Loyola’s Center for the Human Rights of Children Submits Damning Report to UN on Trump Administration’s Abusive Policies Against Migrant Children

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Chicago – This week, the Center for the Human Rights of Children (CHRC) at Loyola University Chicago School of Law, in collaboration with leading national organizations working to protect migrant children's rights, Kids In Need of Defense (KIND), the Women's Refugee Commission, and the Young Center for Immigrant Children's Rights (“Young Center”), submitted a report to the U.N. Special Rapporteur on the human rights of migrants. The report addresses the Trump Administration’s attacks on asylum and other special protections for migrant children in violation of international and domestic law. While the Biden Administration has publicly committed to reversing Trump’s immigration policies, and reunifying separated children and families, the harm migrant children have suffered under the previous Administration’s policies are permanent.

The Trump Administration's immigration policies exploited the vulnerability of migrant children in order to achieve unlawful policy goals, specifically through the policy of family separation, use of Migrant Protection Protocols, migrant expulsions made under the guise of the pandemic, as well as other informal, illegitimate “turn back” and “push back” practices. The report specifically calls upon the U.N. to evaluate the harms these immigration policies have on children, who are uniquely impacted due to their age, development, and other vulnerabilities. The report demonstrates that “[t]he infliction of pain and suffering to children was not simply an unfortunate side effect of stricter immigration policies—it was the targeted, intentional impact” of the government’s pushback mechanisms.

The report further recommends that the Special Rapporteur investigate the abuse of migrant children in the United States and investigate the participation of other governments in abetting such treatment. The report urges the Special Rapporteur to call upon the United States to recommit itself to its obligations under the Refugee Convention, to finally commit itself to the UN Convention on the Rights of the Child and the development of child-appropriate protective measures for migrant children during times of public emergency.

“This report highlights the urgent need to develop special protections for migrant children arriving at our Southern border and across the globe. Migrant children must be treated as children first. All children, regardless of nationality or ethnicity, deserve to be safe,” said Sarah J. Diaz, Associate Director of the Center for the Human Rights of Children at Loyola University Chicago School of Law.

“Right now, children are still being ‘pushed back’ at the border and denied the right to seek asylum under Trump’s unlawful Title 42 policy,” said Jennifer Podkul, KIND’s Vice President for Policy and Advocacy. “In order to guarantee children’s rights under the TVPRA, the Biden
Administration must end these unjustified policies now, stop expulsions of children from the US, and allow children to present at the border to seek protection.”

“Under the Trump administration, the United States government implemented multiple pushback policies that denied tens of thousands of immigrant children the opportunity to seek safety and protection in the United States and returned them to danger. These policies have caused grave danger and long-lasting harm and trauma to children and their families, in violation of their rights. The United States government must build an immigration system that treats immigrant children as children and considers their best interests as paramount,” said Janie Liu, Senior Litigation Attorney for the Young Center.

“The Trump administration’s systematic attack on the asylum system left migrant children with no avenue to present themselves at a US port of entry, systematically endangering them, ignoring their best interests, and denying their right to seek asylum and access to protection. These pushbacks were the first of many policies and practices implemented by the Trump administration to eviscerate the asylum system and deny immigrant children the right to access protection. Action must be taken immediately to denounce and rollback policies and practices that result in denying access to territory to asylum seekers,” said Michelle Brané, Senior Director of the Migrant Rights and Justice Program at the Women’s Refugee Commission.

The CHRC’s report will be used by the Special Rapporteur on the Human Rights of Migrants to inform the forthcoming report to the 47th session of the Human Rights Council regarding the use of “pushback” practices and their impact on the human rights of migrants. To read more on the CHRC’s Input to the Special Rapporteur for the Human Rights of Migrants Report on Pushbacks click here.

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