

THE LIMITATIONS UNDER THE UNITED STATES IMMIGRATION SYSTEM

Abstract

The recent growing number of unaccompanied minors migrating from the Central American Northern Triangle countries of El Salvador, Honduras, and Guatemala to the United States (U.S.), has resulted in closely analyzing the reasons why they come and what is their experience under the U.S. immigration system. Similar to adult migrants, young minors decide to leave their homelands and take upon the dangerous journey to the United States to gain better economic stability, to reunify with family relatives, and most importantly, to escape violence. However, when seeking asylum in the country, unaccompanied minors fall more vulnerable in experiencing the effects of a flawed U.S. immigration system. Immigration court judges serve as the decision-maker like any other judicial judge in the U.S., but their discretion becomes limited under the guidelines of the Department of Justice (DOJ). This paper examines the extent the DOJ has limited the discretion of immigration court judges what it means for young migrant children in the immigration system. Under the impaired U.S. immigration system, the judge's discretion is limited. To convey this argument, secondary sources like legal court cases from Central Americans seeking asylum in the U.S. and scholarship describing more in-depth the journey of unaccompanied minors through the immigration system are used. Raising awareness of what young migrants face once in the custody of the U.S. government, will demonstrate how the system needs to be constructed to be independent of the DOJ to guarantee the full protection and safety of migrants.