

# What You Need to Know about Unaccompanied Children



*we are one family under God*

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2016

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# Agenda & Speakers

- Welcome & Introductions
- Unaccompanied Child (UC) Defined
- Trends in UC Arrivals
- Foundational Legal Framework
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- Role of HHS
  - Levels of Care
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  - Foster Care: Long-term vs. Transitional
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  - Family Reunification: Services
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- What You Can Do
- Melissa Hastings, USCCB/MRS Policy Advisor
- Katie Kuennen, USCCB/MRS Director of Children's Services
- Ashley Feasley, USCCB/MRS Director of Policy

# “Unaccompanied Child” Defined

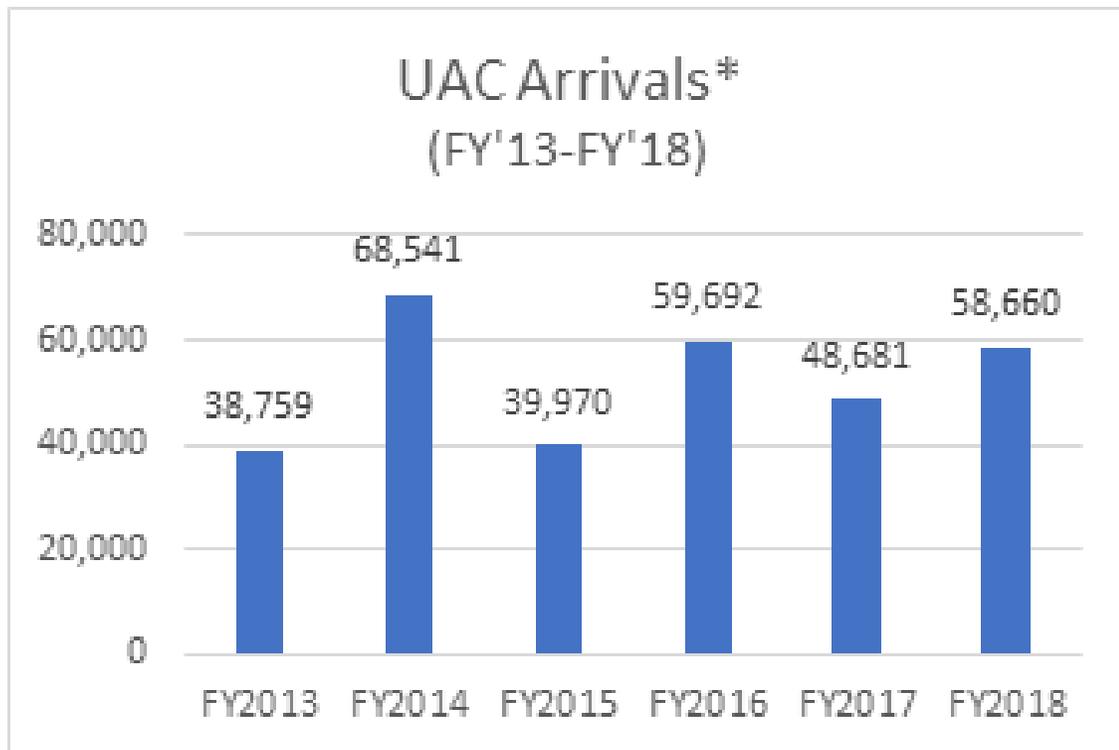
- Unaccompanied children (UC) are defined by statute as children who cross our borders and:
  - (1) have no lawful immigration status in the United States;
  - (2) have not attained 18 years of age; and
  - (3) have no parent or legal guardian in the United States who is available to provide for their care and physical custody.



Unaccompanied child held by  
U.S. Customs and Border Protection (CBP).  
*Photo Credit: Customs and Border Protection/US Government*

6 U.S.C. § 279(g)(2).

# Trends in UC Arrivals



*\*Numbers for FY2017 and FY2018 include Border Patrol Apprehensions and Office of Field Operations (OFO) data.*

- 2019 Arrivals:
  - 77,000 UC as of August
  - Peaked in May (over 11,800)
  - Significant decrease in August (4,100)
- Demographics:
  - About 30% female
  - Majority are from the Northern Triangle
    - Increase in recent years in Guatemalan youth
  - Majority are children ages 15-17

# Legal Framework

- [Flores Settlement Agreement](#)
  - Critical protections regarding the care, custody, and release of immigrant children who are in federal custody.
- [Homeland Security Act of 2002](#)
  - Defines unaccompanied child
  - Vests responsibility for care and custody of UC with Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR)
- [Trafficking Victims Protection Reauthorization Act \(TVPRA\)](#)
  - Sets forth system for DHS to screen and refer unaccompanied children it apprehends
  - Ensures children are placed into the least restrictive setting by HHS
  - Sets forth additional protections, like home studies for children

