INS sought to deport him after he was discovered at the Los Angeles airport.

At age 2, Got (Phaksong Khieng) was detained by the INS. Now 5, he recently was granted non-permanent immigration status.

To Wendy Young of the Women's Commission for Refugee Women and Children, an advocacy group that assists asylum-seekers, it's inconceivable that the situation will improve until the INS is out of the picture completely. "By definition, the INS has a huge conflict of interest," says Young, who was an expert witness at the Senate hearings. "As a police officer, the INS is incapable of also looking out for the welfare of children." "Are you my mommy?"

"As long as law-enforcement officers, rather than trained child-welfare workers, are in charge of these children, terrible mistakes will be made," says Christina Kleiser of the Florida Immigrant Advocacy Center. She poses to the case of one of her clients, a Nigerian girl named Fega who was arrested at age 7 when she arrived alone at New York's Kennedy Airport with a fake passport. Her mother, an illegal alien, was too afraid of being deported to claim her. For the next 15 months, Fega was marooned at an INS shelter on the outskirts of Miami. She picked up enough English to ask every woman who visited, "Are you my mommy?" A distant cousin—a nursing-home administrator in Connecticut—offered to take Fega in as soon as she heard of her plight. Instead, the INS chose to hold Fega for two more months. "How can putting a child through an experience like that not scar her for life?" Kleiser asks. "Even the INS is smart enough to know that." "No matter how weak or strong any of these kids' cases for asylum may be, the important thing is giving them the continued

Fega

AGE WHEN DETAINED: 7
HOMELAND: Nigeria
CLAIM FOR ASYLUM: Abandoned in the U.S. by her mother, an illegal alien who was afraid to claim her.
TREATMENT: Fega was marooned at an INS shelter for 15 months. A distant cousin offered to take her in, but the INS chose to hold Fega for two more months.

Fega (c) now 9, attended the recent hearing of the Senate Judiciary Committee with her cousin, Lara Ataklie (r).
WHO WILL STAND UP—continued

opportunity to be heard,” says Andrew Morton, a lawyer who represents four Tanzanian teenagers. For eight months, Harry Kriegemw, Piki Lastungo, Abraham Tembo and Anthony Lunumbro were warehoused in an INS facility in central Pennsylvania. In the U.S. legally, with valid visas for an international Boy Scout jamboree, the teens say they were detained after approaching a Washington, D.C., police officer and inquiring whether it was possible to turn their tourist visas into student visas.

At the facility, they lived in a dorm and attended classes but were not free to leave. “Before I came here, I knew America was a beautiful country, famous for human rights,” Anthony says. “But I don’t think America is doing justice to us.” In March, the boys finally were moved together into foster care in the Midwest.

Morton says a majority of the juveniles apprehended by the INS appear in immigration court without assistance of any kind. “I know of cases where toddlers have appeared in court unrepresented,” he says. “How can you pretend to be concerned with kids’ welfare when you send a scared child alone up against a pit-bull prosecutor?”

“Your worst days are behind you.”

Back in the crowded Senate hearing room, tears trickled down Edwin Mulilo’s nose as he finished telling his story. He explained that he was speaking out “so that no other child will have to go through what I went through with the INS.”

In truth, that’s up to people like the politicians at the hearing. The message Edwin traveled to deliver has now been heard loud and clear. And bipartisan pressure is building to break apart the INS and create an office equipped to deal with the needs of children.

Sen. Edward Kennedy (D., Mass.), clearly moved like everyone else in the room, told Edwin, “I hope the U.S.A. lives up to your dreams. Your worst days are behind you.” And they are. Edwin won his asylum and now lives in Michigan with a foster family. Seeing him here at the heart of the American government, sitting proudly in his seat, it was clear how far he’d come from his days of desperate fear in Honduras and how far—now that he’s safe and in school—he’ll be able to go.

WINN

Parade’s Special Intelligence Report

CEOs Clean Up

While Stockholders Get Cleaned Out

When high-tech companies hit the skids, many investors lose their savings and workers lose their jobs, but the “retiring” CEOs of those companies often get rich. Fortune magazine says Lucent stock dropped 68% in Rich McGinn’s last year as CEO, but he collected $1.13 million and an $870,000 pension when he left. John Roth saw Nortel’s stock fall 90%, and 30,000 employees lost their jobs, yet he departed with a bonus of $3.3 million and a $385,000 annual pension. Xerox stock lost 89% of its value, and 3,200 jobs were cut, yet Rick Thoman got a $4.8 million package plus $800,000 in annual retirement pay. But pity poor Tim Kogge; Yabco’s stock lost 94% of its value, and he got 50 when he left as CEO. (He’s still on the board.)

