



Lutheran Immigration and Refugee Service

Backgrounder

Protecting Unaccompanied Migrant Children

As the national organization established by Lutheran churches to serve uprooted people, Lutheran Immigration and Refugee Service (LIRS) has over 75 years of expertise serving refugees and vulnerable migrants in the U.S. In Fiscal Year (FY) 2016, LIRS provided over 26,000 child welfare services to unaccompanied refugee and migrant children. We serve and advocate for the best interests of children to ensure their safety, well-being, and potential as members of our communities.

Unaccompanied migrant children, also known by the legal term **unaccompanied alien children (UC)**, are children who enter the U.S. without a parent or guardian and without lawful immigration status. These children embark on a dangerous journey from their home countries for complex reasons, including but not limited to violence by armed criminal actors, gender-based violence, forced gang recruitment, domestic abuse, human trafficking, family reunification and poverty. Many endure trafficking or abuse during their journey to the U.S. When these children reach the U.S. border and come to the attention of the U.S. government they are typically placed in the custody of the Department of Health and Human Services' Office of Refugee Resettlement (ORR).

LIRS partners with ORR to provide services mandated under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 and the Homeland Security Act of 2002. These services safeguard children's best interests and recognize their vulnerabilities to exploitation and abuse. LIRS provides services through established networks of community-based agencies with expertise in child and family services and in serving immigrant communities.

LIRS places children who do not have caregivers with long-term **foster care** programs that find families to care for them, arrange for volunteer attorneys to help them with their immigration cases, and enroll them in school and other community-based programs. For children who are referred for **family reunification** services, LIRS ensures their safe release to appropriate, safe and secure home environments. We ensure that children's physical and developmental needs are met and create access to legal representation and mental health services. LIRS also provides **post-release** services including follow-up home visits and case management to children and their families to ensure ongoing, comprehensive supportive services.

On average, children spend 34 days in ORR custody until they can be reunited with family while they await a decision in their immigration case. Some children will be returned to their home countries and others may qualify for immigration relief as asylum seekers or survivors of human trafficking or serious crimes ("T" and "U" visas, respectively), or gain Special Immigrant Juvenile Status if they have been abused, abandoned or neglected. Certain children granted immigration status and without parents or legal guardians are eligible for care under the **Unaccompanied Refugee Minor (URM)** program, which specializes in serving vulnerable migrant and refugee youth with no family to care for them.

Locations of LIRS Children's Partners

(* denotes foster care program)

- Birmingham, AL
- Fullerton*, San Fernando, Los Angeles, CA
- Denver and Colorado Springs, CO*
- No. Virginia and Washington, DC
- Tampa, FL
- Atlanta, GA
- Dodge City, KS
- Baton Rouge, LA
- Franklin, Waltham, and Worcester MA*
- Baltimore and Crofton, MD
- Lansing and Grand Rapids, MI*
- Kansas City, MO
- Charlotte and Salisbury, NC
- Fargo, ND*
- Omaha, NE
- Newark, NJ
- Manhattan, Mineola, Nassau County and Long Island, NY
- Cincinnati, OH
- Portland, OR*
- Elkins Park and Philadelphia, PA*
- Memphis and Nashville, TN
- Houston and Dallas, TX
- Seattle, WA*

Recent Trends in the Migration of Unaccompanied Children

In 2014, an unprecedented rise in arrivals of unaccompanied migrant children highlighted the need for sufficient funding for critical ORR programs that serve unaccompanied children and refugees, and a long-term response plan that allows for flexibility and adaptability to address the needs of these vulnerable children. Prior to 2012, the annual number of arriving unaccompanied children averaged between 7,000 and 8,000. Arrival rates steadily rose, and in FY 2013, ORR served 24,668 children. In FY 2014, over 68,000 children were apprehended by Border Patrol along the southwest border of the U.S, of which over 57,000 were transferred to ORR. Numbers dipped in FY 2015 but rose again in FY 2016, when Border Patrol apprehended over 59,000 unaccompanied children. The vast majority of these children come from Guatemala, El Salvador, and Honduras. The number of girls traveling alone began to increase in FY 2012 due to an increase in gender-based violence, forced marriages, and a decrease in male presence in these countries causing girls to be targeted. In addition, beginning in FY 2012 ORR also saw a rise in very young children traveling to the U.S. As rising FY 2016 numbers indicate, the dangers children face in Central America persist. The FY 2015 decrease in arrivals was attributable, in part, to the interdiction of migrants in Central America and Mexico, with many denied access to protection and returned to harm.

Policy Recommendations

LIRS believes first and foremost that the best interests of children fleeing to the U.S. must be protected. We urge Congress and the Administration to prioritize safety and access to protection and due process for children in all domestic and foreign policies, to develop an inter-agency response that leverages the expertise and resources of stakeholders, civil society and federal agencies, and to ensure adequate child protection, in particular, in Central America and Mexico.

LIRS services in Fiscal Year 2016:

- **514** unaccompanied children were served in transitional foster care and **119** in long-term foster care.
- **887** children were served in the Unaccompanied Refugee Minor (URM) program, of which **206** were newly placed children in FY 2016
- **23,741** family sponsors were **finger-printed** prior to reuniting with an unaccompanied child and **4,332** sponsors were assisted in completing their family reunification paperwork, thus helping reunite children with their families sooner.
- **1,451 children** were provided home studies and/or **post-release case management services**.

LIRS makes the following recommendations to Congress:

- Provide adequate resources to federal agencies serving unaccompanied migrant children to meet their needs while they are in federal custody and after they are released. This will better assist communities in caring for these children and provide better outcomes for the family as a whole.
- Respect existing legal and humanitarian protections and ensure all children are treated with safety and dignity.
- Pass legislation such as the Child Trafficking Victims Protection Act (H.R. 3606), Vulnerable Immigrant Voice Act (H.R. 1700), Protect Family Values at the Border Act (H.R. 3605), Humane Short Term Custody Act (S. 1817), and Secure the Northern Triangle Act (S. 3106 and H.R. 5850).

LIRS makes the following recommendations specific to the Office of Refugee Resettlement:

- Ensure family reunification consistent with the best interests of the child
- Place unaccompanied migrant children in community-based care, small child welfare shelters operated by NGOs, and other settings reflecting the needs of such children.
- Make post-release services available for all released children to better assure their attendance at immigration court proceedings, help them integrate into their communities, ensure safe reunifications with their families, and mitigate the risk for family breakdown.
- Ensure that all unaccompanied migrant children in HHS custody have legal representation and access to spiritual care.

LIRS makes the following recommendations specific to the Department of Homeland Security:

- Establish operational guidelines and enhanced training of DHS personnel at U.S. ports of entry and U.S border crossings regarding protections for and treatment of unaccompanied children.
- Place child welfare professionals within DHS to conduct mandated screenings for trafficking and asylum for Mexican and Canadian children; facilitate expeditious transfer to ORR custody; and ensure children are appropriately supervised and cared for while in DHS short-term custody.
- Ensure access by monitors, legal service providers and child advocates to DHS facilities where children are held.
- Ensure access to spiritual care is available to all individuals, including children and families, in DHS custody.