

# **Unaccompanied Child Migrants in the United States: How Are They Faring?**



October 15, 2015

# Presenters



**Marc R. Rosenblum**, Deputy Director, U.S. Immigration Policy Program, MPI



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**Annie Wilson**, Chief Strategy Officer, Lutheran Immigration and Refugee Service



**Aryah Somers**, Director of Advocacy, Kids In Need of Defense



# Logistics

- Slides and audio from today's webinar will be available at [www.migrationpolicy.org/events](http://www.migrationpolicy.org/events)
- The report, *Unaccompanied Child Migrants in U.S. Communities, Immigration Court, and Schools*, is available at: <http://bit.ly/uacintg>
- If you have any problems accessing this webinar, contact us at [events@migrationpolicy.org](mailto:events@migrationpolicy.org) or 1-202-266-1929.
- Use Q&A chat function on the right of the screen throughout webinar to write questions. Or write [events@migrationpolicy.org](mailto:events@migrationpolicy.org) with your question.

# Presenter



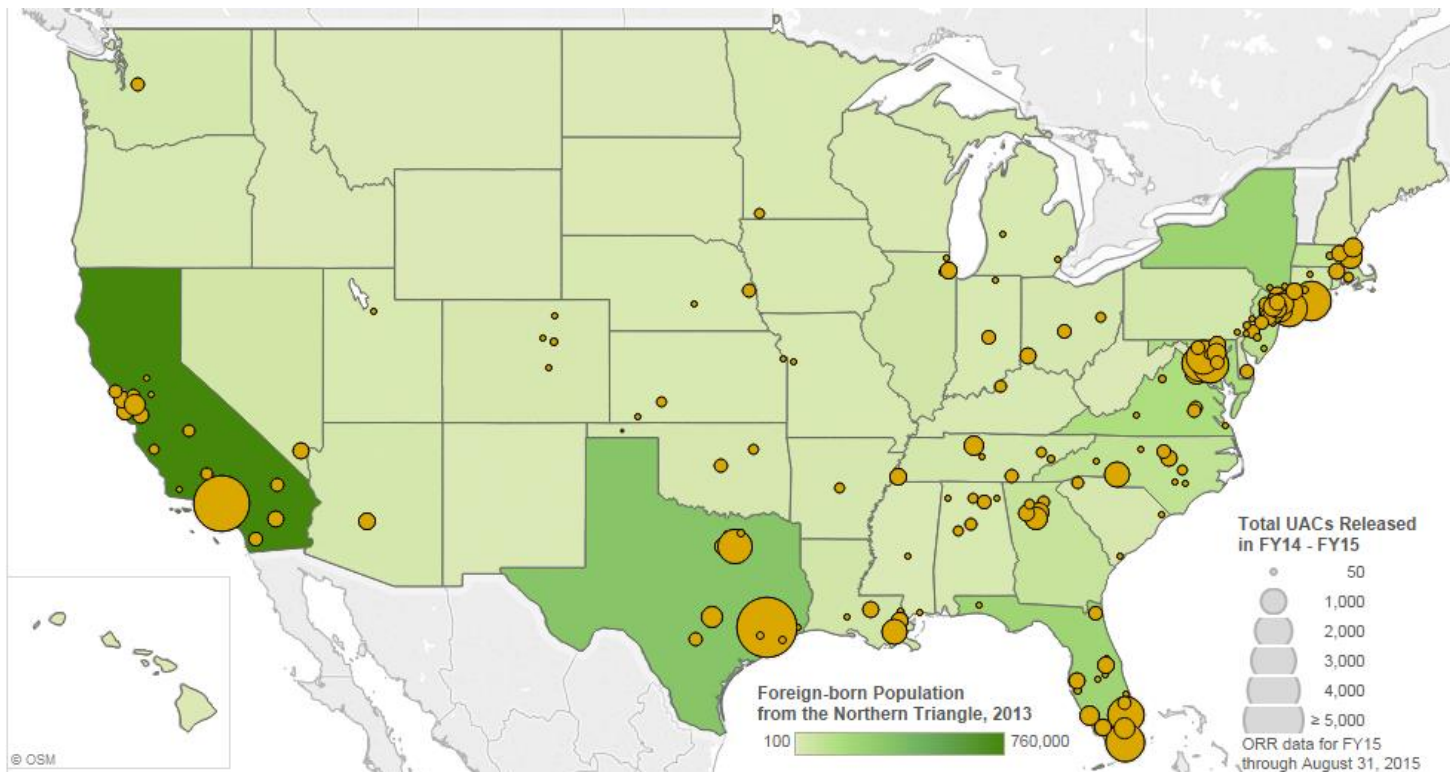
**Sarah Pierce,**  
Research  
Assistant, MPI

