



## Frequently Asked Questions: Unaccompanied Alien Children

Credit: CNS/David Maung

### Why Are Children Forced to Flee?

- Violence that threatens the lives of citizens in the Northern Triangle (El Salvador, Honduras, and Guatemala)—coupled with lack of state protection—is a primary factor propelling the migration of children and youth from their countries of origin.<sup>1</sup>
- The violence children encounter takes many forms, including sexual assault and coercive recruitment by gang members, and domestic and interfamilial violence.<sup>2</sup>
- The Northern Triangle is one of the most dangerous regions in the world. El Salvador, Honduras, and Guatemala have consistently [ranked](#) amongst the top 20 most dangerous countries in the world.<sup>3</sup> Further, although the Department of State recognizes that the murder rate in El Salvador has declined since 2015, the country continues to have one of the highest [homicide rates](#) in the world, with 60.07 homicides per 100,000 inhabitants in 2017.<sup>4</sup>
- The United Nations’ refugee-protection agency (UNHCR) [found](#) that the majority children fleeing the Northern Triangle “were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection.”<sup>5</sup>
- Since 2012, there has been a significant increase in the number of unaccompanied alien children (UAC) entering the United States, primarily from the Northern Triangle.<sup>6</sup> From Fiscal Year (FY) 2009 to FY 2012, the number of unaccompanied children arriving at our southern border averaged about [19,000](#).<sup>7</sup> Most recently, in FY 2018, U.S. Customs and Border Protection (CBP) documented approximately [58,000](#) UAC arriving at the U.S./Mexico border.<sup>8</sup>

## What Is the Church's Position on Unaccompanied Children?

- The Catholic Church's work in assisting UAC stems from the belief that every person has a unique and sacred dignity and that we must help protect and defend the vulnerable.
- The protection of migrant children is an especially important issue for the Catholic Church as one of Jesus' first experiences as an infant was to flee for his life from King Herod with his family to Egypt.
- While the Catholic Church recognizes governments' right to control their borders and enforce immigration laws, we hold a strong and pervasive pastoral interest in the welfare and humane treatment of unaccompanied children.
- The Church recognizes the extreme violence and persecution that children are facing and seeks to ensure their safety and well-being.

## What Is Our Programmatic Response?

- Since 1994, USCCB's Safe Passages program has served unaccompanied alien children who arrive in the United States and are placed in the custody and care of the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR).
- In FY2018, the program served 1,125 UAC, providing family reunification services to 907 children and families and residential services to 218 unaccompanied children.
- The program provides small-scale shelter and foster care to UAC in ORR custody, screening of placements prior to the release of children to relatives or family friends pending their immigration proceedings ("home studies"), and support to UAC and their families after children are released from ORR custody ("post-release services"). Through the post-release services, the program also helps connect children to legal representation for their immigration cases.

## What are Our Key Recommendations?

### Address Root Causes of Migration

- As noted above, many children in the Northern Triangle are forced to choose between seeking protection in another country or living in unsafe conditions due to pervasive violence and lack of state protection. We must recognize that many unaccompanied children are fleeing for their lives and treat the situation in the Northern Triangle as a humanitarian and refugee crisis.
- The Northern Triangle of Central America (NTCA) governments, as well as Mexico and United States, should invest resources into examining and addressing root causes of migration in the region. This effort must address the violence, government corruption, and lack of youth opportunity, which are all factors forcing children to flee.

### Improve Identification of Promote Avenues to Protection

- Identification of children in need of protection poses a challenge to the Northern Triangle countries where child protection systems are lacking or under resourced. The result is that children who are in need of protection are not proactively identified.
- Consequently, the choice may be to flee to another country or stay and face possible harm, sexual assault, forced recruitment into criminal organizations, and in the worst cases, death.
- We urge the United States to partner with UNHCR, NTCA, and international NGOs to increase efforts to identify children in need of protection through Best Interest Assessments (BIAs) and Best Interest Determinations (BIDs).<sup>9</sup>

- The United States should work to ensure that child asylum seekers and trafficking victims are identified, anywhere they may be in the region, screened appropriately, and granted access to fair and efficient immigration proceedings.
- We further urge the United States to reinstate the Central American Minors (CAM) program (both parole and refugee elements) and implement additional legal migration programs.

