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**Statement of Kristen Guskovict, Lutheran Immigration and Refugee Service  
Congressional Briefing, January 27, 2010  
The Protection Needs of Haitian Children**

Good Afternoon. My name is Kristen Guskovict and I am the Assistant Director of the Safe Haven Field Coordination program with Lutheran Immigration and Refugee Service (LIRS).

LIRS is one of the nation's leading agencies serving refugees and immigrants. For over 30 years, LIRS has been working with unaccompanied children, children who enter the United States without a parent or legal guardian, as one of only two agencies throughout the country who resettles unaccompanied refugee minors. With the help of our network of affiliates, we have created specialized foster care programs for this unique population. More recently, we have expanded our foster care programs and family reunification services to serve unaccompanied children in immigration removal proceedings and in the custody of the Office of Refugee Resettlement, which is part of the Department of Health and Human Services. Since 2003, LIRS has been providing ORR best interest assessments and recommendations for all the children in their care. In this latter role, LIRS individually assesses a child's level of care needs and family reunification options to determine durable solutions in the best interests of the child. Over the years, LIRS has worked diligently with the domestic and international communities to establish protocols based upon recognized child welfare standards for children who find themselves separated from customary caregivers in times of crisis.

When assessing permanency options for unaccompanied children, good child welfare practice informs us that children do best when placed in a loving family environment. Our desire, as an organization, to see children reunited with families, cannot impede our assessment of whether that child will be safe and well cared for and that that child's unique needs can be met by that family. In order to make our recommendations, LIRS staff collects information from many sources including but not limited to: the child, the child's family in the U.S. and home country, as well as other interested adults before making a recommendation to ORR.

The earthquake in Haiti and resulting chaos predictably leads children to become separated from family who may simply be temporarily lost.

Over the past 2 weeks, LIRS has received calls from child welfare organizations around the U.S. with reports of orphans and unaccompanied children being brought to the U.S. In some cases, these reports have turned out to be unfounded. And this week 2 LIRS colleagues are in Florida where they are hearing an increasing number of stories of children being brought by privately chartered planes, organized by private individuals departing from various locations within Haiti. Along with the much publicized stories of children who have arrived to join adoptive families

awaiting them, there appear to be growing numbers of children without adoptive families, and questionable or no documentation.

Some of the children, including children whose adoption paperwork is incomplete, have been placed in the custody of the ORR. ORR is working with the adoptive families to fill out the necessary paperwork and reunite them with their children. LIRS hopes that normal adoption protocol will be used in these cases, using licensed and accredited adoption agencies and that these children will receive standard post-adoption services.

LIRS has a particular concern for the unaccompanied children arriving without identified and matched adoptive parents. I can share with you two examples of children who fall into this category. One such case is that of a twelve year old boy who came in using someone else's passport. He arrived on a U.S. military plane, he has no documentation and no family in the U.S. At this time, we have no way of knowing if his family is looking for him in Haiti or who is his intended caregiver. It may now take months to begin to sort out the best options for this child, with little information on which to begin tracing for family. The ability to locate his family or others who know him, may take much more time now that he is in the U.S. and is much less likely given the lack of existing documentation.

In another case, a 3 year old child arrived on a private plane, arranged to help orphaned children join their adoptive families. However, this child's adoptive family had not been verified and the family decided not to continue in the process. This child is currently enduring a separation from his traditional care takers and everything familiar to him, while also coping with the loss of his adoptive family. This child will remain in a children's shelter until he is moved to foster care.

Children such as these are vulnerable to exploitative situations such as trafficking. While we understand the good intentions of individuals who seek to provide love and support to these vulnerable children, we must safeguard against the unnecessary loss of family, community and culture. And we must make sure that our good intentions lead to the best possible outcome for each individual child.

Children arriving from Haiti have already experienced a very traumatic event, coupling that with the stress of moving them to a new place- where nobody speaks their language or knows their culture, can be very stressful. Removing children from Haiti, without verifying who they are and without having a plan in place for them, may result in a child being separated from his or her family and moving to several different living arrangements, requiring that the child adjust and re-adjust. Multiple moves are known to have long-term negative impacts on a child's ability to cope, to learn and to develop meaningful relationships necessary for their long term well-being.

The unity of the family is central to good child welfare practice and essential to a healthy society. As we address the needs of the children of Haiti we cannot forget to support them in their families. Our response to families in this crisis will help determine the future development of the country.

As I survey the room, including my fellow panelists, I am struck by the uniqueness of this situation and the opportunities it presents to us. In this moment, we have the opportunity to use U.S. migration policy as a part of the response to these children. Beyond that, we have the opportunity to ensure that information about what is happening on the ground in Haiti, and what

is happening to unaccompanied Haitian children when they arrive in the United States informs one another. Only by assessing all pertinent information, can the welfare of these children be at the center of the critical decisions we make in their lives. I sincerely hope that this briefing is not the only time these parties are brought together, but signals the beginning of a more coordinated response.

In closing, I would ask you each to remember three key recommendations:

1. Together we must promote durable solutions that will meet the unique needs of each individual child. Durable solutions may include: family reunification in Haiti or with relatives abroad, adoption, long term foster care or group care. These solutions must, wherever possible, take into account the child's views, their family relations and their cultural heritage. Priority must be given to maintaining familial, community and cultural ties to the greatest extent possible.
2. All children must receive careful assessment prior to any consideration of evacuation or relocation so that the risks of child trafficking or unnecessary familial separation are abated. For children evacuated in order to receive life saving medical attention, care should be taken to ensure that a family member is able to accompany them. And when this is not possible, any identified family in Haiti must be notified of their child's whereabouts. Greater inter-country coordination and communication, including the development of a placement plan prior to evacuation, is needed to avoid unnecessary multiple relocations.
3. The U.S. government should grant Cuban/Haitian Entrant status to unaccompanied children paroled into the United States who are not already part of an adoption process. The Cuban/Haitian Entrant status was established for emergency migration situations and can be granted to individuals paroled into the United States for one year or more. While we anticipate that the earthquake recovery will take many years, it is reasonable to anticipate that such children will require the long term care and benefits that this status has allowed.

As always, LIRS, its cadre of child welfare professionals and its network of affiliated Unaccompanied Refugee Minors foster care service providers, stand ready to assist in support of a comprehensive response to meet the needs of these traumatized and vulnerable children.

Thank you.