Sarah Pierce is a Research Assistant with the U.S. Immigration Policy Program at MPI. Prior to joining MPI, she worked as an attorney at an immigration law firm in Chicago, practicing in all areas of immigration law, with a particular focus on employment and family immigration. She has also worked and volunteered with a number of nonprofit organizations, including the California Appellate Project, Human Rights Watch, and the National Immigrant Justice Center.

Ms. Pierce holds a B.A. from Grinnell College, a J.D. from the University of Iowa College of Law, and is currently pursuing a master's in international affairs at George Washington University.

# Unaccompanied child migrants are released to sponsors throughout the U.S.

**Central American Immigrant Populations, by State (2013), and Unaccompanied Child Migrants Released to Family Sponsors, by County (October 1, 2013 – August 31, 2015)**

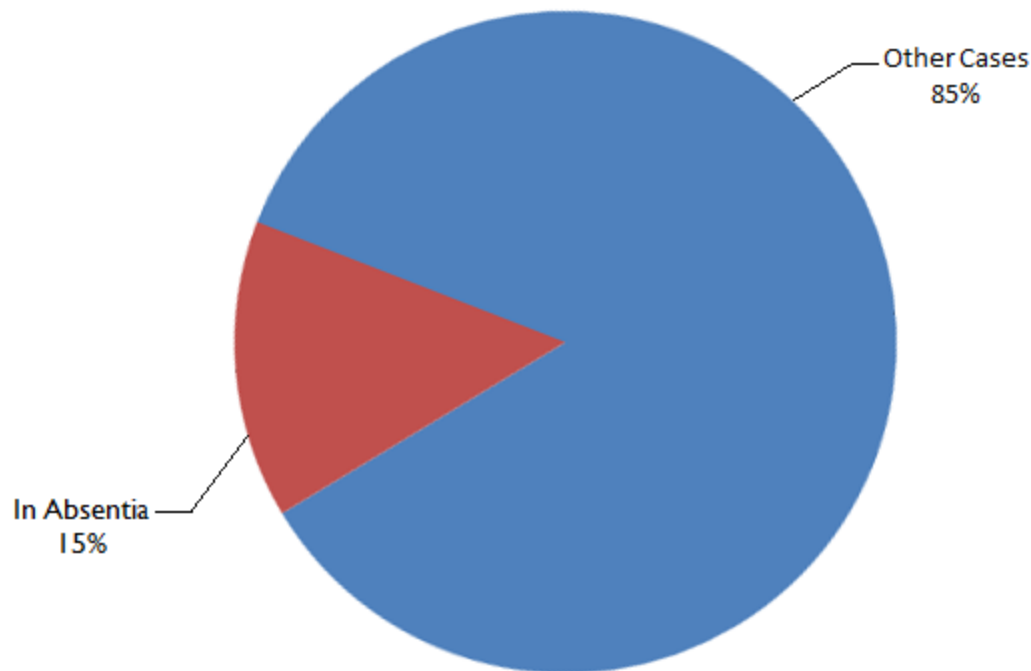


*Note:* The 2015 Office of Refugee Resettlement data is provided through August 31, 2015.

*Sources:* Migration Policy Institute (MPI) analysis of data from U.S. Census Bureau, 2013 American Community Survey (ACS); U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), "Unaccompanied Children Released to Sponsors by State," accessed October 7, 2015, [www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county](http://www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county).