Does School Size Matter?

Since 70% of America’s high schoolers now go to schools with 1,000 or more students, the classroom shootouts of the last few years have made some educators wonder if big schools are harmful to our kids. What do parents and teachers think?

A poll by the nonprofit firm Public Agenda showed that parents prefer smaller high schools because they think students get more attention and care. But, surprisingly, teachers in both large and small schools gave students low marks on how well they learned (and everything from school spirit to the respect they showed toward others). Both parents and teachers said smaller classes and better discipline mattered more than school size. In fact, while education reformers may focus on size, neither the parents nor teachers said big schools were their biggest concern.

All You Should Know About Drug Abuse

Tens of thousands of children in the U.S. take antibiotics for the flu or for a cold. Doctors actually prescribe antibiotics to kill the virus. But antibiotics only work on bacteria. This is similar to going to a car wash and using a toothbrush to clean your car. You’re throwing away your money. You need to wash your car with soap and water, not with a toothbrush.

When Man’s Best Friend Isn’t Friendly

A

mericans love dogs—we have 58 million. But untrained canines can be dangerous, and 5 million people are bitten in the U.S. each year. Larry Lachman, a animal-behavior specialist and author of Dogs on the Couch, blames owners or breeders who don’t screen or train their dogs. (Owners can visit www.spet.com to find a certified trainer.) He says no breed is always aggressive, but those bred for guarding, sporting or herding have higher risks. To avoid a bite:

* Never approach an unknown dog.
* Stay still if approached; running or screaming incites a dog.
* Don’t disturb a dog that’s eating, sleeping or caring for puppies.
* Don’t pet a dog without letting it see and sniff you first.

WHAT INSURANCE DO YOU NEED WHEN YOU RENT A CAR?

When you rent a car, you’re routinely offered a loss-damage or collision-damage waiver. Do you need it? The answer depends on whether you already have auto insurance and what it covers. If you have collision and comprehensive coverage, it probably will pay for repairs but may not pay “incidental” rental-company costs, such as loss of use, loss of value and claim-processing charges. Many premium credit cards also will supplement your coverage, but you must use the card to pay for your rental and decline the loss-damage waiver. To be sure, read the fine print of your insurance and credit-card agreements and ask any questions concerning them before you rent.

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THE LITTLEST REFUGEES: THEY SHOULD NOT BE ENTRUSTED TO THE INS

Editorial
The Miami Herald
June 7, 2002

The case of Alfredo López-Sánchez is a strong argument for why the U.S. Immigration and Naturalization Service should not be charged with the custody of unaccompanied minors who enter the country illegally. There is a fundamental conflict here between the INS's law-enforcement mission and the equally compelling need to protect the child's best interest. Legislation before Congress would require that minors like Alfredo get humane treatment and proper legal protections.

In INS detention almost a year now, teenaged Alfredo remains at a shelter in Berks County, Pa. -- more than 1,200 miles from his Miami attorney and an interpreter, both of whom understand the rare Mayan language that he speaks. Alfredo was 16 when he entered the United States after fleeing rural Guatemala. He has said that he ran away from a mentally ill mother and an abusive father who killed his sister in front of him.

FREQUENT TRANSFERS

While in INS custody, he has been bounced between shelters, jail cells and hotel rooms; in one two-month period he was moved seven times. The INS has not allowed him to bring his case before child-welfare experts in juvenile court, a process that could lead to his receiving a special juvenile visa and placement with a guardian.

Alfredo is only one of some 5,000 unaccompanied minors placed by INS in shelters and jails every year. The complaints nationwide about these children's treatment are remarkably consistent. The Women's Commission for Refugee Women and Children documented them in a report last month, Prison Guard or Parent? INS Treatment of Unaccompanied Refugee Children. Many children face capricious transfers like Alfredo's and complicated immigration proceedings without benefit of a lawyer.

"Children often endure prolonged detention, do not have access to interpreters or legal assistance and may be detained with adult offenders," said Wendy Young, of the commission. These children are fleeing abuse -- forced marriages, female genital mutilation, domestic violence, molestation, neglect -- and wars where they could be forced into military service. Their vulnerability is complete.