## Improve Care and Family Reunification in the United States

- The United States has a long-standing commitment to ensuring that children arriving at our border receive appropriate care and protection.
- UAC are at heightened risk for trafficking and exploitation due to their age, prior victimization in their home countries or during their journeys, and their undocumented status.
- In accordance with domestic child welfare best practices, ORR should increase the number of UAC and families who receive family reunification services (home studies<sup>10</sup> and post-release services<sup>11</sup>). These services help prevent family breakdown and reduce the likelihood that UC are released to situations of abuse, neglect, or trafficking.
- ORR should rescind or further limit its [information-sharing agreement](#) with DHS to ensure that children do not face unnecessarily long lengths of stay in federal custody.<sup>12</sup> Not only is reunification in the best interest of the child, but maintaining children in government custody is quite costly.<sup>13</sup>

## Ensure Legal Representation

- The practice of immigration law as well as application for humanitarian protection require both extensive legal knowledge as well as the ability to articulate a comprehensive fact pattern, at times in an adversarial setting. Given this reality, it is not surprising that immigrants with counsel are both more likely to [seek and obtain relief](#).<sup>14</sup>
- Nonetheless, the vast [majority](#) of unaccompanied children are expected to defend themselves in immigration court without the assistance of counsel because, under current law, there is no right to legal representation for UAC.<sup>15</sup>
- It is unrealistic to assume that a child, and particularly one with limited to no English proficiency, can effectively seek relief without legal representation.
- Congress should pass laws allowing all UAC the benefit of competent legal representation by an attorney or accredited representative—at the expense of the government if necessary—to ensure that children are not forced to defend themselves in court alone and that they are able to access the relief for which they qualify.

## Provide Safe Repatriation

- To ensure that repatriation of UAC to the Northern Triangle is accomplished safely, it is recommended that the U.S. government work with governments and NGOs in the region to provide repatriation and re-integration programs.
- Such programs will ensure that children are returned safely to appropriate caregivers and provided with follow-up services to help them reintegrate into their communities, with the goal of preventing re-migration.



*we are one family under God*

## Endnotes

- 1 *Forced to Flee Central America's Northern Triangle: A Neglected Humanitarian Crisis*, Medecins Sans Frontieres at 5, 9 (May 2017), available at [https://www.msf.org/sites/msf.org/files/msf\\_forced-to-flee-central-americas-northern-triangle\\_e.pdf](https://www.msf.org/sites/msf.org/files/msf_forced-to-flee-central-americas-northern-triangle_e.pdf).
- 2 Jonathan T. Hiskey, et al., *Understanding the Central American Refugee Crisis Why They Are Fleeing and How U.S. Policies are Failing to Deter Them*, AMERICAN IMMIGRATION COUNCIL (Feb. 1, 2016), available at <https://www.americanimmigrationcouncil.org/research/understanding-central-american-refugee-crisis>.
- 3 Rocio Cara Labrador & Danielle Renwick, *Central America's Violent Northern Triangle*, COUNCIL ON FOREIGN RELATIONS (June 26, 2018), <https://www.cfr.org/background/central-americas-violent-northern-triangle>; see also *Travel and Tourism Competitiveness Report 2017*, WORLD ECONOMIC FORUM, <http://reports.weforum.org/travel-and-tourism-competitiveness-report-2017/ranking/#series=TTCL.A.02>
- 4 *El Salvador 2018 Crime and Safety Report*, United States Department of State (May 11, 2018), available at <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=2405>.
- 5 THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR), CHILDREN ON THE RUN 6 (UNHCR, ed. 2014).
- 6 Homeland Security Act of 2002, 6 U.S.C. § 279(g)(2) (2002) (defining “unaccompanied alien children” 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 or no parent or legal guardian in the United States who is available to provide for their care and physical custody).
- 7 *United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions*, U.S. CUSTOMS AND BORDER PROTECTION (2016), <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.
- 8 Southwest Border Migration FY2018, U.S. CUSTOMS AND BORDER PROTECTION (2018), <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2018>
- 9 BIAs assess the needs of vulnerable refugee children and ensure immediate protection needs are addressed through referrals to local governmental and nongovernmental service providers. BIDs, which ensure consultation with the child and the child’s family and caregivers, describe a process of identifying long-term durable solutions, which include repatriation, family reunification, or resettlement.
- 10 Home studies are provided to assess any potential risks of placement prior to release of a child from ORR custody.
- 11 These services include apprising UC of their rights, ensuring they attend their immigration hearings, facilitating access to services, and ensuring that children are protected in the family and community setting.
- 12 U.S. Conference of Catholic Bishops/Migration and Refugee Serv., et al., *The ORR and DHS Information-Sharing Agreement and Its Consequences*, JUSTICE FOR IMMIGRANTS, available at <https://justiceforimmigrants.org/2016site/wp-content/uploads/2018/12/Formatted-MOA-background-with-story-and-stats-12.11.18.pdf>.
- 13 GOVERNMENT ACCOUNTABILITY OFFICE, UNACCOMPANIED ALIEN CHILDREN: ACTIONS NEEDED TO ENSURE CHILDREN RECEIVE REQUIRED CARE IN DHS CUSTODY 66 (JULY 2015), available at <https://www.gao.gov/assets/680/671393.pdf> (estimating that the average cost to the taxpayer to keep an unaccompanied child in an ORR shelter is \$248 per day).
- 14 AMERICAN IMMIGRATION COUNSEL, ACCESS TO COUNSEL IN IMMIGRATION COURT 18 (2016).
- 15 See TRAC, *Representation for Unaccompanied Children in Immigration Court* (Oct. 31, 2014) <http://trac.syr.edu/immigration/reports/371/>.

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