# The majority of migrant children are appearing for immigration court hearings

## Percent of Juvenile Cases *In Absentia*, October 1, 2013 – August 31, 2015

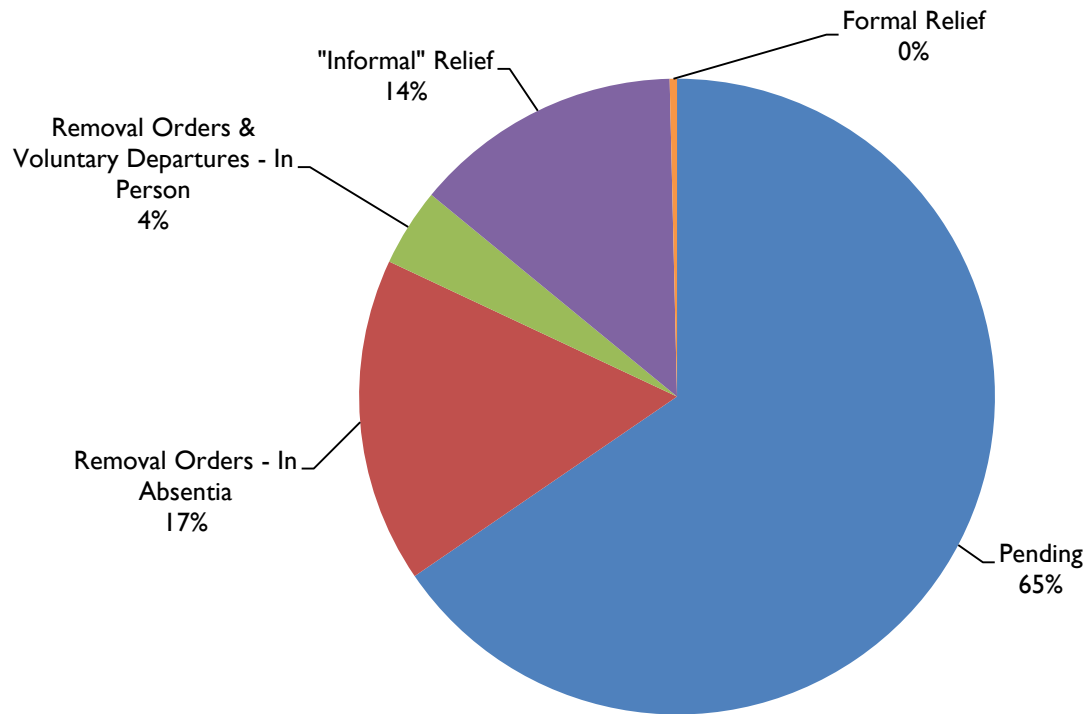


*Notes:* The data in this figure are for unaccompanied migrants who were under the age of 18 at the time their case began and who appeared in court alone; the data are not restricted to children from the Northern Triangle, though they represent the majority of such cases. “Other Cases” includes cases still pending as of August 31, 2015, as well as all cases decided in which the respondent appeared for court.

*Source:* TRAC, “Juveniles—Immigration Court Deportation Proceedings,” accessed October 6, 2015, <http://trac.syr.edu/phptools/immigration/juvenile/>.

