



Lutheran Immigration and Refugee Service

Backgrounder

Talking Points - Unaccompanied Migrant Children

Updated January 25, 2017

Children who enter the United States without a parent or guardian and lack immigration status are known in legal terms as **unaccompanied alien children (UAC)**. The children are typically fleeing violence or persecution and embark on an often dangerous journey from their home countries to seek protection in the United States. They are at particular risk for abuse, exploitation, and trafficking during their journeys to and after their arrival in the United States. To prevent trafficking outside and inside the United States, Congress passed the bipartisan legislation the Trafficking Victims Protection Reauthorization Act of 2008 and President Bush signed it into law.

For last 30 years, LIRS has worked alongside the U.S. government to support children while they are in the government's protection. Our advocacy is focused on upholding the best interest of children for their safety and as it relates to legal protections.

Background

- The number of children from Central America has increased dramatically since fiscal year 2012 and continues to rise to historic levels. The number of unaccompanied children placed with Department of Health and Human Services' Office of Refugee Resettlement, the agency charged with caring for unaccompanied children totaled to: **FY'2012 – 13,668 children; FY'2013 – 24,668 children; FY'2014 – 57,496 children; FY'2015—33,726; FY'2016—59,170.**
- Most children are apprehended by U.S. Customs and Border Protection (CBP) upon arrival to the United States. They can spend several days in deplorable conditions in CBP facilities before being transferred to the Office of Refugee Resettlement (ORR), the federal agency charged with their care and custody.
- Only Mexican and Canadian children are treated differently—they do not get any trafficking or protection screening and more often than not are summarily returned. A report by the U.S. Government Accountability Office documented in detail Customs and Border Protection's failure to do such screening.
- On average, children stay in ORR custody around 30-45 days, pending reunification with family members who can care for them for the duration of their court case.
- Approximately 85% to 90% of children will be released to family in the United States for the duration of their immigration court proceedings. Children need time to find a lawyer and time to feel safe before any determination on their eligibility for legal relief should be made.

- LIRS is referred many of children who have an option for adjusting their status but are in need of assistance reuniting with family or in need of foster care.

Why are children coming to the U.S.?

- Children from **El Salvador, Guatemala, and Honduras** comprise more than **90%** of the population of unaccompanied children.
- Most children arriving in the U.S. are refugees **fleeing horrific violence in El Salvador, Guatemala and Honduras** (the Northern Triangle countries of Central America) that has increasingly targeted children. The majority of children from El Salvador, Guatemala, Honduras and Mexico who were interviewed by the UN Refugee Agency (UNHCR) for a 2014 study presented with international protection concerns. **A number of these children will qualify for immigration relief in the U.S.**
- The **flight of children corresponds with a sharp increase in violence** documented by human rights, humanitarian and faith organizations in the Northern Triangle countries. These reports detail brutal and terrorizing acts against families and children - even toddlers. Targeted children often face rape, assault, torture, murder, extortion, and other threats of violence from which **their governments are unable to protect them.**
- Increasingly there are **younger children and girls** fleeing.
- The humanitarian crisis in Central America is compounded by a lack of state protection from drug trafficking, weak law enforcement, poverty, unemployment and other factors.
- Children have suffered and left their homes as a result of harm they have experienced from gender violence, harassment, persecution, or extortion. In other cases, they are seeking to reconnect with family members who have migrated to the U.S.
- **Unaccompanied Children and other vulnerable migrants are not just fleeing to the U.S. – we are facing a regional refugee crisis.** Between 2008 and 2014, the UN Refugee Agency (UNHCR) saw a 1,185% increase in asylum applications in neighbouring countries of Mexico, Panama, Costa Rica, Belize and Nicaragua.

Protecting migrant children

- **Unaccompanied Children must be treated first and foremost as children.** Immigration status should not determine whether or not a child deserves to be safe. If there is one thing we can agree on as Americans, it is that children should not be sent back to countries where their lives are at risk.
- **Unaccompanied children need protection and the United States is legally obligated to protect them.**
- **The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) sets critical, minimum safeguards to ensure that vulnerable children are protected from trafficking, persecution and abuse.** UACs need special care and attention befitting their unique vulnerability as children. This includes ensuring that all children who arrive at our borders are adequately screened for trafficking and protection concerns, and receive services that protect their best interest and recognize their vulnerabilities to exploitation and abuse.
- **Under law migrant children in immigration custody must be held in least restrictive setting and, when possible, released to families to await an outcome in their immigration case.** ORR has the infrastructure, capacity and expertise to care for children while they are federal custody and to screen families to ensure a child's safety post-release.

- Ultimately, children are best cared for by their families. Family unity supports long-term stability and wellbeing, and reduces the burden on state child welfare systems. This supports overall integration.
- **Current funding levels to ORR and other resettlement agencies is inadequate and needs to be increased current funding levels to ORR**, which are currently inadequate and must be increased as the number of children entering the U.S. continues to rise.
- Congress and the Administration must ensure unaccompanied children are treated in a way that reflects their unique vulnerabilities, provides for their safety, and invests in their long-term integration and access to justice.

Due to changes in government practice as a result of the increase in arrivals, LIRS is concerned that:

- Conditions at the border are traumatizing to children and consist of cages and secure lock-ups with poor accommodations for children. Children often report mistreatment and abuse by CBP agents.
- At ORR, children may be housed in large, shelters holding over 1,500 children.
- Not all children and parents are being connected to post-release support services needed following their family reunification that will also help compliance with their immigration obligations.

Additional Resources:

<http://lirs.org/our-work/people-we-serve/children/advocating-for-children/>