September 3, 2014

TO: Santa Clara County Board of Education

FROM: Jon R. Gundry, County Superintendent of Schools

SUBJECT: Adoption of Resolution in Support of Efforts at the Congressional Level to Address the Growing Humanitarian Crisis of Unaccompanied Children Fleeing Violence from Central America

Associated Goal

Goal 1: Improve student equity and reduce access discrepancies to high quality education

Background

Vice President Green has requested that the County Board of Education consider adopting a resolution in support of efforts at the Congressional level to address the growing humanitarian crisis of unaccompanied children fleeing violence from Central America.

American law protects those escaping persecution and human trafficking by creating the possibility of a safe haven for them in the United States. Due process and established procedures are in place for the protection of unaccompanied minors who cross the United States/Mexico border in the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. Yet the United Nations High Commissioner for Refugees (UNHCR) found that the due process procedures designed to protect unaccompanied minors who cross the United States/Mexico border in the TVPRA of 2008 are not being applied to the intended parties.

The 2014 Protection of Vulnerable Children Resolution calls upon President Obama, federal, state and local officials to adopt a “best interest of the child” standard to consistently guide all decisions made regarding the care of unaccompanied children as well as their eligibility for humanitarian relief; increase funding levels to the US Department of Health and Human Services (HHS), the Department of Homeland Security (DHS) and the Department of Justice (DOJ) to ensure that children are receiving proper treatment and services that reflect their unique needs and vulnerabilities; and ensure that unaccompanied children are placed in the least restrictive setting that is in the best interest of the child, have access to legal counsel, be assigned a child advocate, have their asylum or other relief from deportation applications considered using procedures that take into account their specialized needs as unaccompanied children and be in contact with federal personnel who have specialized training to work with unaccompanied children.

Requested Action

Adopt resolution in support of efforts at the Congressional level to address the growing humanitarian crisis of unaccompanied children fleeing violence from Central America.

Committee to serving, inspiring and promoting student and public school success
RESOLUTION IN SUPPORT OF
EFFORTS AT THE CONGRESSIONAL LEVEL TO ADDRESS
THE GROWING HUMANITARIAN CRISIS OF UNACCOMPANIED CHILDREN
FLEEING VIOLENCE FROM CENTRAL AMERICA

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No.

WHEREAS, the Santa Clara County Office of Education (SCCOE) is a champion for all children regardless of gender, race, religion, nationality or ethnic background, working to ensure that their basic needs are met so that they may be safe, healthy and successful in school and life; and

WHEREAS, the SCCOE has a strong tradition of embracing and valuing diversity and respecting the human and civil rights of all regardless of their immigration status; and

WHEREAS, an emergency humanitarian crisis is taking place at the United States-Mexico border where tens of thousands of unaccompanied children from Central America are being apprehended and detained in crowded shelters, detention centers and facilities on military bases where they have been subjected to inhumane living conditions for indeterminate periods of time; and

WHEREAS, these are unacceptable conditions that the United States Department of Homeland Security and Human Health Services are forced to address as they await the passage of comprehensive immigration reform; and

WHEREAS, data collected by the Department of Homeland Security shows that since October 2013, approximately 57,000 Central American children have fled from their home countries into the United States; and

WHEREAS, it is estimated that the number of children entering the United States in fiscal year 2014 will exceed 60,000; and

WHEREAS, more girls are migrating than in previous years because of regional increases in gender-based violence; and
WHEREAS, during their dangerous journey to the United States, many children become victims of trafficking, sexual abuse and violence; and

WHEREAS, many of these children are seeking to reunify with their parents, who themselves came to the United States in order to survive and help their families survive in the wake of war and failing economies; and

WHEREAS, The United Nations High Commissioner for Refugees (“UNHCR”) interviewed more than 400 unaccompanied minors and the minors stated that extreme poverty, unemployment, trauma and the lack of state protection from gang violence and drug-traffickers were the main reasons for fleeing their home countries; and

WHEREAS, according to the UNHCR, approximately two-thirds of the minors who have recently arrived qualify for international protections as a result of violence and abuse in their home countries; and

WHEREAS, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, signed into law under President George W. Bush, along with several previous Acts, makes it illegal to send away unaccompanied children from non-congruous countries; and

WHEREAS, the children arriving from Central America countries fall under the 2008 provision and can’t simply be turned away; and

WHEREAS, once apprehended by the U.S. Custom and Border Patrol, many of these children have been placed in detention facilities and processing centers where they have been subjected to inhumane living conditions for indeterminate periods of time; and

WHEREAS, The United States Supreme Court in 1982 ruled in Plyler v. Doe that public schools were prohibited from denying immigrant students access to elementary and secondary public education. The Court stated that undocumented children have the same right to a free public education as citizens of the United States and permanent residents; and

WHEREAS, unaccompanied immigrant children often have had long periods of disruption to their schooling; and

NOW, THEREFORE, BE IT RESOLVED, that the Santa Clara County Board of Education calls upon President Barack Obama and our federal, state and local officials to stop the deportations of all children by granting them refugee status under domestic and international law, along with access to legal representation and due process, and to support congressional funding for humanitarian care and essential services for children.
PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on September 3, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

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Leon Beauchman, President              Jon R. Gundry
Santa Clara County Board of Education       County Superintendent of Schools

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