# The majority of immigration cases for migrant children are still pending

## Juvenile Immigration Case Outcomes, October 1, 2013 – August 31, 2015

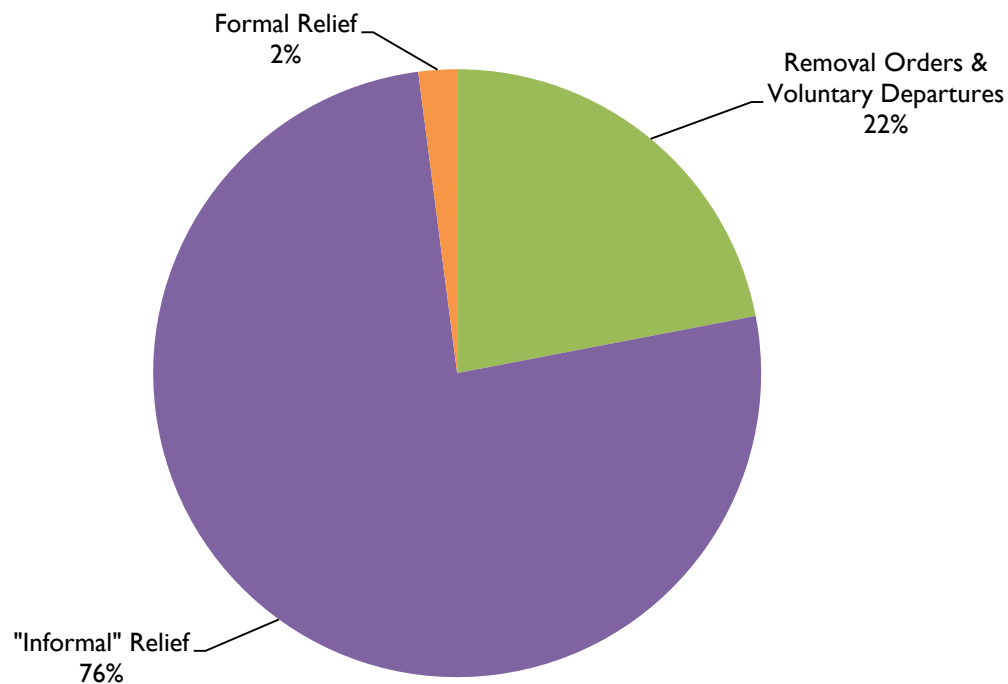


*Notes:* The data in this figure are for unaccompanied migrants who were under the age of 18 at the time their case began and who appeared in court alone; the data are not restricted to children from the Northern Triangle, though they represent the majority of such cases. "Removal Orders—In Absentia" includes four voluntary departure orders that occurred in absentia. "Formal" relief refers to relief that comes with a grant of immigration status, such as asylum or Special Immigrant Juvenile Status. "Informal" relief refers to cases that have