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# Webinar: Unaccompanied Minors: Who? Where? How to Help?

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April 11, 2017

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# Gospel Call to Welcome the Stranger

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“I was a stranger and you welcomed me” (Mt. 25:35). Jesus himself was an itinerant preacher without a home of his own, and as noted above, a refugee fleeing to Egypt to avoid persecution and death (Mt. 2:15).

Pope Francis, in a 2014 trip to Mexico, spoke about the unaccompanied children fleeing from Central America, “I would also like to draw attention to the tens of thousands of children who migrate alone, unaccompanied, to escape poverty and violence: This humanitarian emergency requires, as a first urgent measure, these children be welcomed and protected.”

In his 2015 address to the U.S. Congress, Pope Francis said, “Our world is facing a refugee crisis of a magnitude not seen since the Second World War.... We must not be taken aback by their numbers, but rather view them as persons, seeing their faces and listening to their stories, trying to respond as best we can to their situation. To respond in a way which is always humane, just and fraternal.”

# “Unaccompanied Alien Children” Defined

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.

6 U.S.C. § 279(g)(2).



Mural painted by migrants at a Catholic-run Casa de Migrante in Tecun Uman, Guatemala

# A Refugee Crisis: Unaccompanied Children and Families from the Northern Triangle

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*Women and children fleeing in unprecedented numbers.*

Apprehensions by U.S. Customs and Border Protection at the Southwest Border		
Fiscal Year	Unaccompanied Children	Family Units
2014	68,541	68,445
2015	39,970	39,838
2016	59,757	77,857

*Majority report fleeing violence.*

UNHCR: 58% of 404 children interviewed in 2014 had situations that merit a claim of international protection. Of 160 women in U.S. asylum proceedings whom UNHCR interviewed in 2015 more than 60 percent described fleeing gang violence as their reason for flight and 70 percent reported being internally displaced.

# Unaccompanied Children: Care and Custody

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- Apprehended by the Department of Homeland Security (DHS) and turned over to the Department of Health and Human Services/Office of Refugee Resettlement (HHS/ORR) within 72 hours
- HHS/ORR provides custody and care in a range of settings, to include: shelter, residential treatment centers, and transitional foster care
- Approximately 90 percent of children are released from custody within 30 days to sponsors in the United States
- Those with no family reunification option, and with potential for legal relief, are eligible for a specialized, federally-funded, foster care program
- HHS provides funding for family reunification services and legal services for some children

# Release of Unaccompanied Children from ORR Custody

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Many unaccompanied children are released to “sponsors” after a time in ORR custody

- ORR identifies and approves the sponsor during reunification process
- Sponsor may reside anywhere in the United States
- Sponsor is typically a family member

What happens with an unaccompanied child’s immigration case after she is released?

- Immigration court case continues and unaccompanied children must attend all hearings
- Post release services
  - What are they and who gets them?
  - Relatively few unaccompanied children are eligible for and receive post-release services

# Systemic Challenges

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The TVPRA provides special protections to unaccompanied children, but once they are released from ORR custody, there is typically no further federal funding to accompany those protections. Examples:

- **Right to have case heard by an immigration judge, but**
  - Court may be many hours away and child may not have transportation
  - No government-appointed lawyer or legal representative
  - If child files for asylum or other relief without a lawyer or legal representative, she may not have a way to complete the applications in English as required
- **Ability to be released to a sponsor and live in the community, but**
  - Challenges in navigating a new community and culture
  - No funding for medical care and often not eligible for health insurance without status
  - For most kids, no case management, housing support, family stabilization services, etc.
- **Right to an education, but in some cases difficulty accessing services**

# A Strength-Based Perspective

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Despite these challenges, unaccompanied children and their families bring many strengths:

- Resilience and strength
- Family and community
- Desire to learn and strong work ethic
- Responsibility
- Faith

Content adapted from <http://cimmcw.org/unaccompanied-children/> (Center on Immigration and Child Welfare)

# Community Support

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## Identification and needs assessment

- How might our work intersect with these families?

## Assistance in navigating community resources. Examples:

- Help finding an attorney or legal representative
- Identifying and accessing available resources, e.g. health care, education, case management, language access, other community programs

## Accompaniment

# Common Legal Remedies for Unaccompanied Children

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Asylum

Special Immigrant Juvenile Status

U Visa

T Visa

Family Based Options

*Immigration law is complicated and many options may exist. It is very important to connect unaccompanied children to qualified immigration attorneys or legal representatives who can provide comprehensive screening and representation.*

# Access to Counsel

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Immigration law and seeking relief from removal is complicated and involves complex and evolving legal standards.

