FACT SHEET

SUBJECT: U.S. Department of Human Services, Administration for Children and Families, Office of Refugee Resettlement, Unaccompanied Children's Program

The Division of Children's Services (DCS) provides care and placement for children who come into the United States from other countries without an adult guardian. These children are referred to as **unaccompanied alien children (UAC)** in statutes**.** This program is in the Office of Refugee Resettlement, in the Administration for Children and Families, an operational division of U.S. Department of Health and Human Services.

Treating all children in its custody with dignity, respect and special concern for individual needs, DCS considers the best interests of the child in all placement decisions. DCS strives to provide the highest quality of care tailored to each unaccompanied child in order to maximize opportunities for success both while in care and when discharged from the program.

The age of these individuals, their separation from parents and relatives, and the hazardous journey they take make unaccompanied children especially vulnerable to human trafficking, exploitation and abuse. 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 generally leave their home countries to join family already in the United States, escape abuse, persecution or exploitation in the home country, or to seek employment or educational opportunities in the United States.

Background

Legal basis for work with unaccompanied children

By law, HHS must provide for the custody and care of UAC, defined as a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody. *See* 6 U.S.C. § 279(g)(2).

Under the Homeland Security Act of 2002, Congress transferred the care and custody of these children to HHS from the former Immigration and Naturalization Service (INS) to move towards a child welfare-based-model of care for children and away from the adult detention model. In the Trafficking Victims Protection Reauthorization Act of 2008, which expanded and redefined HHS's statutory responsibilities, Congress directed that each child must "be promptly placed in the least restrictive setting that is in the best interest of the child." *See* 8 U.S.C. § 1232(b)(2).

Children served

For its first nine years at ORR, an average of 7,000 and 8,000 children were served annually in this program. Since Fiscal Year 2012 (October 1, 2011 – September 30, 2012), this number has jumped dramatically, with a total of 13,625 children referred to ORR by the end of FY 2012. Since FY2012, the program has received 24,668 UC referrals from DHS in FY2013, 57,496 referrals in FY 2014 and 33, 726 referrals in FY2015.

The children come primarily from Guatemala, Honduras, and El Salvador. In FY 2015, approximately three-quarters of all children referred were over 14 years of age, and two-thirds were boys. In FY 2015, origin of youth in this program was as follows: Honduras (17%); Guatemala (45%); El Salvador (29%); Mexico (6%), and Other Countries (3%).

Children are referred to ORR for placement by another federal agency, usually the Department of Homeland Security. Most children are placed into care because they were apprehended by immigration authorities while trying to cross the border; others are referred after coming to the attention of immigration authorities at some point after crossing the border. The average length of stay in the program in FY 2015 was 34 days. Of the children served, the overwhelming majority are released to sponsors who are family members.

Services provided

Within HHS, the Office of Refugee Resettlement within the Administration on Children and Families is responsible for providing care to children referred by immigration authorities. Consistent with federal law, ORR/DUCS places children in the least restrictive setting that is in the best interest of the child, taking into account potential flight risk and danger to self and others. The majority of the youth are cared for through a network of state-licensed ORR-funded care providers that provide:

- Classroom education
- Mental and medical health services
- Case management
- Socialization and recreation
- Family reunification services that facilitate safe and timely release to family members or other sponsors that can care for them. We conduct home studies prior to release if safety is in question, and fund follow-up services for at-risk children after their release.

ORR's Division of Children's Services also assumes the following responsibilities:

- Making and implementing placement decisions for the unaccompanied children
- Ensuring that the interests of the child are considered in decisions related to the care and custody of unaccompanied children
- Providing home assessments for certain categories of unaccompanied children at risk
- Conducting follow-up services for certain categories of children
- Overseeing the infrastructure and personnel of ORR-funded care provider facilities
- Conducting on-site monitoring visits of ORR-funded care provider facilities and ensuring compliance with ORR national care standards
- Collecting, analyzing, and reporting statistical information on unaccompanied children
- Providing training to federal, state, and local officials who have substantive contact with unaccompanied children
- Developing procedures for age determinations and conducting these determinations along with granting specific consent for state court jurisdiction over children
- Cooperating with the Department of Justice's Executive Office for Immigration Review to ensure that sponsors receive legal orientation presentations
- Ensuring, to the greatest extent practicable, that all unaccompanied children in custody have access to legal representation or counsel
- Releasing unaccompanied children to qualified sponsors and family members who are determined to be capable of providing for the child's physical and mental well-being

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