been administratively closed or terminated, meaning the child is no longer has an active removal case but has not received a simultaneous grant of immigration status.

*Source:* TRAC, "Juveniles—Immigration Court Deportation Proceedings," accessed October 6, 2015, <http://trac.syr.edu/phptools/immigration/juvenile/>.

# The majority of juveniles who appear for court receive immigration relief

## Case Outcomes for Juveniles Who Appeared for Court, October 1, 2013 – August 31, 2015



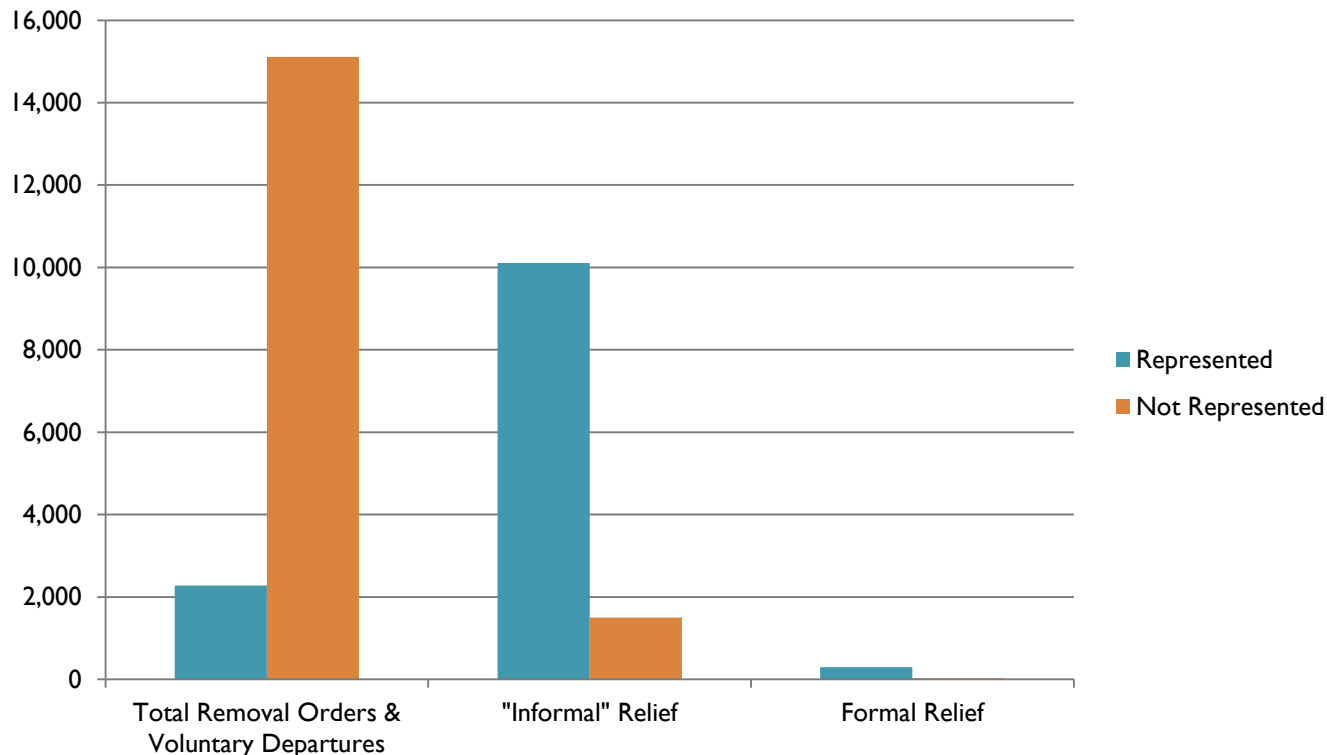
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*Source:* TRAC, "Juveniles—Immigration Court Deportation Proceedings," accessed October 6, 2015, <http://trac.syr.edu/phptools/immigration/juvenile/>.