# Role of DHS

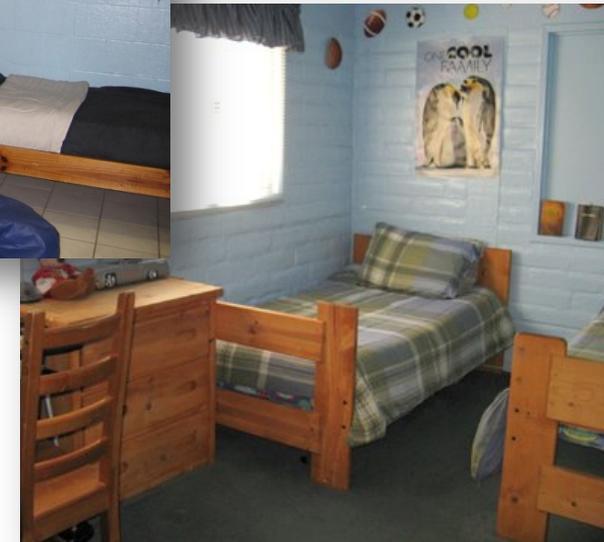
- UC typically apprehended by the Department of Homeland Security (DHS)
  - Usually Customs and Border Protection (CBP)
- CBP must hold UC until they can be transferred to the care of the Department of Health and Human Services' Office of Refugee Resettlement (ORR).
  - Exceptions for children from Mexico or Canada.
- Transfer must occur within 72 hours.
  - Spring/Summer 2019 - delays result if ORR does not have sufficient bed capacity.
- UC are not placed into ICE detention or released on bond, ATDs, etc.
  - Safety concerns

# Role of HHS

- ORR is a child welfare focused agency.
  - Charged with care and custody of UC and reunification with sponsors (family or family friend).
  - Identification and vetting of sponsors to ensure safe placements.
- Typically children placed in a permanent and state licensed facility.
  - Shelter, foster care, group home, etc.
- During times of high referrals, influx (temporary) facilities may be used.
  - Homestead, Carrizo Springs
  - Improved conditions and oversight needed
  - Not secure detention centers
  - Onboard much more quickly than a permanent facility

# HHS/ORR Levels of Care

- **Foster Care**
  - Long-Term Foster Care
  - Transitional Foster Care
- **Shelter Care**
- **Influx shelter**
- **Other specialized care settings:**
  - Therapeutic Foster Care
  - Residential Treatment Centers
  - Staff Secure
  - Secure



# HHS/ORR Levels of Care



# Foster Care for UC

- All ORR-funded Foster Care programs are licensed child welfare programs within their respective States
- Must follow state licensing requirements pertaining to facility maintenance, service delivery, case management, etc.
- Programs must also follow ORR's Policies and Procedures for Unaccompanied Children's Program
- All ORR-funded residential programs are monitored annually on-site for compliance with HHS/ORR P&P, quality assurance, and oversight of service delivery



# Services Provided In Care

- Room, Board, and Personal Needs
- Case Management
- Individual Counseling
- Group Counseling
- Medical Services
- Educational Services
- Recreation/Leisure
- Acculturation
- Vocational Program/Activities
- Access to Religious Services
- Legal Services Orientation
- Transportation / Escort

# Influx

- Facilities have historically been used by ORR on a temporary basis to accommodate high levels of UC referrals
- Currently, no children are being held in influx facilities, but they remain in “warm” status
- Influx facilities need not be State-licensed, but must meet ORR standards
- [Reports](#) indicate that facilities are expected to operate again in October



*Photo Credit: U.S. Department of Health and Human Services/NPR*

# Family Reunification: Process



- Identification of viable sponsors
- Sponsor Vetting/Background Checks
- Completion of the Family Reunification Packet
- Release approved by HHS/ORR
- Referral for Home Study and/or Post-Release Services

# Family Reunification: Services



- Assistance with school enrollment
- Pro-bono immigration legal services
- Low-cost medical care
- Mental health services
- Understanding the Immigration Court
- Assistance navigating community resources
- Filing COA/COV
- Post-18 Planning
- Independent Living Skills
- Legal Guardianship

# USCCB Advocacy & Asks

## Recent Advocacy Efforts

- [Supplemental](#) and [FY 20 LHHS Appropriations](#)
- [Letter](#) opposing Graham Bill (S. 1494)
- [Influx Language](#)
- Flores [Comments](#) & [Statement](#)
- [Ongoing MOA Advocacy](#)

## Asks

- Address root causes of migration for UC
- Prioritize use of community-based residential care and small-scale shelters
- Expand use of family reunification services (to ensure more children received home studies and PRS)
- Introduce legislation to improve standards at influx facilities
- Rescind policies contributing to delayed reunification (e.g., MOA)