SPECIAL NEW OFFICE

U.S. Sen. Dianne Feinstein, D-Calif. has introduced legislation that would entrust these children to a new Office of Children's Services designed to recognize their special needs and circumstances. This office would be in the Justice Department, but separate from the INS. It would establish standards for detention, custody and release. Children would get a guardian ad litem and access to legal counsel.

This legislation has been rolled into another good bill (S 2444) introduced by Sen. Edward Kennedy, D-Mass., that calls for INS reorganization. The Senate should approve its measure and push to have it trump an inferior companion bill adopted earlier by the House.

6/7/02
The agency responsible for prosecuting people who are in the United States illegally should not also be charged with overseeing the welfare of those in this group who are minors. That task should be reserved for experts who can concentrate foremost on children's welfare rather than their legal status.
Rights groups pleading for young Guatemalan

BY ALFONSO CHARDY
achardy@herald.com

Fourteen immigrant-rights organizations have written U.S. Attorney General John Ashcroft, urging him to order the release from detention of a Guatemalan teenager who speaks only a rare Mayan language and is seeking asylum in the United States.

Alfredo López Sánchez, 16, remains in the custody of the Immigration and Naturalization Service at a shelter for unaccompanied children in Berks County, Pa.

Alfredo was detained after he crossed the border with Mexico without papers last summer.

Ashcroft's spokesman, Dan Nelson, did not return a call to his office in Washington seeking comment.

The case has become emblematic of a new legal struggle by immigration rights advocates to provide unaccompanied children in INS custody access to wider civil rights and legal representation.

Like hundreds of other children who annually enter the United States without parents and illegally, Alfredo initially was sent to Boystown, an emergency shelter for immigrant children in southwestern Miami-Dade County.

When Boystown officials concluded that Alfredo was planning to escape, they moved him to the Monroe County Jail. Later, Alfredo was moved to the children's facility in Pennsylvania.

On March 6, U.S. District Judge Federico Moreno denied Alfredo's motion that he be allowed to stay in South Florida pending resolution of his asylum case.

At a hearing Feb. 7, Moreno heard the case as outlined by lawyers from Miami-based Florida Immigrant Advocacy Center.

The lawyers said Alfredo told them he has a mentally ill mother and an abusive father who killed his little sister in front of him.

In the March 25 letter to Ashcroft, the 14 organizations from Florida and other parts of the country asked Ashcroft to "release Alfredo from INS custody" and "prevent any further deterioration of his well-being."
When Immigrants Are Children

Each year, more than 4,000 children arrive in America unaccompanied by an adult. Some are teenagers looking for work, but others are toddlers used as props by smugglers or young people fleeing abuses like forced recruitment as soldiers or arranged marriages. Except for EliJn GonzJez, the Cuban boy whose mother drowned en route to America in 1999, they get little attention. But EliJn’s case was unusual in another way — he was allowed to stay with family and given legal representation.

Hundreds of children escaping mistreatment find more of it when they arrive here. Last year, of nearly 5,000 children in the custody of the Immigration and Naturalization Service, a third spent time imprisoned in a secure detention facility such as a juvenile jail. While some of these minors were themselves accused of violent crimes, the vast majority were children who did nothing more than cross a border. Some are mixed in with violent juvenile delinquents, and a few have been held in jail for weeks after being granted asylum. When taken from jail to court hearings, they are shackled and handcuffed, and no arriving minor is entitled to free legal representation. One 16-year-old boy was locked in a hotel room for five weeks alone, without anyone to talk to, anything to read or a change of clothes. An 18-month-old girl was taken to court for a hearing in Florida two years ago with no lawyer or other adult to represent her.

A bill proposed by Senator Dianne Feinstein of California would change the way the I.N.S. deals with unaccompanied children. It would not affect whether they are eventually granted asylum or sent back home, but it would help the children get better treatment and provide adults to look out for them during the months of waiting. The bill would set up an Office of Children's Services outside the I.N.S., provide a free attorney for the minor and appoint a guardian to investigate the child’s situation and make recommendations to the court. The changes are necessary and modest and might even save money by speeding up cases.