# Child migrants with attorneys receive immigration relief at much higher rates

## Outcomes of Resolved Juvenile Immigration Cases, October 1, 2013 – August 31, 2015

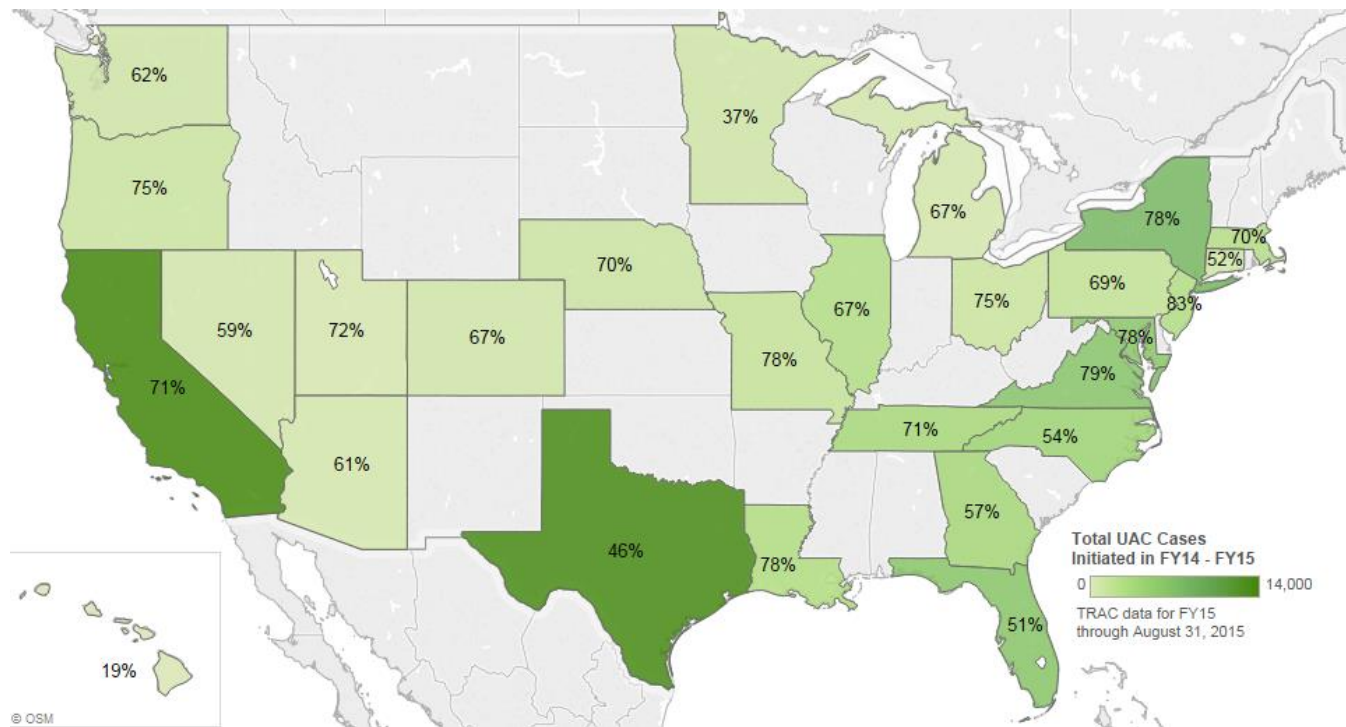


*Notes:* The data are for unaccompanied migrants who were under age 18 at the time their case began and who appeared in court alone. The data are not restricted to children from the Northern Triangle. "Formal" relief refers to relief that comes with a grant of immigration status, such as asylum or Special Immigrant Juvenile (SIJ) status. "Informal" relief refers to cases that have been administratively closed or terminated, meaning the child is no longer has an active removal case but has not received a simultaneous grant of immigration status.

*Source:* TRAC, "Juveniles—Immigration Court Deportation Proceedings."

# Immigration court outcomes for child migrants vary by state

## UAC Immigration Court Cases Initiated and Percentage Pending, by State, October 1, 2013 – August 31, 2015



Source: TRAC, "Juveniles—Immigration Court Deportation Proceedings," accessed October 6, 2015.



# How are schools reacting to this new population?

- From the beginning of FY 2014 through August 31, 2015, the U.S. Office of Refugee Resettlement (ORR) released 77,194 unaccompanied minors to communities throughout the United States, all of whom are entitled to public education.
- Schools have received very little additional federal funding to help them accommodate the new arrivals. Their responses to this new challenge have been varied:
  - Some have struggled to decide whether older students should be placed in K-12 classes or adult education;
  - Some have created or taken advantage of pre-existing programs designed to help newcomers adjust;
  - Some have entirely pushed back against child migrant enrollment.



# What services are available to the child migrants?

- Because they are in unauthorized immigration status, unaccompanied migrants are eligible for few public services other than K-12 education.
- The Office of Refugee Resettlement offers some post-release services, but these are limited to less than 10% of migrants.
- Unauthorized immigrants are ineligible for federal health insurance, however California, Illinois Massachusetts, New Jersey, New York, Washington, and the District of Columbia have expanded some health-care coverage and services to include all income-eligible children (including UACs).
- Like all individuals in immigration court proceedings, UACs are not entitled to free legal counsel. Some public and private institutions have stepped in to provide some legal counsel, including the federal government, nonprofit organizations, and certain states and localities. However, 55% of UACs still lack legal representation.

