



The First Year of the Biden Administration's Policies on Unaccompanied Children

President Biden came into office in January 2021 with a sweeping agenda to reform the U.S. immigration system to ensure that it is “fair, safe, and orderly” and more humane. His Administration promised to address the chaos and confusion at the U.S.-Mexico border created by the previous Administration and end the cruel policies that further endangered the lives of those seeking safety. The Biden Administration inherited a system in which the safeguards afforded unaccompanied children were weakened or dismantled entirely and the painful legacy of family separation remained unaddressed.

The Administration has made good on some of its promises, for example, it has put forth a strategy to address the root causes of migration from Central America, exempted some children arriving between ports of entry from Title 42, has rolled back restrictive interpretations of U.S. asylum law, and created the Family Reunification Task Force. Title 42 remains largely in place, however, blocking all adults and families seeking protection from accessing the United States, as well as children who arrive alone at ports of entry. The Administration expanded the Migrant Protection Protocols (MPP) and continues to hold children in large unlicensed emergency intake sites. Kids in Need of Defense (KIND) is concerned that the Biden Administration has not done enough to reinstate vital protections that were decimated during the Trump Administration or expand others in much-needed ways. In some cases, the Administration has doubled down on harmful Trump-era policies.

This report analyzes the Biden Administration's progress against a [blueprint](#) KIND issued in November 2020, which outlines the safeguards and policies that should be implemented to help unaccompanied children overcome daunting obstacles to seek safety in the United States.¹

Due Process and Access to Counsel

It is essential that the Biden Administration work to ensure that all unaccompanied children are provided legal representation in immigration proceedings and that their cases are fairly adjudicated. Attorneys have a dramatic impact on children's cases; recent data show that immigration judges were almost 100 times more likely to grant legal relief to unaccompanied children with counsel than to those without.² Unrepresented children are practically unable to make their case and face grave risk of return to the very harm they fled. The provision of attorneys for unaccompanied children also helps improve immigration court efficiency, conserve government resources, and increase appearance rates. Despite

¹ Kids in Need of Defense (KIND), *KIND Blueprint: Concrete Steps to Protect Unaccompanied Children on the Move*, November 2020.

² Congressional Research Service, *Unaccompanied Alien Children: An Overview*, at 17, Sept. 1, 2021.

these benefits, many unaccompanied children in the United States do not have lawyers and continue to face significant barriers in accessing protection.

The Administration has shown encouraging support for expanding legal representation, for example:

- The Administration included funding to expand legal representation in immigration court as a priority in the framework of its Build Back Better bill.³
- President Biden signed a Presidential Memorandum on expanding access to legal representation that called upon the Department of Justice (DOJ) to develop a plan for broadening its work on access to justice and re-established the White House Legal Aid Interagency Roundtable.⁴ In follow up to the Presidential Memorandum, DOJ announced that the Office for Access to Justice, created by the Obama Administration and shuttered by the Trump Administration, would again be a standalone office within the agency to explore solutions to the most urgent legal needs of communities. DOJ also released a report that specifically stated that “expanding legal representation in immigration proceedings and through holistic approaches within other immigration contexts” was a proposed priority area.⁵
- DOJ’s Executive Office for Immigration Review (EOIR) released a memo to encourage immigration courts to expand and facilitate pro bono legal services.⁶ The memo underscores the particular vulnerability of children in immigration court and strongly encourages immigration judges to facilitate free legal services and pro bono representation whenever children are involved.

The Administration has also implemented policy changes that may improve due process, expand humanitarian relief, and improve the fairness of immigration proceedings.

