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Indian children cross illegally in growing numbers By Nancy López

Among the thousands of immigrant children trying to cross the U.S.-Mexico border every year, more and more are coming from half a planet away: India.

Lawyers say the sheer global scale of these journeys points to a sophisticated network of smugglers moving minors along a circuitous yet well-planned route spanning continents. Funded by the children's parents, smugglers arrange to fly the children legally across several countries and ultimately through Mexico, sneaking them over the U.S. border, usually on foot.

In recent months, young children spotted and caught by U.S. Border Patrol have been sent to shelters in various cities throughout California, while immigration authorities and attorneys sort out their stories.

"One of our kids went from India to Bangkok, Bangkok to Dubai, Dubai to Brazil, Brazil to Ecuador, Ecuador to Panama, then through Guatemala and Mexico," said Suamhirs Rivera, a paralegal at Casa Cornelia Law Center's Unaccompanied Children's Program in San Diego. The group represents children who are detained while trying to cross the U.S.-Mexico border.

In January alone, Rivera said 10 minors from India were placed in two San Diego shelters - an unprecedented number. The minors, mostly teenage boys, but including some girls, have been as young as 13.

Few immigration officials will talk about the possible motives behind the recent surge. The majority of young migrants detained have been released to family members who live here and who take temporary custody of the children. The fact that minors have been released to family members, some officials speculate, could be encouraging others back in India to attempt the same journey.

Officials who supervise custody of the children rejected requests to speak with detained minors in a shelter in Pleasant Hill, a small suburban town outside San Francisco. Officials at the Office of Refugee Resettlement, the federal agency in charge of caring for unaccompanied minors apprehended at the border, said they denied the requests for interviews to protect the kids' identity.

Rivera said that up to five smugglers could be involved in the transport of each child. At each landing point, a smuggler takes the child to the next destination and then hands the young migrant off to the next smuggler. The child might stay a week before heading off to the next country. Once in Guatemala, individual children are joined with a larger group of immigrants. They enter Mexico unlawfully and smugglers take them through that country, usually traveling by bus.

“It’s a typical route from India,” said Rivera.

The stakes are high – and so are the costs. It took one 13-year-old boy 34 days to fly across the Atlantic Ocean to South America and travel up through Mexico to get here. Another paid smugglers \$7,000 to secure the passage. Nowadays, it costs most Central American immigrants an estimated \$3,000 to cross and Mexicans about \$1,500.

The details of these extraordinary journeys come from the lawyers and paralegals who work at nonprofit law offices. They are among the few outsiders who have access to the children. Through its Office of Refugee Resettlement, the federal government funds a number of these agencies across the country to provide minors legal help. While agencies can’t use federal funds to provide direct legal representation, they visit the shelters every week and screen the new arrivals to determine whether they have a case for legal relief, then try to match them with pro bono attorneys. They identify any children who have viable claims for asylum or a special juvenile visa, which is for abused and neglected children and can lead to permanent legal status.

The recent influx of Indian kids correlates with the overall increase in immigrants from India crossing over. In the last year, the number of children making the arduous trek has grown ten-fold. In 2009, Customs and Border Protection agents in Texas apprehended one Indian child trying to cross illegally, by the end of 2010, nearly 70 minors had been caught along the El Paso region of the border.

Like most migrants attempting to cross the Chihuahua Desert region, Indian children rely on guides who help them navigate the forbidding terrain. Border Patrol agents say they usually catch them soon after they’ve made it across, either walking through isolated terrain or near the city. They’re usually in packs, from a handful to twenty people.

“But as soon as immigration shows up, they scatter,” said Martin Gauto, lead attorney at the Esperanza Immigrant Rights Project, a Los Angeles-based nonprofit law office that serves immigrants who can’t afford legal counsel.

Guato’s legal team serves the minors held in a shelter in Fullerton, a suburb located south of Los Angeles. Over the years the shelter has seen many Central American kids come and go and then six months ago, they received their first child from India. Since then, the facility has housed up to 15.

The young migrants are boys between the ages of 14-17, and most come from the Punjab, a state in the northwestern region of India.

Officials say the surge at the border can partly be attributed to tighter visa restrictions, limiting legal entry into the country. Officials have uncovered a significant number of attempts to fraudulently obtain visas in India and are

cracking down on the illegal activity there, according to an email from Customs and Border Protection.