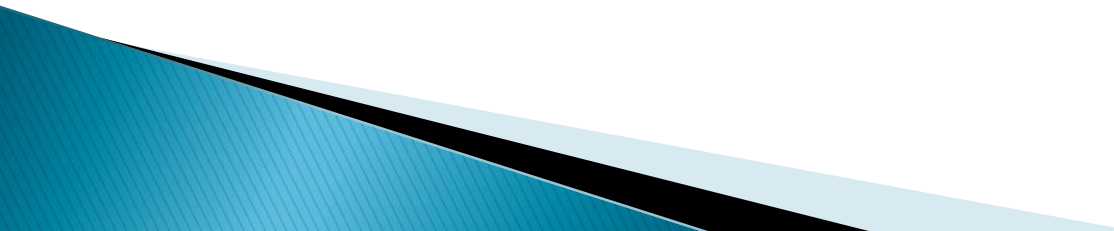
# Presenter



**Aryah Somers,**  
Director of  
Advocacy,  
Kids In Need of  
Defense

Aryah Somers is the Director of Advocacy at Kids in Need of Defense (KIND). Before joining KIND, Ms. Somers was a consultant on immigrant and refugee children's rights. She is co-author of UNHCR's *Children on the Run* report on the root causes of migration of unaccompanied children from Central America and Mexico to the United States. She recently wrote two practice advisories on Child Capacity and Mental Competency in Immigration Proceedings for the Vera Institute of Justice. In 2012, as a Fulbright Scholar in Guatemala, she researched the repatriation and reintegration of children deported from the United States to Guatemala. She has also represented children in removal proceedings and family court in New York as a KIND Fellow at The Door and at the Florence Project in Arizona. She has also worked with refugee children abroad as a consultant for UNHCR/Ecuador on best interests determinations for refugee children and for AMERA in Egypt as a legal representative for unaccompanied refugee children. Ms. Somers holds a J.D. from Georgetown University Law Center (2002), an M.A. in Arab Studies from Georgetown University (1999), and a B.A. in International Affairs from George Washington University (1997). She has published various law journal articles on unaccompanied and separated children.

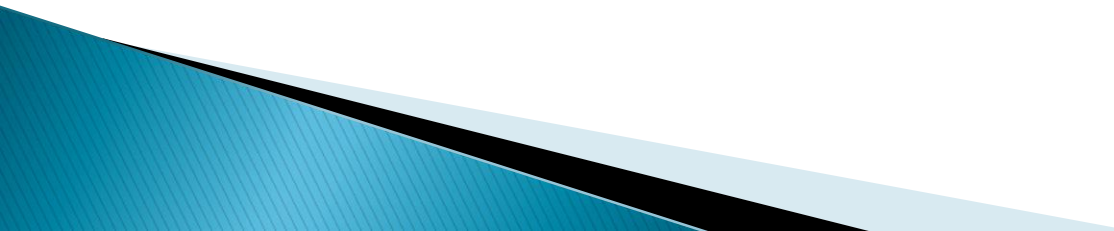
# Unaccompanied Children and Access to Counsel

- ▶ Access to Counsel: Framework and Challenges
  - ▶ Perspectives on Unaccompanied Children:
    - Represented
    - Unrepresented
    - *In absentia* cases
    - Child capacity concerns
- 

# Access to Counsel Framework

- ▶ Attorney Funding for Direct and Pro Bono Representation
  - Federal, State, and Local Programs
  - Philanthropy
  - Private immigration attorneys

# Access to Counsel Challenges

- ▶ Limitations on Programs for Access to Counsel
  - ▶ Children's Perspective and Legal Systems
  - ▶ Attorney Resources, Training, and Ethics
  - ▶ Geographical Factors
- 



# Represented Children

- ▶ Finding an Attorney
- ▶ Seeking Relief
  - Preparing the case
    - Working with children generally and with those who have survived trauma, violence, and persecution
  - Forms of Relief, USCIS Processing Times, and Appeals:
    - Special Immigrant Juvenile Status (SIJS)
    - Asylum
    - T and U Visas and derivative applications
    - VAWA and derivative applications
  - Motions to Terminate or Dismiss before the Immigration Judge for Children Filing for Relief before USCIS (i.e. FY 2014: 10,824 children applied for asylum; FY 2014: 5,776 applied for SIJS) and other reasons for these motions (i.e. due process)
  - Prosecutorial Discretion

# Unrepresented Children

- ▶ Finding an Attorney
- ▶ Child Capacity
  - Individual's ability to make a decision or perform a task in a given context
  - Children can be impacted by:
    - Intellectual and cognitive disabilities; mental health disorders; child development
  - Child capacities and legal competencies:
    - Factual understanding of proceedings; rational understanding or appreciation of proceedings; ability to consult and assist counsel; and decisional capacity
    - Immigration Context:
      - Master Calendar Hearings and Pleadings
      - Individual Hearings and Understanding Forms of Relief

# *In Absentia*

- ▶ Filing of the Notice to Appear and Notice Provisions for Children and Adults with Children
- ▶ Access to Counsel
- ▶ Child Capacity
- ▶ Efforts to Respond to *In Absentia* Cases

# Presenter



**Annie Wilson,**  
Chief Strategy  
Officer, Lutheran  
Immigration and  
Refugee Service

Annie Wilson is Lutheran Immigration and Refugee Service's Chief Strategy Officer. She has been with the organization for more than 20 years. LIRS works so that all migrants and refugees are protected, embraced, and empowered in a world of just and welcoming communities. The organization fosters cultural integration and financial self-sufficiency for migrants and refugees starting over, finds homes for unaccompanied refugee children, and advocates for policies and legislation that uphold the rights and dignity of all newcomers.