The problem of unaccompanied minors is a complex one that touches on the I.N.S.'s varied ills. The agency's staff is overstretched and undertrained, and resources are short — more beds in children’s shelters are needed, for example. The truth about an arriving child's circumstances, and even age, is often hard to find. Most problematic the agency has a dual mission — it protects America's borders from those who do not deserve refuge, while helping those with a valid reason for flight. Decisions about minors' treatment, however, should be made by
people who do not have this conflict. Children who come to the United States alone have survived terrible hardship at home and on the journey. Every precaution should be taken to see that America does not welcome them with more trauma.
MIA MIA (Reuters) - The U.S. government recently locked Alfredo Lopez Sanchez, a 16-year-old Mayan boy from Guatemala, in a hotel room alone for five weeks with nothing to read, no one to talk to and without even a change of clothing while it worked to deport him.

Sanchez, who speaks a rare dialect called Southern Low Mam and understands little Spanish and almost no English, came to the United States in June 2001, escaping an abusive father who had allegedly killed one of his siblings in front of his eyes.

Sonia Cabrera, who speaks his language, is ready to offer him a home in Miami but the Immigration and Naturalization Service refuses to release him, saying he is a flight risk. The agency believes he has an elder brother living as an illegal immigrant somewhere in the United States whom he plans to join.

Each year the INS holds in custody about 5,000 unaccompanied children caught trying to enter the United States without papers. Human rights advocates say many are held for months in appalling conditions without legal representation.

"As a child welfare expert with knowledge of the foster care and juvenile justice systems, I find it shocking to see how children in INS custody are treated," said Julianne Duncan, director of children's services for the United States Conference of Catholic Bishops.

Testifying to a Senate immigration subcommittee hearing in February, Duncan said, "Thousands of children each year are held in detention, some with juvenile criminal offenders, with little or no access to legal assistance and with decreasing ability to reunite with family members."

Sanchez has been held by the INS in at least four locations, including a Florida county jail, a juvenile detention center in Pennsylvania and the hotel room. He has been moved eight times
without prior notification of his lawyer

"He was suffering from post traumatic stress syndrome when he arrived and his condition has worsened since he has been here. He has been isolated and terrified. He is shackled whenever he is transferred or brought for a meeting with his lawyer," said Cheryl Little of the Florida Immigrant Advocacy Center, which is representing Sanchez.

Sanchez spent the past five weeks alone locked in a room of a Comfort Suites Hotel in Miami with guards outside the door.

ONE T-SHIRT

He had one blue T-shirt, one pair of sweat pants and one set of underwear, which he washed in the sink with hand soap every night. He had no sweat shirt or sweater.

"Each day the maid comes in and changes the sheets. The bed gets clean clothes but I don't," he told his lawyer.

The U.S. Senate is considering a bill that would give children in INS custody more rights, including the right to a lawyer. It would also establish a new office of children's services within the Department of Justice, establish minimum standards for the custody of unaccompanied minors and expand shelter care and foster care programs.

Sanchez said he ran away from home after seeing his alcoholic father beat his mother so severely that she fell on top of her youngest baby, who died. The INS rejected a request from Reuters to interview Sanchez, saying parental permission was required.

"We accept that the father is an abuser and the mother is mentally ill but those are the rules. You need their written approval," said Patricia Mancha, an INS public affairs officer in Miami.

When Reuters asked why Sanchez was not provided with a change of clothes, he was given an extra set, a dictionary, a pencil and paper and a haircut within three hours. But when his lawyer showed up at the Krome detention center for a scheduled meeting with her client later that evening, the INS brought the wrong boy and the meeting never happened.

According to Wendy Young of the Women's Commission on Refugee Women and Children, the INS frequently denies release to children who have been granted asylum by an immigration judge while it prepares an appeal, and has blocked abused children from pursuing special immigrant juvenile visas.

PEPPER SPRAY

At the Senate hearing, Edwin Larios Munoz, 15, from Honduras, told how he was arrested when he crossed the border, having escaped an abusive home. He was taken to a juvenile prison in San Diego where he spent six months mixed with a population of violent offenders.

"The officers did not know why I or other children picked up by the INS were being held there. They treated us the same as the others, the criminals. They were mean and aggressive and used a lot of bad words. They sometimes hit me with their sticks and ... often used pepper spray," he said. Munoz was eventually released into foster care in Michigan.
Sanchez is still struggling for freedom. Last Thursday he appeared in U.S. District Court in Miami where Judge Federico Moreno said, "This court disagrees with the INS determination of this young man as a flight risk. But that does not permit me to dictate to the INS where to place a juvenile alien."

Sanchez was dragged away in shackles, weeping. Over the weekend he was transferred to Berks County Youth Center in Leesport, Pennsylvania, 1,200 miles (1,920 km) from his lawyer, who was informed after the fact.