Sumit Ganguly, director of the India Studies Program at Indiana University, adds that the U.S.-Mexico border remains a vulnerable point of entry. Indians who have fewer ways to enter the United States legally by plane have resorted to crossing the border.

Meanwhile, advocates offering the children legal help remain puzzled by what's driving families to send their children on such perilous trips.

"We have our own speculations," said Rivera from Casa Cornelia in San Diego, "but to be honest, we're wondering the same thing."

Rivera said that of the 10 Indian children they received in January, three boys said they belonged to a minority group in the Punjab and were afraid to go home, but the children offered no details.

It's a similar story at other shelters. Gauto said that the Indian children in Fullerton "definitely express fear." He couldn't provide more details given the vulnerability of the teens' legal situation.

But some people speculate this is an argument the kids have been told to say so they can remain on U.S. soil. The U.S. Department of State's report on India makes no mention of ethnic or religious clashes in the region.

Representatives of various South Asian organizations here say they're unaware of any conflicts in northwestern India that might have caused the children to flee. It's been 20 years since the Punjab faced a secessionist conflict that left thousands dead. In that time, free and fair elections have taken place with no reports of violent clashes between groups, according to Meenakshi Ganguly, the South Asia Director for Human Rights Watch.

That, and many Indians who escaped the turmoil now live here and left families behind. Ganguly said this might explain why children are coming across to be reunited with family.

It could also explain why Manoj Govindaiah, a supervising attorney at the National Immigrant Justice Center in Chicago, has especially seen his share of Indian children – at least 50-60 in the last year.

Once here, Indian children have been channeled through another circuitous route as the refugee resettlement office scrambles to find the best accommodations for them. Although Indian minors are initially taken to shelters in California, most of them are en route to two facilities in Chicago to be eventually joined with family members who in large part live in New York or New Jersey.

According to information made available by the refugee resettlement office, many children have been placed with aunts, uncles, or second cousins in these cities who are documented and met the agency's exacting standards for becoming sponsors. They must complete background and immigration checks as well as meet with the minor's caseworker.

Minors turned over to relatives still undergo immigration proceedings and are expected to appear in court, where a judge ultimately determines their fate: approving their case for legal relief and allowing them to stay or ordering them removed from the country. Between 2009 and 2010, no children from India were removed, according to a report from the U.S. Department of State.

When a child is deported, the U.S. pays the minor's plane ticket and assigns an ICE officer to accompany the child to his or her home country, ensuring the child is safely placed with family members.

The legal standing of the Indian children who have made it here, however, remains largely unknown. Although officials wouldn't say whether any minors have been granted asylum, Govindaiah said that some children have recently applied for it. But most times, the nonprofit agencies don't know what happens to a minor's legal case once he or she has been released to family members in another city.

In the last five months, nine cases involving Indian minors have been referred to Kids in Need of Legal Defense, a Washington-based nonprofit that matches pro bono attorneys to immigrant children.

Amidst the legal limbo, nonprofit agencies and shelters have had to pull from scarce resources to meet the basic needs of this new demographic of children. No one on Govindaiah's staff speaks Punjabi or Hindi, so getting interpreters and materials in their language is difficult.

"It's taken my staff awhile to get up to speed on India," said Govindaiah, noting they're more used to interacting with the Spanish-speaking immigrants from Central America, who are the majority of unaccompanied minors detained in shelters.

Legal screenings are taking twice as long to complete and advocates worry whether they're conveying important legal information to the minors in a way that makes sense to them. For the Indian children, it's also taking some time adapting to their new environment.

"When they first arrive, they are keeping to themselves, or at least to the other Indian kids," said Govindaiah, who found that language is but one barrier to engaging with the children.

Indian kids tend to play cricket, not soccer or baseball as the Central American kids do, and the music they listen to tends to be Bollywood show tunes, not cumbias.

“The kids are culturally different,” said Govindaiah. “We can’t talk about music or sports.”

Lawyers say they won’t have a good handle on what’s motivating the surge of Indian minors until some of them appear before an immigration judge. But that could take months. Because children in removal proceedings are not entitled to government-funded counsel, nonprofit agencies rely on a small pool of pro bono attorneys to represent them. This makes it difficult to meet the needs of the thousands of immigrant children currently in detention.