- President Biden issued an Executive Order requiring DOJ and the Department of Homeland Security (DHS) to review government policies to evaluate whether they afford protection to individuals fleeing domestic violence and gang violence consistent with international law, and directed the promulgation of joint regulations regarding the definition of a “particular social group”—one of the five grounds for asylum provided in U.S. law.⁷ Unaccompanied children from northern Central America very often raise asylum claims grounded in such persecution.
- Relatedly, Attorney General Merrick Garland issued decisions that will improve access to asylum for unaccompanied children and other asylum seekers fleeing persecution by nongovernmental actors when the government of their country is unable or unwilling to protect them.⁸ This change clarifies the ability of people with sexual- and gender-based asylum claims, as well as people persecuted by gangs, to seek protection through asylum. The Attorney General’s

³ White House, President Biden Announces the Build Back Better Framework, Oct. 28, 2021.

⁴ White House, [Memorandum on Restoring the Department of Justice’s Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable](#), May 18, 2021.

⁵ Department of Justice, [A Report to the President of the United States from the Attorney General of the United States](#), Sept. 15, 2021.

⁶ Department of Justice, [Encouraging and Facilitating Pro Bono Legal Services](#), Nov. 5, 2021.

⁷ White House, [Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border](#), Feb. 2, 2021.

⁸ *Matter of A-B- III*, 28 I&N Dec. 307 (A.G. 2021); *Matter of L-E-A- III*, 28 I&N Dec. 304 (A.G. 2021).

decisions will increase protection for children and women, as they are disproportionately affected by this violence. These policy changes set aside misguided decisions issued under the Trump Administration that had overturned critical precedent decisions and undermined access to asylum for people with these claims.

- Attorney General Garland also reversed a Trump-era decision that restricted administrative closure of deportation cases.⁹ Administrative closure is an important docket management tool that can pause a case, including to ensure children have adequate time to recover from trauma, acquire counsel, and prepare their cases, or to await decisions on legal relief adjudicated by other government agencies.

While these actions are significant progress toward restoring protections the previous Administration had gutted, important opportunities to further enhance access to justice remain. The Biden Administration must request robust appropriations for adequate funding for counsel for children and postpone children’s immigration hearings until they obtain lawyers. EOIR should direct immigration courts to re-open previous orders of removal issued in absentia for children who were not represented by counsel, and it should reinstate docket management tools, including the authority of immigration judges to grant continuances, which was curtailed under the Trump Administration. EOIR should also establish dedicated juvenile dockets presided over by a special corps of immigration judges who are guided by unaccompanied children’s best interests, steeped in trauma-informed interviewing and adjudication techniques, and who have attended trainings in which child welfare and protection experts participate.

The Administration should also reverse a Trump Administration action that restricted the use of Friends of the Court—attorneys who assist individuals in their cases without fully representing them. These attorneys can provide free legal information, explain claims for which a child may be eligible, and communicate with the court on behalf of a child.

Similarly, the Trump Administration restricted the use of independent child advocates, which promote the best interests of the child under child welfare guidelines.¹⁰ The Biden Administration should rescind this Trump-era guidance and replace it with one that properly reflects the role of child advocates as envisioned by the Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA).¹¹

Access to the Border and Humanitarian Reception

Early in his term, President Biden issued an Executive Order that sought to provide safe and orderly processing of asylum seekers at the border;¹² however, the Biden Administration has failed to take the steps necessary to create such a system or to allow migrants and asylum seekers to access protection in

⁹ *Matter of Cruz-Valdez*, 28 I&N Dec. 326 (A.G. 2021); Department of Justice, [EOIR Memorandum](#), “Administrative Closure,” Nov. 22, 2021.

¹⁰ Department of Justice, [EOIR Memorandum](#), “Child Advocates in Immigration Proceedings” (Nov. 15, 2019).

¹¹ William Wilberforce Trafficking Victims Protection Reauthorization Act, Pub. L. No. 110-457, 122 Stat. 5044 (2008).

