

Unaccompanied Child Migrant Backgrounder

July, 2014

Background

Pursuant to the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, unaccompanied children from countries other than the United States are transferred from the custody of the Department of Homeland Security (DHS) to the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). They are then placed in child shelters or released to family in the United States until their immigration proceedings, which can take years. Prior to 2011, approximately 8,000 of these children entered the United States each year.

Statement of the Problem

Since 2011, the number of children arriving in the United States has risen dramatically, with over 13,000 in FY 2012 and 24,000 in FY 2013. This year, 52,000 have arrived in the United States since the beginning of the fiscal year in October, with an expected 90,000 to arrive by the end of the fiscal year September 30. Moreover, 39,000 women and children have arrived since the beginning of the year.

This phenomenon has received increased media attention across the country, with some claiming that the children are coming to receive immigration benefits while others, including the USCCB, are claiming that the majority of children are fleeing persecution from organized crime networks in their countries. DHS and ORR/HHS have been unable to respond rapidly to this influx, with thousands of children being kept in Border Patrol stations, unfit for families and children, or have been transferred to military facilities in Texas, Oklahoma, and California. Moreover, children are not receiving child-specific services, such as psychological and emotional support or legal assistance. Given this situation, the Obama Administration has chosen to expand detention centers for families and has asked Congress for the authority to give them the authority to expeditiously remove children from the United States, without, in most cases, the benefit of a hearing before an immigration judge.

USCCB Position

On June 25, 2014, Bishop Mark J. Seitz of El Paso, a member of the Catholic Legal Immigration Network (CLINIC) board, testified before the House Judiciary Committee on the spike in unaccompanied children. In his testimony, Bishop Seitz called on Congress to protect the children and to ensure they received services and placement, consistent with the best interests of the child. He also said that how the United States responds to the crisis is a “test of the moral character of our nation.” Specifically, Bishop Seitz called for policies which 1) placed children in child appropriate shelters as soon as possible; 2) place families with children in a



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community-based setting with case management services; 3) give children access to legal representation so they can navigate the complex legal immigration system; 4) provide pastoral services to the children; and 5) expand post-release services, including home studies and case monitoring of children in family settings. Bishop Seitz testified that over the long-term, the U.S. and governments in the region should address the root causes of the flight of unaccompanied children. This would include cooperation in fighting organized crime, economic development, prevention programs for at-risk youth, in-country processing of at-risk youth, the strengthening of the asylum systems of countries in the region; and humane re-integration programs. USCCB opposes the use of expedited removal for these children and the use of methods of interdiction, such as closing the Mexican-Guatemalan border.