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AS CHILD IMMIGRANTS AWAIT FATE, A RACE FOR COUNSEL

By Mara Gay
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Inside a courthouse in downtown Manhattan, an immigration court crisis plays out in vivid scenes.

Dozens of attorneys race between windowless courtrooms. Families listen as immigration law is explained to them in a foreign language through an interpreter. And the children at the center of it all fill the dimly lit hallways, waiting for their turn before a judge.

The youths are among the more than 66,000 from Central America who have entered the U.S. unaccompanied since October, fleeing what they describe as an explosion of gang violence.

Nearly 6000 are in the New York City area, where they are staying with relatives and seeking safe haven and legal status.

Just under half of the children appearing before the New York City Immigration Court have no attorney, according to The Legal Aid Society. The children are far more likely to be deported without an attorney, and advocates say the situation is desperate.

"We are working around the clock, but we can't meet the need," said Kathleen Maloney, an attorney with the Immigration Law Unit at the Legal Aid Society, one of the groups leading the effort to represent the children, and sometimes their mothers, in New York.

Since July, when the Obama administration hastened the pace of deportation proceedings involving the migrant children, the New York City Immigration Court, housed in an imposing building just north of City Hall, has been filled with the children.

Legal Aid and other groups have embedded attorneys and volunteers in an unused room in the courthouse and connected the children and their families with social services from mental health counselors to homeless shelters. Advocates said the caseloads are overwhelming, sometimes exceeding 60 children per attorney.

Maureen Schad, an attorney with Chadbourne & Parke LLP, one of the firms working on the cases pro bono, said the situation was "contrary to everything that we stand for in terms of our democracy."

A central problem for the children and the families is that they have no right to an attorney at the government's expense under U.S. law, said Joseph Landau, an associate professor of law at Fordham University who specializes in immigration cases.

Deportation "can be a harsh penalty because in many cases removal from the United States has a more dramatic and a more detrimental affect on a foreign national than going to jail," Mr. Landau said.

President Barack Obama in July said his administration has "great compassion for these children." But he also said deportation was the answer for those "who do not have proper

claims." The administration estimates the cost of caring for the children or reuniting them with relatives living in the country is about \$2.28 billion.

The White House didn't respond to a request for comment. A spokeswoman at the U.S. Department of Justice, which administers the immigration court, said the agency is committed to, "fair and expeditious hearings, with due process to all respondents who come before the court." She said judges "retain their discretion" to decide how much time to give a family to find an attorney to represent the child.

The advocates say the children and their mothers are far likelier to achieve asylum or other relief from the court if they have legal representation. If an unaccompanied child can prove he was abandoned, neglected or abused by a parent, for example, he may be eligible for special immigrant juvenile status, allowing him to get a green card. Women who can show that they are fleeing domestic violence may be eligible for asylum.

Before the cases were expedited, the children and their families in New York City Immigration Court often had up to six months to secure an attorney. Now, they have about half that time.

U.S. Rep. Peter King, a New York Republican whose Long Island district has been a haven for some migrant children, said the deportation proceedings should be quickly resolved. Mr. King said the crisis is straining the resources of existing immigrant communities and overwhelming school districts.

"In some ways you're caught here. The more solicitous you are or the more advantage you give, the more you encourage them to come up here," Mr. King said. "There has to be some limit."

The groups racing to find lawyers for the children got a boost last week when the New York City Council and two New York-based nonprofits donated \$1.9 million to the effort.

On a morning weekday in August, giggles filled the sterile halls of the federal building as some of the youngest children found amusement during the wait for their turn before the judge, their relatives watching over them with weary faces. A court officer cracked a smile as Christian, 3 years old, played peekaboo with a family member.

Many of these children and their mothers say returning to their home country is akin to a death sentence.

Advocates say many of the immigrants arriving from countries like Honduras, El Salvador and Guatemala over the past year show signs of trauma; children recount tales of horrific violence perpetrated by gangs, while women describe accounts of widespread rape. One intake form asks the children questions such as, "Are you afraid of gangs?" and "Have you ever seen a dead body?"

"These are refugees, they are fleeing violence. But they are also children," said Jojo Annobil, attorney-in-charge with the Immigration Law Unit at the Legal Aid Society. "They cannot represent themselves."