



AN OPEN LETTER TO CONGRESSMAN BOB GOODLATTE, CHAIRMAN OF THE
HOUSE JUDICIARY COMMITTEE
REGARDING IMMIGRATION AND UNITED STATES HUMANITARIAN LAWS
FROM THE SAFE PASSAGE PROJECT AT NEW YORK LAW SCHOOL

June 25, 2014

Congressman Bob Goodlatte (R-VA)
United States House of Representatives
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Washington, D.C. 20515
FAX: (202) 225-9681

Dear Congressman Goodlatte:

Yesterday, in a press release and letter to President Obama, you presented the findings of The Safe Passage Project, a social justice initiative at New York Law School providing free legal counsel to unaccompanied minors facing deportation, as proof that our country's immigration laws are in need of reform. In your view, Safe Passage's ability to find legal remedies for these vulnerable children shows that "current immigration law" provisions are "roadblocks" to removing "aliens unlawfully surging across our southern border."

We strongly disagree.

Children fleeing violence from Central America, or anywhere else in the world, have legal rights and claims to protection under U.S. humanitarian laws. These laws represent the best of American ideals of compassion, justice, and human rights in humanitarian crises like these. And we are proud to dedicate our *pro bono* work to help protect these vulnerable children who are unable to protect themselves.

These children are eligible to exercise rights under both U.S. domestic law and international human rights law. The legal and moral obligation not to return refugees back into violence is reflected in current U.S. asylum laws. In addition, Congress offers protection for children fleeing

abuse, abandonment, and neglect they have suffered at the hands of one or both parents when it is not safe for these children to return to their countries of origin.

The Safe Passage Project screens approximately 30 children in immigration court each month, and then helps them to secure *pro bono* lawyers. Since the Central American humanitarian crisis, our work has been more important than ever, as we encounter more and more children fleeing violence alone. Many are survivors of physical, sexual, and emotional abuse.

Not every child may qualify for protection or have a right to remain in the U.S., but every person, especially a child, deserves the opportunity to be heard. We, and other *pro bono* attorneys across the country, have been donating our time to help counsel these children about legal protections, and help immigration authorities fairly examine their claims.

Moreover, the U.S. cannot—and should not—summarily remove children. Suggesting that the government might use a procedure known as “expedited removal” to reject the children at the border is inappropriate. Rejecting children summarily would violate existing U.S. statutes and regulations, minimal due process protections, and international law. In the past, the bipartisan U.S. Commission on International Religious Freedom criticized expedited removal as insufficiently allowing the persecuted to bring asylum claims. Their arguments apply even more so to vulnerable children.

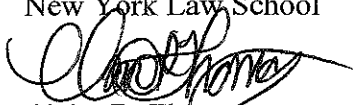
Although we are proud of our work, our *pro bono* efforts are not nearly enough. No child should stand alone in immigration court. As Rep. Hakeem Jeffries (D-NY) said on June 23, 2014, “The hallmark of our democracy is a judicial system where legal adversaries compete in order to arrive at the correct result.” But it is a “fantasy to believe that unrepresented children have a fair shot in an immigration proceeding.”

We strongly support H.R. 4936, the VIVA Act (Vulnerable Immigrant Voice Act) of 2014, introduced by Rep. Jeffries and five other House Judiciary Committee members this week. The bill would provide appointed counsel to unaccompanied children in immigration proceedings.

Very Truly Yours,



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