



EXECUTIVE APPROPRIATIONS COMMITTEE  
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# UNACCOMPANIED ALIEN CHILDREN ON THE SOUTHERN U.S. BORDER

ISSUE BRIEF

## SUMMARY

The primary care and custody of unaccompanied children on the southern U.S. border is provided by the U.S. Department of Health and Human Services. The only involvement of the State of Utah is: 1) providing public education when these children are placed with a sponsor and attend a public school and 2) the licensing by the state of private shelters where unaccompanied children initially stay if a shelter is located within the state. None of these shelters are currently located in Utah. From January 1<sup>st</sup> through July 31<sup>st</sup> of 2014, 85 of these children have been placed with sponsors in Utah (53 within Salt Lake County). The total number of children released to sponsors nationwide during the same period was 37,477.

## *Questions*

This brief addresses two main questions regarding unaccompanied children on the southern U.S. border:

### Question #1 – what are the key facts regarding unaccompanied children on the southern U.S. border?

- Unaccompanied children on the southern U.S. border are placed in the care and custody of the federal Department of Health and Human Services (HHS) following apprehension and transfer by the Department of Homeland Security. The Federal Fiscal Year 2014 federal appropriation for unaccompanied children is \$868 million.
- HHS typically releases children to an appropriate sponsor (usually a parent, relative, or family friend) who will care for the child while their immigration case proceeds. None of these placements is through Utah state agencies. HHS reunified 85 children with their family members/sponsors living in Utah between January 1<sup>st</sup> and July 31<sup>st</sup> 2014. The national total for the same period is 37,477. There is no financial stipend that accompanies the care for children and youth through this placement.
- The Office of Refugee Resettlement (ORR) within HHS operates about 100 short-term shelters throughout the U.S. for unaccompanied children until they can be released to sponsors.
- Most children remain in a shelter for less than 35 days before being released to an appropriate sponsor. Children are not released if they have a medical condition that is a public health threat.
- These shelters are typically operated by non-profit organizations and are licensed by the state where they are located. Because of recent demand, ORR established three temporary shelters, all of which have since ceased operation. No shelters are currently located in Utah.
- ORR is providing vaccinations to all children who do not have documentation of previous valid doses of vaccines. Children found to have certain communicable diseases are separated from other children and treated as needed. All costs to treat are fully paid for by the federal government.
- ORR conducts home studies prior to release if safety is in question.
- ORR ensures, to the greatest extent possible, that all unaccompanied children in custody have access to legal representation or counsel.

### Question #2 – what is the involvement of the State of Utah with these unaccompanied children?

- Shelters for these unaccompanied children are typically operated by non-profit organizations and are licensed by the state where they are located.
- Upon release to the custody of a sponsor, unaccompanied children are generally ineligible for most public benefits, but could receive certain services such as charity care from medical providers.
- When placed with a sponsor, these children would typically attend public schools in the communities in which they reside. Utah's 2012 "all expenditures per student" is \$7,929 [U.S. Census].

## Background

### *The Federal Government's Role with Unaccompanied Alien Children*

“When a child who is not accompanied by a parent or legal guardian is apprehended by immigration authorities, the child is transferred to the care and custody of the Office of Refugee Resettlement (ORR). Federal law requires that ORR feed, shelter, and provide medical care for unaccompanied children until it is able to release them to safe settings with sponsors (usually family members), while they await immigration proceedings. These sponsors live in many states.

Sponsors are adults who are suitable to provide for the child's physical and mental well-being and have not engaged in any activity that would indicate a potential risk to the child. All sponsors must pass a background check. The sponsor must agree to ensure the child's presence at all future immigration proceedings. They also must agree to ensure the minor reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order.

HHS is engaging with state officials to address concerns they may have about the care or impact of unaccompanied children in their states, while making sure the children are treated humanely and consistent with the law as they go through immigration court proceedings that will determine whether they will be removed and repatriated, or qualify for some form of relief. . . .

HHS cannot release information about individual children that could compromise the child's location or identity.” [*Unaccompanied Children Released to Sponsors By State*, Office of Refugee Resettlement]

### *Who is an Unaccompanied Alien Child?*

An unaccompanied alien child is 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)]

### *Federal Government Resources Regarding Unaccompanied Children on the Southern U.S. Border*

The following resources, available from the federal government, provide basic information about unaccompanied children on the southern U.S. border.

*About Unaccompanied Children's Services:* <http://www.acf.hhs.gov/programs/orr/programs/ucs/about>

*Unaccompanied Children Frequently Asked Questions:* <http://www.acf.hhs.gov/unaccompanied-children-frequently-asked-questions>

*Unaccompanied Children Released to Sponsors by State* [January 1<sup>st</sup> to July 31<sup>st</sup>, 2014]:

<http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>

*Unaccompanied Children Released to Sponsors by County* [January 1<sup>st</sup> to July 31<sup>st</sup>, 2014]:

<http://www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county>

*Educational Services for Immigrant Children and Those Recently Arrived to the United States:*

<http://www2.ed.gov/policy/rights/guid/unaccompanied-children.html>