¹² White House, [Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border](#), Feb. 2, 2021.

the United States. At the end of 2021, unaccompanied children still cannot safely present themselves to ask for protection at a formal port of entry.¹³

The failings of the Biden Administration to provide access to U.S. protection and humane reception include:

- The Administration has kept ports of entry closed to migrants, including unaccompanied children, seeking asylum in the United States despite reopening them to most other travelers, including vaccinated tourists. Because they cannot access regular ports of entry, children seeking safety must resort to dangerous routes to enter the United States between ports—a situation that places children in needless harm and stands in the way of orderly processing at the border.
- The Administration has kept in place a policy that unlawfully and disingenuously applies the federal public health law Title 42 to expel migrants at the border without offering them the opportunity to request asylum or other humanitarian protection. After a challenge in court, the Administration exempted unaccompanied children who arrive between official entry points from Title 42, but not from the port closures described above. Many children who flee harm accompanied by their parents, as well as single adult asylum seekers, thus remain shut out of avenues to safety. The Title 42 policy should be ended entirely.
- The Administration took significant steps to end the Migrant Protection Protocols (MPP), or “Remain in Mexico” policy – in which asylum seekers, including families with young children, are returned to dangerous border cities in Mexico and left vulnerable to criminal groups and human traffickers as they wait to make their case in the United States, a wait that can last months. However, after the memo ending the program was challenged in court, the Administration began working to restart the program in compliance with a court order—and even expand it to additional nationalities. While unaccompanied children are technically exempt from MPP, the policy has resulted in many documented cases of family separation as parents make the heart-wrenching decision to send their children to the border alone with the hope that at least their child will find safety. This unintended consequence has left children traumatized, alone, and with reduced legal protections.
- In September, the world saw the stark reality of inhumane treatment at the border through images of Border Patrol agents on horseback chasing terrified Haitian migrants seeking refuge in Del Rio, Texas. The Administration’s mass expulsion of Haitians, including families and children, even as Haiti stressed its inability to safely receive them due to ongoing political violence and two devastating earthquakes, reflects a disordered border policy.
- Over the course of 2021, thousands of unaccompanied children have been held in Customs and Border Protection (CBP) custody for longer than the 72-hour limit prescribed by the TVPRA and CBP’s own standards, with insufficient access to food, hygiene, outdoor exercise, or even light. The Administration has worked to reduce the average time a child spends in CBP custody, but prolonged CBP detention remains an urgent problem.¹⁴ Unaccompanied children are still held in

¹³ The Administration has claimed that a lack of capacity coupled with the COVID-19 pandemic necessitates these border restrictions. See *e.g.*, Declaration of David Shahoulian, *Huisha-Huisha v. Mayorkas*, Civ. A. No. 21-100 (D.D.C. 2021).

¹⁴ Reuters, “Thousands of Migrant Kids Stuck in U.S. Border Patrol Custody, Again,” by Mica Rosenberg and Go Nakamura, Aug. 3, 2021.

CBP hold rooms and facilities that resemble jail cells originally designed for adults and for only short-term use.

Preserving the health and well-being of children at the border requires that child-appropriate procedures, care, and staffing be prioritized through the placement of humanitarian and child welfare experts at all CBP facilities. In addition to safeguarding children, child protection professionals can free up CBP officers to perform the law enforcement functions for which they are hired and specially trained. For two years, Congress has recognized this need and directed DHS to hire or obtain the services of child welfare professionals at its southern land border ports of entry and border patrol stations. The Administration has failed to fulfill this directive.

The Administration can go further in creating a humane border by enlisting an international humanitarian actor, such as the UN Refugee Agency (UNHCR), to coordinate with DHS and the Department of Health and Human Services (HHS) to ensure the appropriate reception, screening, and care of children who arrive in the United States at or between ports of entry.

