

Undocumented Alien Children (UAC) Informational Overview: Trends, Processes, Needs

This overview describes the major trends, administrative processes, and broad level human needs associated with undocumented minor children travelling into the U.S. unaccompanied by a parent or guardian (known formally as “unaccompanied alien children” or UACs).

What are the trends?

- Prior to 2011, UAC arrivals were fairly steady and predictable (approximately 8,000 per year)
- Apprehensions of unaccompanied children increased yearly from 2011 on:
 - 16,067 in FY 2011
 - 24,481 in FY 2012
 - 38,833 in FY 2013
 - 57,525 in Oct 1-Jun 30 of FY 2014
 - If trend continues, predicted end of FY2014 totals could reach 90,000
- 2014 represents a dramatic surge, with Rio Grande Valley in south TX as principal place of entry
- 98% of unaccompanied minors currently arriving at the border (as of June 2014) are from four countries: Honduras (28%), Mexico (25%), Guatemala (24%), El Salvador (21%)
 - Represents a significant shift: Prior to 2012, more than 75% of UACs were from Mexico
- Higher proportion of girls, higher proportion of children under 14, than historically seen

What are the causes?

There is consensus that there are significant push and pull factors at work:

- Push factors:
 - Violence, crime, drug cartel activity, gang activity, gang recruitment
 - Poverty, food insecurity, economic deprivation, youth unemployment
 - Persecution, human rights abuses
 - Abuse, trafficking, exploitation, forced marriage
 - Armed conflicts
 - Natural disasters
 - Influence of historical U.S. immigration policies on growth of trans-national organized crime
- Pull factors:
 - Desire to reunite with family in the US
 - Potential perception among Central Americans that U.S. treatment of minors is child-friendly
 - Stronger and more sophisticated smuggling networks

How are UACs detained, processed, and placed?

- UACs are apprehended by Border Patrol (under U.S. Customs and Border Protection, CBP, under the Department of Homeland Security)
- Unaccompanied children from contiguous vs non-contiguous countries are processed differently, per the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008:
 - Children from countries other than Mexico and Canada are transferred within 72 hours from CBP into Office of Refugee Resettlement (ORR) under the Department of Health and Human Services, responsible for processing and sheltering most unaccompanied minors since 2002.
 - Children from contiguous countries (Mexico and Canada) must be screened by Border Control within 48 hours to determine that the child is not a trafficking victim, has no claim to asylum, and can voluntarily agree to return to his or her country of origin (Mexico in most cases). The very small number of Mexican children who trigger one or more of these concerns is transferred to ORR and subject to the same process as those from non-contiguous countries.
- Once in ORR custody, children are housed until they can be released to family, sponsor, or foster care.

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- Rapid rise in UAC arrivals has spurred the creation of “surge facilities” (temporary emergency housing to manage children’s care in between border detention and ORR placement or release)
- Capacity limitations in border areas results in children being transferred to facilities located throughout the country, regardless of their intended destination or family/sponsor locations.
- These children are simultaneously placed into removal proceedings with the Executive Office for Immigration Review (EOIR), the administrative immigration court system (part of the Dept. of Justice).
- 90% of these children are released by ORR into the care of a parent, relative, or family friend while they await adjudication of their immigration cases, with foster care placement for the remainder.

What happens to UACs after release to a family member or sponsor?

- Await adjudication of their immigration cases
- In immigration court, child can raise a defense against their removal (deportation) if relief or protection in the U.S. meets the child’s best interests
 - The immigration system is a civil one and grants the privilege of legal representation but not at government expense (i.e. no appointed counsel).
 - Independent child advocates are only appointed in few cases on discretionary basis (unlike in domestic child welfare system).
- An immigration judge can ultimately order UACs removed, grant them voluntary return, relief, or administratively close the case (i.e. take off the court docket so deportation is temporarily stopped, but no legal status or immigrant benefits are conferred).
- Those granted relief are typically given asylum, Special Immigrant Juvenile (SIJ) status (for children abused, neglected, or abandoned by one or both parents), a U or T visa (for victims of certain crimes or human trafficking).
- The number of unaccompanied minors who remain in the United States permanently is not known.

What are their immediate needs?

- Specialized professional health services: public health screening, direct clinical care, sexual health services, prenatal and postnatal care
 - The voyage to the U.S. is a dangerous journey: children travel 1,500 to 2,000 miles through desert, often travel on foot or jump trains, lacking food, water, or medical care.
- Specialized professional social/mental health services: trauma care and counseling for survivors of sexual assault, gender-based violence and trafficking; counseling services; etc.
 - Along their journey, UACs are often trafficked, robbed, sexually assaulted, abused, or exploited by their smugglers, traffickers, gangs, cartels, or corrupt government authorities
- Specialized legal services: legal advocacy and referrals for legal assistance, legal counsel in immigration proceedings
 - Most UACs go into immigration court alone. Most of those who have counsel rely on pro bono lawyers provided by nonprofit organizations
 - UACs with legal counsel are 3x more likely to gain relief from deportation or protection in U.S.
 - Estimates vary on how many unaccompanied minors are potentially eligible for relief, from 40% (the Vera Institute of Justice) to nearly 60% (U.N. High Commissioner for Refugees)
 - An estimated 30% of unaccompanied minors are ordered removed in absentia because they do not appear at their initial or later hearings (Kids In Need of Defense)
- Service providers tell us that although the public wants to engage and in-kind donations are often popular, they aren’t what’s critically needed in border communities (according to one front-line provider, “McAllen is flooded” with physical items that can’t all be used)
 - Exception: sneakers, light jackets, and clothing for teens are in shortage

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- One service provider recommended that if support is to be made in the form of in-kind donations, those items should be purchased in the communities where refugees are housed, in order to support those local economies that are absorbing large human and financial costs associated with this crisis
- Service providers emphasize **that the professionalization of services (health, mental health, and legal) to refugees is critically needed**. This is a vulnerable population that has suffered trauma and has very specific legal needs within a complex bureaucratic system. Lay staff have responded as best they can to manage the crisis but are not equipped to meet the full spectrum of needs.

What options might exist for non-border communities to provide support?

- Investments in professional services (health, mental health, and legal) in border communities where UACs are in CBP custody
- Investments to increase capacity for culturally competent, linguistically appropriate, clustered services to children in ORR facilities: legal services (individual screenings, know your rights presentations, and post-release referrals) and social/mental health services (for victims of trauma, sexual violence, etc. and post-release referrals)
- Investments in local, culturally competent, linguistically appropriate, clustered social services (for health and mental health needs) and legal services (for counsel and advocacy during immigration proceedings) for children who are released to family, sponsor, or foster care in Central Texas
- Consider opportunities within existing local child welfare systems and juvenile justice structures to meet children's needs that fall into these gaps
- Monitor local community and providers, for related impacts and needs, both short- and long-term.

How is the local issue area group in Travis County responding?

- The Immigrant Services Network of Austin (ISNA) is the local issue area group doing planning, education, and networking around immigrant concerns
- ISNA is planning an informational panel on UACs followed by a facilitated community discussion in the coming weeks (details TBD as planning is underway).
- ISNA will conduct a survey of its member organizations on their experience with/capacity to serve UACs

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