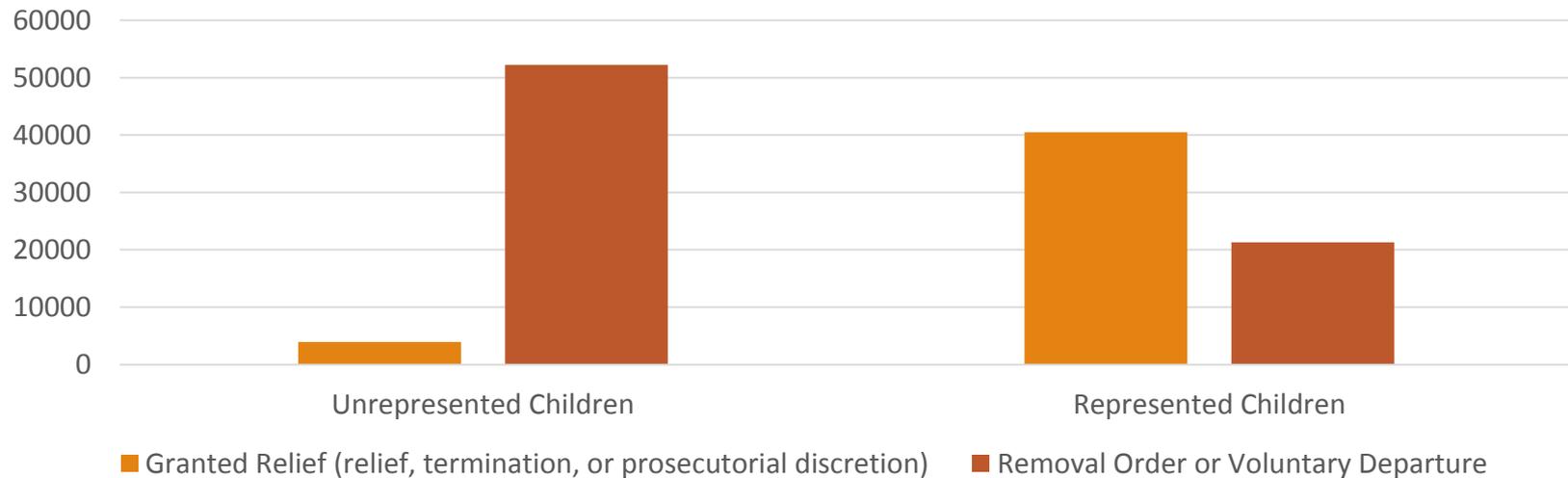
Many children are not able to obtain a lawyer or legal representative and must navigate the immigration court process by themselves.

- Lack of sufficient free legal services
- Inability to afford private attorney

Children who have counsel are much more likely to obtain immigration relief.

# Outcomes for Children in Immigration Court

Statistics on Outcomes for Children in Immigration Court: 2005 to Feb. 2017



Source for data (compiled by presenter): <http://trac.syr.edu/phptools/immigration/juvenile/> (last visited 4/4/2017)

# Executive Orders

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## Executive Orders

Jan. 25 – EO 13767, “Border Security and Immigration Enforcement Improvements;” and

Jan. 25 – EO 13768, “Enhancing Public Safety in the Interior of the United States.”

## Implementation Memoranda

Feb. 20 – DHS Memoranda Implementing:

- EO 13767 (Border Security)
- EO 13768 (Interior Enforcement)

# Key Impacts on Children and Families

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- Alters protections for “unaccompanied alien children” (Section L);
- Targets families whose children have migrated to the U.S. unaccompanied (Section M);
- Directs DHS to carry out drastically expanded enforcement priorities (Section A); and
- Rescinds prior policy so that only U.S. citizens or lawful permanent residents receive privacy protections (Section G).



Unaccompanied child held by CBP.  
Photo Credit: Customs and Border  
Protection/US Government

# Family Separation

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- Early March - widely reported that DHS was considering a proposal to separate mothers and children at the U.S./Mexico border.
- March 29 – Secretary Kelly informed Senate Democrats that he was not considering such a policy.
- Concerns remain that family separation will continue.



*Children and families being screened by Border Patrol following their apprehension at the border, March 28, 2014. Photo Credit: Border Patrol/US Government*

# What You Can Do

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- 1. Call Your Lawmakers.** Express your opposition to the EOs and encourage Congress to pass bills to nullify them. Take action at: <https://justiceforimmigrants.org/take-action/action-alerts/>
- 2. Educate Your Community.** Help immigrants in your community learn about their rights when interacting with immigration officers. Access Know Your Rights videos in English and Spanish at: <https://justiceforimmigrants.org/news/resources/>
- 3. Help Families Prepare for Enforcement Actions.** Encourage immigrants in your community to develop a family contingency plan. Learn more at: <https://justiceforimmigrants.org/news/resources/>
- 4. Assist & Accompany.** Assist UAC and their families access legal representation, navigate community resources, and attend their immigration court proceedings.
- 5. Pray together, raise awareness, and continue to learn more.**

# Questions?

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