Ending Family Separation and Reunifying Families

In one of his first actions in office, President Biden issued an Executive Order establishing an interagency task force to reunify families who were separated at the border under the Trump Administration's cruel "zero tolerance" policy.¹⁵

- As of November 2021, the Task Force facilitated the reunification of 61 children with their parents, and an additional 206 children are in the process of being reunified.¹⁶ Prior to the creation of the Task Force, in response to a court order and through the work of organizations like KIND, 2,171 children were reunified with their parents. The Task Force has identified 1,703 separated children who have not yet been reunified with their families.
- The Task Force is working under challenging circumstances, including the almost total lack of recordkeeping documenting separations by the Trump Administration. To reach the parents who have yet to be reunited with their children, the Department of State's Bureau of Population, Refugees, and Migration is supporting a help desk to conduct targeted outreach to eligible families and to field questions or concerns they may have about registering for the government's reunification program. The Task Force is also assisting families with registering for reunification and with the logistics of returning to the United States.

Reunifying families who are still separated is only the first step in the process. All families affected by forcible separation need ongoing support in the form of legal and social services and a pathway to permanent lawful status in the United States. Many families in the United States, including children whose parents were deported, are still in removal proceeding before immigration courts. Without stable and secure immigration status, families risk the prospect of separation anew, and cannot fully focus on healing from the trauma they suffered at the hands of the government.

In addition to supporting families affected by separation, the Biden Administration should create a policy to prevent family separations from occurring now or in the future. The policy should make clear

¹⁵ White House, [Executive Order on the Establishment of Interagency Task Force on the Reunification of Families](#), Feb. 2, 2021.

¹⁶ Department of Homeland Security, [Interagency Task Force on the Reunification of Families](#), Nov. 29, 2021.

that parents and children should not be separated apart from exceptional cases where separation may be warranted for the child's well-being, such as in cases of human trafficking or other child welfare concerns. In these rare situations, a child welfare professional should conduct an assessment before the separation occurs and recommend separation only when justified under specific criteria and approved by supervisory review. The Administration's request for public input on ways to minimize the separation of migrant children from their parents or guardians may be a first step in making such a policy a reality.¹⁷

ORR Care and Custody for Unaccompanied Children in U.S. Custody

As noted above, early in 2021, President Biden exempted unaccompanied children from Title 42 and those children who were apprehended between ports of entry were allowed to enter the United States and apply for legal protection for the first time in a year. As a result of pent-up demand for protection and ongoing economic and political turmoil, violence and persecution in Central America, large numbers of children presented themselves for protection in a short amount of time.¹⁸ The high number of unaccompanied children arriving outgrew the capacity of ORR shelters which were running at reduced capacity due to COVID-19 restrictions and led to prolonged detention of children in CBP custody.

- To relieve the pressure on CBP facilities holding children for longer than the 72-hour limit under the TVPRA, the Biden Administration established emergency intake sites (EIS), which are large, non-licensed, institutional facilities established by ORR that provide fewer services to children than both temporary "influx" facilities and permanent, licensed shelters. At some points, children have been held in these facilities for extended periods of time in harsh conditions, without adequate food, water, qualified staffing, or trauma-informed medical care.
- Although EIS may have originally been necessary to handle an unexpected number of arriving children, their prolonged use runs contrary to the *Flores* Settlement Agreement and the TVPRA, which set forth the standards for the treatment, care, and release of all children in federal immigration custody; require that children are held for the shortest amount of time possible and are cared for in licensed facilities that meet certain standards; and establish a preference for release of children from detention to the care of parents and other family members in the community.¹⁹
- The largest EIS, in Ft. Bliss, Texas, provides up to 5,000 beds; the Administration has considered expanding its capacity to 10,000. These large, warehouse-style facilities are not well-equipped to meet the needs of children.

The Administration should end the use of all EIS and solely use small, licensed facilities for the custody of children. Eliminating any future need for large, non-licensed facilities and expanding ORR's capacity to provide state-licensed placements for children in family-based settings will require additional funding for ORR, and the Administration has requested additional appropriations for this purpose.

¹⁷ Federal Register, [Identifying Recommendations to Support the Work of the Interagency Task Force on the Reunification of Families](#), Dec. 10, 2021.

