

Children's ADVOCATE

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The New Underground Railroad

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The runaways on this underground railroad are not from a 19th century slave narrative. Their names are Jorge, Ramon, and Leyla; not Harriet, Sojourner or John. Instead of playing soccer, learning cultural and literary traditions, or gaining skills that will insure economic stability for their nations, these children are running for their lives.

Some are seventeen; some are seven. Many accompany their families, while others navigate this often treacherous course with the help of "coyotes" (paid professional smugglers who charge \$50.00-\$400.00). Some make this journey alone. Travelling north, mostly by foot over 3,000 thousand miles of terrain infested by drug dealers, land pirates, natural predators and Immigration and Naturalization Services agents, they're running to find new hope, new beginnings, new lives.

Everyday, scores of these children leave the war torn villages of El Salvador, a tiny country the size of New Hampshire; as well as the repressive regime of Guatemala, a nation with a population of upwards of seven million people. They come in search of a "freedom" they've heard whispers of along the rivers and amongst the coffee fields. But it is a bitter irony that for many of these young people that their struggle to reach this new "freedom" ends in the denial of due process, incarceration and deportation.

"Sixteen year old Manuel was one of my most recent clients," notes Carole Raimondi, a Bay Area attorney who also works with the Father Moriarty Central American Refugees Program. "Manuel's father had been killed by the army in El Salvador and his mother feared that her only son would be next. When many of these refugees arrive, they are sickly, withered in spirit and frightened by the horrors encountered in route north, but initially Manuel was lucky. He made his way through three borders and located his relatives in Bakersfield."

In a relatively short time, Manuel secured work in the fields. The whispers, of that freedom he had heard about back

home, were becoming a reality. But all too quickly, the reality hardened and became a nightmare. Manuel was picked up during a raid of the fields by the INS. Taken away from the "security" of his newly found family and swept off to the Alameda County Jail five hours away, he was confronted by fears just as great as those he had encountered on his perilous journey north.

Now he was placed in even more foreign and uncertain situation. Without any familiar cultural trappings, personal belongings or materials available in his own language, Manuel's fears were further compounded by the tremendous isolation that comes with imprisonment.

But there are hundreds of Manuel's incarcerated throughout the state at any given time. Some are younger and many more girls, such as 11 year old Lupe, are being imprisoned. The majority are detained in facilities in Alameda and Los Angeles County. According to Attorney Raimondi, "We get calls from various agencies and private citizens all over the state asking us to help these juvenile refugees. The INS is especially eager to catch them. Often, they become the conduit through which their parents or other family members, who are illegal aliens, are entrapped. By not understanding the language or the system, these young and frightened refugees will often unwittingly give information that leads to the location of other undocumented family members.

These kids have committed no crime; yet, they are often jailed with thieves, drug addicts, and murderers. They are incarcerated from several weeks to several months. With the further funding cutbacks and long drawn out court cases, many of these kids may go from adolescence to adulthood without ever having participated in any of the privileges of their youth.

But for every obstacle thrown before them, people in and around The Sanctuary Movement create new options, networks and resources. "In one of the Northern California jails," notes a sanctuary worker, "We have a counselor who

contacts us when these juvenile refugees are brought in. Her compassion for these children makes it possible for them to suffer somewhat less than they normally would."

Once the refugee has established contact with someone on the outside, then the process of securing a guardian and bail are put into motion. The law requires that any juvenile being released from jail must be done so into the hands of a parent or guardian.

Despite bureaucratic attempts to make guardianship difficult, an effective network of guardians is being established to make it possible for the juveniles to be released into the community and have some semblance of "normalcy" brought into their lives. The process requires filing legal papers stating that in assuming the role as guardian, they will be responsible for the total care of the juvenile or young adult.

Monies then have to be raised to provide for the bond, which can run anywhere from \$1500-\$2000 or more. Sister Maureen of the Circle of Refuge Bond Fund maintains a solid optimism about the work being done by sanctuary movements from California to Texas. "The response both within and outside of the church community has been good. Many people realize and remember how they came to this country and that we are in fact a nation of refugees. These are mere children who are being denied due process. And their basic rights are being denied as well."

Once they reestablish contact with relatives, these children seem to thrive. Most live collectively, work hard and make valiant efforts to find resources that will make their lives a little less severe. Attorney Raimondi also notes the fact that, "There have been cases where some of the young men have gone and applied for a driver's license and the next thing they receive in the mail is a draft notice.

In May of 1981, the United Nations High Commissioner on Refugees stated that any persons, who left El Salvador after the outbreak of Civil War in early

1980, were entitled to a prima facie recognition as refugees by all nations. Nevertheless, our government has sent back more than 40,00 Salvadoran since 1980. How many of these are children is uncertain.

Prior to the enactment of the Refugee Act of 1980, the United States refugee policy was dictated by the foreign policy of the cold war period. However, in the 1980 Refugee Act, Congress decided that we would be bound by specific standards for determining refugee status. No longer was it supposed to be important what country you fled from. What was supposed to be important was whether you, as an individual, had a well-founded, concretely established fear of persecution. What the law says and what the government's practice has been are diametrically opposed.

While the overall approval rate for immigration is 20%, our government has

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