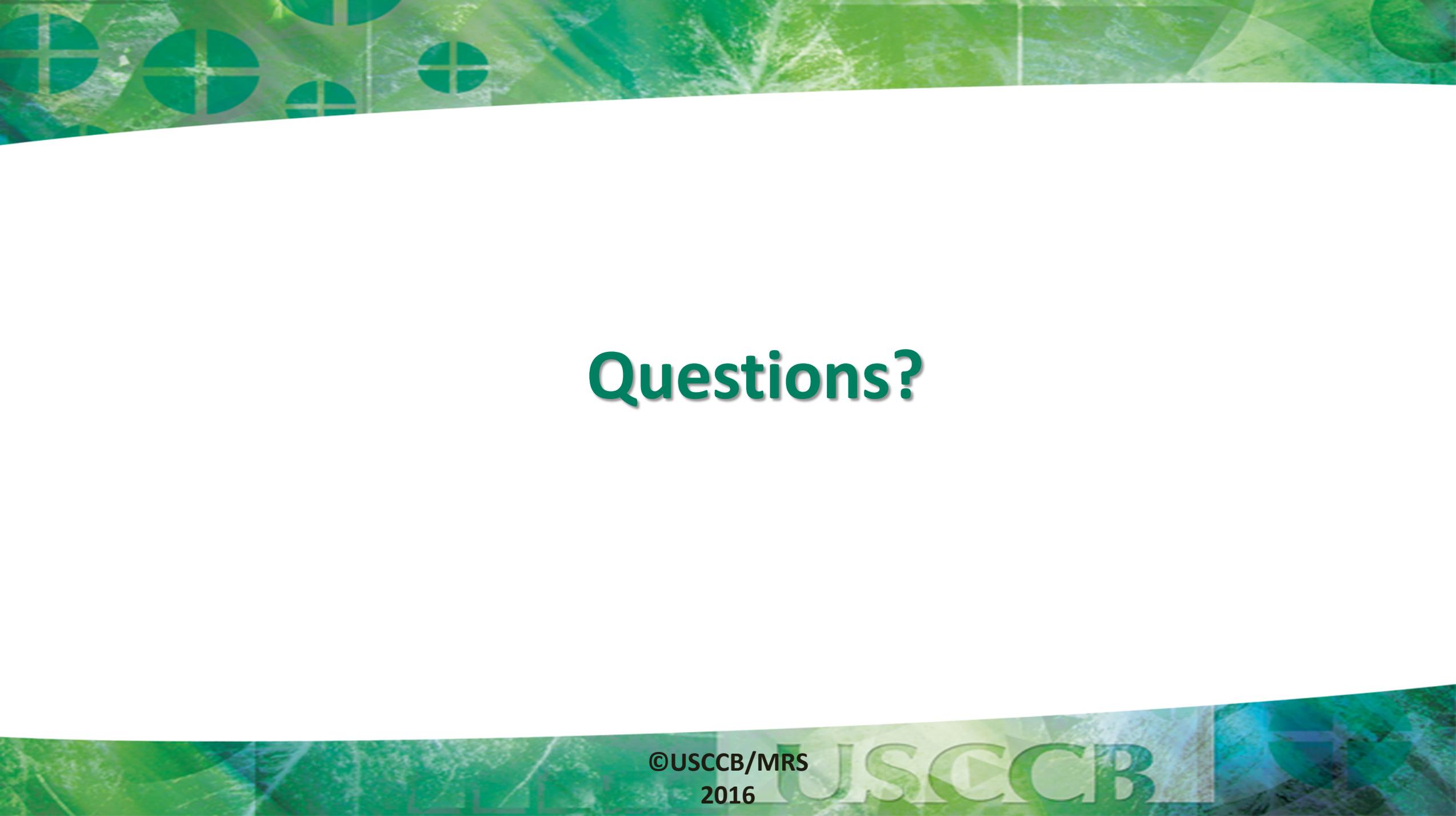
# What You Can Do

## Take Action

- **Learn More.** Read and share our backgrounders on unaccompanied children.
- **Speak to Your Lawmakers.** Contact your Members of Congress to express your support for unaccompanied children. Ask them to ensure that they maintain existing protections for these children, and urge them to publicly oppose efforts to rescind Flores and TVPRA protections.
- **Apply to Become a Foster Parent.** Contact [migratingchildren@usccb.org](mailto:migratingchildren@usccb.org) for more information.

## Resources

- UC Backgrounder: <https://justiceforimmigrants.org/wp-content/uploads/2019/02/UAC-Backgrounder-updated-January-2019.pdf>
- UC FAQ: [https://justiceforimmigrants.org/wp-content/uploads/2019/01/FAQ\\_UAC.pdf](https://justiceforimmigrants.org/wp-content/uploads/2019/01/FAQ_UAC.pdf)
- Existing Protections for UC: <https://justiceforimmigrants.org/wp-content/uploads/2019/02/protections-for-UAC.pdf>
- Settings of Care Backgrounder: <https://justiceforimmigrants.org/what-we-are-working-on/unaccompanied-children/care-settings-for-unaccompanied-children/>
- Influx Backgrounder: <https://justiceforimmigrants.org/wp-content/uploads/2019/05/UAC-influx-facilites-backgrounder-5.6.19.pdf>
- MOA Backgrounder: <https://justiceforimmigrants.org/wp-content/uploads/2019/05/Updated-formated-MOA-backgrounder-4.29.19.pdf>



# Questions?