



## Unaccompanied Children: Missing?

You may have seen many news articles recently about unaccompanied immigrant children going missing in the custody of the US government. As a nonprofit that is a contract service provider with the US Office of Refugee Resettlement (ORR) – the agency responsible for these children – we'd like to clarify the process.

When children cross the border without proper documentation and encounter immigration authorities, they are picked up and sent to ORR-run shelters for children. Additionally, now with the Administration's new policy of immediately separating children from their adult family members if entire families are picked up crossing the border without proper immigration documents, children entering the US with family could become unaccompanied children. Unaccompanied children have multiple, inter-related reasons for undertaking the difficult journey of traveling to the United States, which may include rejoining family already in the United States, escaping violent communities or abusive family relationships in their home country, or finding work to support their families in the home country.

Unaccompanied children arrive in the US from countries around the globe, including all continents. Children from non-contiguous countries, such as El Salvador, Guatemala, or Honduras, are placed in removal proceedings in immigration court. US Customs and Border Protection (CBP) must transfer custody of these children to Health and Human Services (HHS), ORR, within 72 hours.

HHS's Office of Refugee Resettlement (ORR) then manages custody and care of the children until they can be released to a sponsor in the community who will be responsible for them during the duration of their immigration proceedings. Under the Trafficking Victims Protection Act (TVPA) of 2008, HHS is required to "promptly place" each child in its custody "in the least restrictive setting that is in the best interests of the child." As such, children in ORR care are generally housed through a network of state-licensed, ORR-funded care providers, who are tasked with providing educational, health, and case management services to the children.

ORR seeks to reunify children with family members or release them to a sponsor in the community, on the grounds that children's best interests are served by living in a family setting. ORR also is required to ensure that individuals taking custody of the children can provide for their well-being. Broadly, federal guidelines have worked to prioritize placing these children with (1) a parent; (2) a legal guardian; (3) an adult relative; (4) an adult individual or entity designated by the child's parent or legal guardian; (5) a licensed program willing to accept legal custody; or (6) an adult or entity approved by ORR. The sponsor must agree to ensure that the child attends immigration court.

As of May 2014, ORR reported that the average stay in its facilities was approximately 35 days and about 85 percent of the children served are released while their immigration proceedings are in play.

In general, children facing deportation—just like adults facing deportation—are not provided government-appointed counsel to represent them in immigration court. A vast network of pro bono legal service providers has responded to this legal need, but unaccompanied children's legal needs are not met in the same way that an impoverished American-born person's are, through a public defender.



When possible, ORR reunites children with their families in the United States. Immigration court proceedings continue during and after reunification. If children turn 18 while still in an ORR youth shelter, they often are transferred to adult detention facilities while they wait for their court date.

For children who are transferred to sponsors – adults who preferably have a preexisting, biological relationship with the child who commit to caring for the child and making sure they participate in their deportation proceedings – the ORR's contract service providers – local nonprofits – continue to monitor the well-being of the child. Depending on the family set up and the child's history (particularly if they have experienced significant trauma), the caseworker will conduct a home study and post relief services to ensure that the family and child have what they need for the child to be safe and well-cared during the duration of their immigration proceedings.

A caseworker may lose contact with an unaccompanied child and their sponsor for a variety of reasons. The child could go missing in a traditional sense or be a runaway or a victim of a crime. The sponsor may also move and lose phone service (economic factors are significant here). Particularly if adults in the household are undocumented, there may be an incentive to not update the caseworker – who is carrying out a government contract – on their new whereabouts. Recent news reports classified unaccompanied children as missing simply refers to ORR-contracted caseworkers not being able to reach the sponsor and the child during a routine phone call to check on their whereabouts during their immigration proceedings.

The well-being of unaccompanied immigrant children is certainly an issue we should be concerned about. However, in this era of increased immigration crackdowns and xenophobic rhetoric, an unaccompanied child and their sponsor losing touch with their caseworker and the federal government is not necessarily an indicator of foul play.

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For more information, please visit:

<https://www.acf.hhs.gov/orr/programs/ucs/about>

<http://www.immigrantjustice.org/research-items/policy-brief-unaccompanied-immigrant-children-vulnerable-children-face>

<http://www.immigrantjustice.org/sites/default/files/content-type/research-item/documents/2016-11/NIJC%20Policy%20Brief%20-%20Unaccompanied%20Immigrant%20Children%20FINAL%20Winter%202014.pdf>

<https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses>

[https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-flow-of-unaccompanied-children-through-the-immigration-system-a-resource-for-practitioners-policy-makers-and-researchers/legacy\\_downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-flow-of-unaccompanied-children-through-the-immigration-system-a-resource-for-practitioners-policy-makers-and-researchers/legacy_downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf)

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Tapestri is a 501c3 nonprofit in metro Atlanta that serves immigrant and refugee survivors of domestic violence and human trafficking, along with unaccompanied children. Formed in 2002 out of a community coalition, Tapestri uses individualized case management to connect survivors of violence with social services, such as housing support, physical and mental healthcare, pro bono attorneys, and more. We also provide a men's program that works with male batterers to prevent and end domestic violence. To learn more or get involved, visit [www.tapestri.org](http://www.tapestri.org) or follow Tapestri on Facebook, Twitter, and Instagram.

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