

What Happens to Children Caught up in Immigration Enforcement Activities

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As Department of Homeland Security (DHS) is responding to the political sentiment in the country that undocumented persons should be removed, they are increasing their enforcement activities within the country in addition to their increased border enforcement. This has led to several well-publicized raids on large employers as well as many small enforcement activities which may not rise to public attention. In either situation, however, there will be situations which child welfare providers or other concerned people will be called upon for help.

The first questions are frequently "Where are the children and families taken?" and "What happens to them?"

It is important for child welfare and other service providers to be clear that there are two aspects of the situation which operate in a parallel fashion and do impact each other but are very separate:

- the immigration legal case
- the care of the child and family

For children detained with their families, the theory is that they are kept with their families and the whole family is either released or placed in one of 2 family detention centers: Berks County, PA or Hutto, TX. They are typically held pending the outcome of their immigration case. Either they are released in the situations win which they get some type of immigration relief or removed if they do not qualify for any immigration relief. The facilities are run by DHS via contract with local providers. Sadly, we are aware of situations in which children and parents are separated from each other and are held in different facilities.

For unaccompanied children, they are referred to Health and Human Services/Office of Refugee Resettlement/Division of Unaccompanied Children's Services (HHS/ORR/DUCS) (NOT the Unaccompanied Refugee Minors Program) where they are held in any one of 30 or so facilities in the U.S. The majority of the facilities are in TX but there are facilities in AZ, CA, FL and some other places. The care is predominantly in large, institutional-style shelters with a few children kept in foster care or small group care settings. Children are placed wherever there is space so you cannot assume that children picked up in CA will be housed there but they may be.

For people trying to find a child who may be in the DUCS system, a faxed letter to 202-401-1022 will reach the unit which can find out the location of the child. Staff in that unit will respond to inquiries. The letter should include as much information as possible about the child, date and place of apprehension and whatever is known. Additionally, the letter should explain who is asking and what the relationship is with the child so that the government agency can determine whether or not they may respond to the inquiry.

United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) has staff whose responsibility is to provide "best interest" recommendations for the children in many of the facilities and we also provide suitability assessments and follow up services for some children. Some of our foster care programs do take Division of Unaccompanied Children's Services (DUCS) children who have no family reunification options. Our partner agency, Lutheran Immigration and Refugee Service (LIRS) similarly has staff in some locations and also provides foster care for those children who have no family reunification options.

The child's immigration legal case ticks along independently of their care situation which is sometimes confusing to those trying to figure out what is happening. While Health & Human Services/Office of Refugee Resettlement/Division of Unaccompanied Children's Services (HHS/ORR/DUCS) is taking care of the child and arranging for the child's reunification with parents if possible, Dept of Homeland Security (DHS) is responsible for prosecuting the immigration violation and continues that whether the child is released to family or not. If someone knows the child's A#, they can navigate the DHS website and find out the status of the immigration case.

There is a third possibility: children who were living with their parents but were either picked up separately or were separated from them during the raids. This is a contentious issue. DHS and HHS/ORR both say that these children do not fit the definition of "Unaccompanied" and therefore many of these children are not turned over to ORR. DHS houses them somewhere but it is very unclear where that may be. They are often removed from the country very quickly and have had no legal representation before removal. For children picked up in the interior of the country such as those in the recent raids in Contra Costa County in California, this may be their situation.

How to help:

The best course of action for those trying to find and assist children picked up in the raids, try the ORR/DUCS fax number noted above. If the child is in their system, she/he is safe and adequately cared for. Efforts are in process to find family members to release them to. If someone knows the whereabouts of the child's kin, give that information to DUCS so they can proceed faster.

The families who intend to sponsor the children out of that system may appreciate help filling out the various papers needed in order to prove their relationship and ability to sponsor. This may be a service that can be provided for those relatives in the area who are willing to sponsor the kids. With help, they may get their paperwork done faster, therefore approved faster and kids will be released faster. Pro-bono legal help will still be needed since the children will still be removed from the country when their immigration case is heard.

If the child is detained with parents, DHS is responsible. It is a hard system to navigate. They are possibly in family shelters with their parents if not yet removed from the country. Pro-bono legal help is useful in some cases.

For those children whose parents are detained but the children are not, it is not wise to try to access the ORR/DUCS system for the children's care. No one is in that system who is not in removal proceedings so getting the child into the system puts them in removal proceedings.

It is likely that the DHS raids in the interior of the country will continue. Therefore, it is also likely that children and families will continue to be caught up in the care system for unaccompanied children (DUCS) or in family detention (DHS). The children and families will continue to need all our assistance to remain together and to provide the best care possible under difficult circumstances.

The long-term outcome for children or families caught up in the raids and enforcement system is typically not encouraging. Most do not have the possibility of immigration relief so they are removed from the United States to their country of origin.

If anyone has a question on care or other child welfare concerns about a child caught up in the DHS enforcement system, please feel free to contact our child welfare technical assistance program. Email at info@BRYCS.org or call 1-800-572-6500. We will do our best to get answers to you.