

FOREWORD

Attorneys and legislators must approach laws regarding children with a heightened sense of responsibility. It is always a serious matter when we find ourselves *in loco parentis*, attempting to make provisions for children whose families cannot care for them, or have not cared for them as they should. These are grave responsibilities, and I commend AILA for undertaking this project to set forth the existing legal framework governing children's immigration issues.

These issues cover a wide range of human experience: from the joy of adoption and family reunification to the horror of human trafficking. I represent a district in which international adoptions flourish, and I have been privileged to help many adoptive parents and their children. I am constantly encouraged by the generosity of spirit with which their sons and daughters are welcomed into their extended families and into larger communities. I have found, too, prospective families frustrated by procedures they felt needlessly bureaucratic, and I have counseled patience and respect for the rights of birth parents—often children themselves, vulnerable young women. I am encouraged by the international cooperation embodied in the Convention on Intercountry Adoption. It is encouraging too that most rule-of-law nations have ratified the Convention on International Child Abduction. Diplomatic efforts should be exerted to widen those spheres of cooperation.

In the aftermath of war and civil conflict, we are challenged to reunite families and to recognize the bonds forged during those horrific struggles. I have fought, not always with success, in support of a customary definition of adoption or kinship in these cases. Constituents tell of finding themselves the sole adult survivors of an atrocity, of taking orphaned children into their household—a sister's daughter, a neighbor's son—and caring for them as their own. Too often, refugee processing agencies and our own government refuse to classify such dependents as family members, eligible for resettlement. I understand that we must guard against fraud, but I hope to see wider discretion permitted in recognizing customary adoptions. Even in circumstances when it is reasonable to demand DNA testing, we must act more quickly to adjudicate refugee family reunification. We must act much more quickly to admit families of persons who have received political asylum, and whose spouses and children remain, in effect, hostages to the world's most brutal regimes.

Child victims of trafficking deserve particular attention. "T" and "U" visas exist to secure testimony against the most appalling crimes, and to protect their victims and survivors. Medical professionals and social workers need to understand these remedies, as well as the Violence Against Women Act provisions that offer

special protections to the children of abused spouses. I hope and expect that this volume will be widely available to them as well as to lawyers.

In conclusion, I urge everyone who makes use of this helpful book to remember that every client is also the constituent of a member of Congress. We welcome the opportunity to work with you to keep children safe from harm and to preserve for them the freedom and opportunity that should be the birthright of every person.

Michael E. Capuano (D-MA)
Member of Congress
Eighth Congressional District of Massachusetts