



Homeland Security

July 3, 2014

SUBJECT: Frequently Asked Questions for Unaccompanied Alien Children

Q: Why are such large numbers of children migrating to the United States?

A: Several reasons contribute to the dramatic increase in children crossing alone, including poor economic conditions, violence in their home countries, in addition to the desire to be reunited with their families in the United States.

These children are regularly exposed to extreme danger and criminal abuse along the long migration journey. However, because children are subject to the risk of violence at home – including the rise in gangs and domestic violence in sending countries – many decide to take the risk. DHS is actively working with foreign partners to educate children and families of the perils of the dangerous journey.

Q: What role does DHS play with the situation of unaccompanied children entering the United States via South Texas?

A: CBP provides short-term detention for unaccompanied children it apprehends who have entered the U.S. illegally. CBP processes these children as quickly as possible in order to transfer them to the U.S. Department of Health and Human Services (HHS) within 72 hours, absent exceptional circumstances, as required by law. (See Trafficking Victims Protection Reauthorization Act of 2008 P.L. 110-457 Section 235)

U.S. Immigration and Customs Enforcement (ICE) assists with the coordination and transportation of unaccompanied children from CBP to a U.S. Department of Health and Human Services (HHS) shelter facility. For children not placed in local area shelters, ICE uses both commercial and charter aircraft to transport these children to the various shelter facilities located around the United States. ICE attorneys are also involved in removal proceedings before immigration courts, which are operated by the U.S. Department of Justice's Executive Office for Immigration Review. Nearly all unaccompanied children are placed in removal proceedings and issued a Notice to Appear in immigration courts.

Under current law, children from Mexico and Canada may be returned to their country of nationality, after coordination with consular officials from their country of origin and screenings conducted to ensure that the children are not victims of severe forms of trafficking in persons, is not at risk of being trafficked if returned to their country of nationality; the child does not have a credible fear of persecution; and the child is able to make an independent decision to withdraw their application for admission to the United States.

Q: Why is the U.S. detaining unaccompanied children?

A: Under the law, the U.S. Department of Health and Human Services (HHS) is charged with the care and custody of unaccompanied children during their removal proceedings. HHS also has the

authority to place unaccompanied children in safe and secure placements, which can include the parents or family members of the unaccompanied child or other sponsors after appropriate verification procedures are completed. (See Homeland Security Act of 2002 P.L. 107-296 Section 462 and Trafficking Victims Protection Reauthorization Act of 2008 P.L. 110-457 Section 235)

Q: What is the status of these children while they are here?

A: Individuals who unlawfully cross the border normally inadmissible and have no lawful status to be in the United States and will be placed into immigration removal proceedings.

When DHS identifies an unaccompanied child, he/she is evaluated for any immediate medical needs, then interviewed and processed for removal. To be clear—they are subject to removal, but may not be detained through the length of their proceedings.

Q: Will unaccompanied children who recently illegally entered the U.S. ever be deported?

A: Unaccompanied children will be scheduled for hearings before federal immigration judges, under the Department of Justice's Executive Office of Immigration Review (EOIR). An immigration judge will determine if any of these children will receive immigration benefits, relief from removal or if they should be removed from the United States (normally to their countries of origin).

Q: What if the unaccompanied child's parents are not able to pick them up?

A: If an unaccompanied child is apprehended, and is not from Mexico or Canada, and a parent or legal guardian is unavailable to provide physical care and custody, the child will be transferred to the custody of the U.S. Department of Health and Human Services (HHS). Like other unaccompanied children, the child will be placed in removal proceedings before a federal immigration judge.

Q: Who determines if a minor is a victim of trafficking, as opposed to being smuggled across the border? Where does this determination occur – Border Patrol station, port of entry, or elsewhere?

A: CBP conducts a screening of all unaccompanied children entering from contiguous countries (i.e., Mexico and Canada) to assess the likelihood that the child is a victim of human trafficking. The initial screening conducted by CBP occurs at the processing location – generally a port of entry or Border Patrol station. If positive risk factors indicate the unaccompanied child is a potential victim of human trafficking, U.S. Immigration and Customs Enforcement (ICE) is notified and the child is referred to the U.S. Department of Health and Human Services (HHS) for placement, care and custody. ICE is the lead agency within the U.S. Department of Homeland Security (DHS) responsible for investigating claims of human trafficking.

Q: Is there a health risk to CBP officers or the general public?

A: DHS has public health controls in place to minimize any possible health risks. U.S. Border Patrol has medical units at its busiest border stations and conducts initial public health screens on all incoming individuals for any symptoms of contagious diseases of possible public health concern. Medical team professionals are assisting with the screening process, and providing healthcare evaluations for the sick and injured.

Occupational health and safety guidance has been provided to CBP personnel in the handling of children with signs of health-related symptoms. Our workforce has been provided and encouraged to use personal protective gear including latex or non-latex gloves, long-sleeve shirts, and to take precautions, including frequent hand washing.

If any serious symptoms are present, individuals are referred to a medical provider or healthcare facility for treatment and medical clearance.

Q. If Congress passes the current immigration reform bill with an earned path to citizenship, would these young people be eligible? Are they eligible for the Deferred Action for Childhood Arrivals (DACA) process?

A: No, under the Senate bill, individuals must have been in the United States as of December 31, 2011 to qualify. Since these young people are very recent arrivals, they would not be eligible.

Under DACA, individuals must have continuously resided in the U.S. since June 2007. Because these young people are new arrivals, they would not qualify for DACA.

Q. How are you working with the governments of Mexico and Central America to deter further migration of unaccompanied children?

A: DHS is coordinating with the governments of Mexico, Guatemala, El Salvador, and Honduras on this issue and asking for additional assistance to counter this recent dangerous surge in migrant children in these smuggling routes, and also enlisting international help in spreading the word of the dangers involved for children.

In partnership with our foreign partners, DHS will ramp up existing public messaging campaigns in Mexico and Central America designed to educate and inform individuals about the dangers of the journey and crossing without the proper documents or plans. Recent migrants are also not eligible for Deferred Action for Childhood Arrivals or earned citizenship provisions in pending immigration reform legislation.

Q: How can I help donate toothbrushes/clothes/toys for these children while they are in U.S. government custody?

A. We are currently unable to directly accept donations or volunteers to assist. Several refugee resettlement non-governmental organizations (NGOs) in the U.S. are accepting monetary donations and, in some cases, experienced volunteers to assist incoming refugee families, although not specifically unaccompanied children, in support of the effort of the U.S. Refugee Admissions

Program at the State Department. Information, by state, for refugee resettlement NGOs can be found at the State Department's Refugee Processing Center (RPC) webpage at <http://www.wrapsnet.org/Home/RPAgencyContacts> or the HHS Office of Refugee Resettlement (ORR) webpage at www.acf.hhs.gov/programs/orr/state-programs-annual-overview. Additional information for those wishing to donate or volunteer services can be found at <https://www.fema.gov/volunteer-donate-responsibly>.

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