Ms. Wilson has coordinated the development of LIRS's strategic plans and led a fundamental shift in focus from delivering short-term services toward engaging—and transforming—communities in need. From September 2009 to February 2010, Ms. Wilson served as LIRS's acting president, leading the organization through a significant leadership transition. Ms. Wilson joined LIRS in 1990 to direct national grants programs and technical assistance for asylum seekers.

Prior to her work with LIRS, Ms. Wilson served as domestic programs coordinator for Church World Service's Immigration and Refugee Program, managing a national network of 50 refugee resettlement projects and doubling both the size of staff and the resources available to the program.

# **Unaccompanied Children**

## Integration Challenges



Lutheran Immigration  
and Refugee Service



# Referenced Reports and Studies

1. At the Crossroads for Unaccompanied Children: Policy, Practice and Protection (LIRS, July 2015)
2. Post-Release: Linking Unaccompanied Immigrant Children to Family and Community (University of South Carolina, 2015)
3. Assessing Need and Utilization of Community Services Among Unaccompanied Alien Youth Released Without Follow-Up Services (University of Maryland, pending)





# Lack of Data

- Children and youth released into unstable family situations, pressure to work, lack of security
- No comprehensive tracking of child welfare and social circumstances to date
- Telephone follow-up by ORR instituted October 1





# Post-Release Services

- Available to very few
- Typically limited to 6 months of follow-up
- Family breakdowns begin to occur at the 6-month mark





# Geography is Fate

- Schools are critical, but their capacity to serve this population varies widely
- Post-release services are of limited value when there are no community services available





# Preliminary Data

- Tracked 100 children for one year
- 86% were under the age of 14 (second study of older youth still underway)
- The research process itself served to significantly improve awareness of available services





# Preliminary Data (cont.)

- 59% were in school at 14 days; 97% at 12 months
- 47% had legal aid at 14 days; 49% at 12 months; 51% had a court date at 12 months
- 15% had health concerns at 14 days; .08% at 12 months; 63% had accessed medical care at 12 months
- 61% of sponsors had no knowledge of LOPC at 14 days; only 2% had no knowledge at later dates (likely thanks to the research study) and 35% had attended





# Research on Older Youth

- Many more sponsors refuse to participate or cannot be reached
- Many of these sponsors are not parents, but aunts, friends, siblings, etc.
- Some older youth leave school to work
- Family breakdowns are more common – sponsors who reported that youth had left said it was to avoid court or to work





# LIRS Recommendations

- A continuum of post-release services so that every child receives at least some follow-up
- Improved coordination between federal agencies
- Better information-sharing across the system
- Improved school-based and community-based services





# Questions and Answers

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- MPI Resources on Child Migration to the United States: <http://bit.ly/UACInfo>
- Use Q&A chat function on the right of the screen throughout webinar to write questions. Or send an email to [events@migrationpolicy.org](mailto:events@migrationpolicy.org) with your question.



# For More Information

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**MPI Resources on Child Migration to the United States:** <http://bit.ly/UACInfo>

## **UPCOMING WEBINARS:**

- **On Oct. 22** - Serving Newcomer Immigrant and Refugee Students in Secondary Schools: Comparing U.S. and European Practices <http://bit.ly/I022ed>
- **On Oct. 27** - Young Refugee Children: Their Schooling Experiences in the United States and in Countries of First Asylum <http://bit.ly/I027refchld>

For additional information and to receive updates:

[www.migrationpolicy.org](http://www.migrationpolicy.org)