

# A Pediatrician's Day in Immigration Court

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February 23, 2017.

It was a courtroom in miniature. On the left, there were 2 children (an 8-year-old girl and a 9-year-old boy) seated next to a young, friendly attorney from the South Texas Pro Bono Asylum Representation Project. On the right, there was an attorney representing the government. Toward the back of the room, there were rows of hardwood benches where another 2 children were seated. I sat down next to the 12-year-old boy in the first row.

It was quiet, but the atmosphere was uneasy. I looked at the boy sitting next to me. He was biting his lip. His hands were clenched tight. His body was stiff, but somehow he also seemed to be shaking. "Are you okay?" I asked, trying to ease the tension that permeated the room. He shook his head. Thinking that he may not have understood my question, I asked again. This time, though, he replied, "No," as he leaned forward and buried his head in his palms without looking at me. Of course he was not okay. How could he be as he waited for the immigration judge, not knowing his fate? For many unaccompanied immigrant children who come to the United States fleeing extreme violence in Central America, deportation could mean a death sentence.<sup>1</sup> I was at a loss for words that would comfort him.

The judge opened the session that day by declaring: "These proceedings are adversarial in nature." Adversarial. His powerful words encapsulated the difficult odds faced by these children. In 2016, nearly 60 000 unaccompanied children and another 70 000 families were detained after crossing the border.<sup>2</sup> Many of them have credible fear sufficient to merit protection and asylum.<sup>3</sup> However, once detained, they are usually automatically placed in removal proceedings for deportation. A lucky few make it in front of immigration judges to argue their cases. Of those who appear in immigration court, 45% do not have legal representation.<sup>4,5</sup> Not surprisingly, those without counsel are much more likely to be deported.<sup>5,6</sup>

This was my day in the Harlingen immigration court. It was an opportunity to observe the immigration proceedings for unaccompanied immigrant children provided by the Community for Children program at the University of Texas Rio Grande Valley School of Medicine, which is an international health elective in which residents and medical students have the opportunity to immerse themselves in the rich history and

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Dr Tsou conceptualized and researched the content, drafted the initial manuscript, approved the final manuscript as submitted, and agrees to be accountable for all aspects of the work.

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culture of the Rio Grande Valley. Participants work alongside community-based organizations and human rights activists. It was there that I met some of the most vulnerable yet most resilient families and children. I can still see the smile of one 9-year-old girl that brightened up the entire courtroom when she walked in, even as her lawyers recounted how they could not get in touch with her mother, who was separated from her and detained in a facility elsewhere in the United States.

As a pediatrician, I could envision how this level of toxic stress, such as separation from family and detention, could have dire physical and mental health impacts. In studies of detained unaccompanied immigrant children, researchers have found negative physical and emotional symptoms, with higher rates of posttraumatic stress disorder, anxiety, depression, and suicidal ideation.<sup>7-9</sup> This stress has the real potential to affect long-term health and development.<sup>7,10,11</sup>

It has been our country's policy for several years to focus on deterrence efforts to keep immigrants and asylum seekers from presenting at our border. Over the last 6 months, these efforts have heightened to disturbing levels. Secretary of Homeland Security John Kelly advocated for separating children from their undocumented parents.<sup>11</sup> In Texas, state representatives attempted to pass a law that would allow the prolonged detention of children.<sup>12,13</sup> Now is the time for physicians to advocate for policies that provide humane treatment of all immigrant children seeking safe haven in the United States.

Pediatricians have a platform to speak out against the detention of children and separation of families and highlight the negative health impacts of these actions and policies. We also have an opportunity to help immigrant children by recognizing and responding to their unique

needs on many different levels. The Immigrant Child Health Toolkit (<https://www.aap.org/en-us/about-the-aap/Committees-Councils-Sections/Council-on-Community-Pediatrics/Pages/Immigrant-Child-Health-Toolkit.aspx>), compiled by the American Academy of Pediatrics, provides comprehensive guidelines for the care of immigrant children. We should use a trauma-informed approach and assess mental health needs when caring for these vulnerable children (<https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/healthy-foster-care-america/Pages/Trauma-Guide.aspx#trauma>). We need to continue to work with our state and federal representatives to advocate for these children's access to care, public education services, and legal representation.

I think of all the children who had to go through this process without legal representation and how frightening it must have been. Sitting there in the courtroom, I too was frightened. I felt my heart racing and aching. I felt like crying. I could not help but wonder what their individual stories were given what I had learned in the Rio Grande Valley. I heard them say so many times that they just wanted to be somebody. I wanted to smile to warm their hearts, but I did not want to seem joyful when they looked so sad, so scared, and so defeated. I think of Mem Fox, an Australian children's book author who was detained at the airport recently when she came to the United States. She then wrote: "Instead of crying and being sad and sitting on a couch, I am going to write to politicians. I am going to call. I am going to write to newspapers. . . I will not be quiet. No more passive behaviour. Hear me roar."<sup>14</sup> I too want to roar and to be the voice for these children. I urge other pediatricians to do the same. Take a stand. Fight for these frightened children. They are human.

They deserve to be more than just somebody.

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