¹⁸ See Congressional Research Service, [Increasing Numbers of Unaccompanied Alien Children at the Southwest Border](#), Aug. 5, 2021.

¹⁹ *Flores v. Reno*, No. CV 85-4544-RJK (C.D. Cal. Jan. 17, 1997) ("*Flores* Settlement Agreement" or "*Flores*").

The Trump Administration wanted to terminate the *Flores* agreement and wrote draft regulations to eliminate the basic child welfare safeguards it provides to protect migrant children in the U.S. immigration system. The draft regulations redefined the minimum standards of care for future unaccompanied immigrant children in federal custody and expanded the government’s ability to detain families. Among other harms, terminating *Flores* would shield HHS from the necessary oversight that is the bedrock to ensuring accountability under the settlement. After initially signaling it would enact the Trump-era regulations, the Biden Administration in early December 2021 said it would not move forward with them. HHS should take this opportunity to re-envision the system and work with children’s rights lawyers, child advocates, and experts in children’s health to write regulations that robustly focus on the best interests of the children affected and strenuously maintain the government’s obligation to protect them.

The Biden Administration has made some policy changes that will help protect children in ORR care and expedite their release, however, including:

- The Administration terminated a 2018 Memorandum of Agreement between HHS and DHS that led to ORR sharing information about unaccompanied children in its care with immigration enforcement agencies. The agreement had a chilling effect on sponsors and potential sponsors of children coming forward to accept custody of children, thus prolonging the children’s time in custody, and it undermined client confidentiality.
- The ORR Field Guidance was changed to expedite the release of certain unaccompanied children to parents or legal guardians using specialized procedures.²⁰
- The Administration expanded eligibility for long-term foster care placements for certain unaccompanied children. This change will help minimize children’s time in large facilities and more rapidly place them in appropriate homelike settings.²¹
- ORR began assisting sponsors in completing the sponsor application packet in certain cases to expedite the process.²²

Addressing the Root Causes of Child Migration and Strengthening Regional Protections in Central America and Mexico

The Administration recognizes the multifaceted drivers of migration and is committed to investing in solutions to address these root causes, with a particular focus on Central America.

Vice President Kamala Harris is leading the Administration’s diplomatic efforts to address the root causes of migration from El Salvador, Guatemala, and Honduras. She has enlisted private sector and civil society partners to help improve conditions in the region. The Agency for International Development (USAID) is administering this potentially innovative approach to foreign assistance.

Still, more must be done to dedicate resources to address the root causes that compel children to flee their countries to seek safety, including community violence and insecurity, interpersonal and gender-based violence, extreme poverty, lack of educational and economic opportunity, systemic inequality and discrimination, and the devastating impacts of climate change. Gender-based violence in particular—

²⁰ Department of Health and Human Services, [ORR Field Guidance 10](#), Mar. 22, 2021.

²¹ Department of Health and Human Services, [ORR Field Guidance 18](#), June 21, 2021.

²² Department of Health and Human Services, [ORR Field Guidance 14](#), May 5, 2021.

including child abuse, intimate partner violence, sexual violence by gangs, human trafficking, and sexual exploitation—is a leading driver of child migration that requires increased attention and resources.

The Biden Administration has laid the groundwork for a strategy to address the root causes of migration, outlined below:

- President Biden issued an Executive Order in February 2021 to develop comprehensive strategies to manage regional migration and address the drivers of migration from Central America.²³ After consultations, the Administration published its *Strategy for Addressing the Root Causes of Migration from Central America* in July 2021.²⁴ Compared to previous approaches, the Biden Administration’s strategy focuses more on youth, human rights, and gender-based violence.
- Aligned with the strategy’s goal to build partnerships, the Administration launched a call to action and announced the Partnership for Central America to bring together government, civil society, philanthropy, and private sector partners to identify and implement sustainable solutions that address the root causes of migration from Central America.²⁵ The Partnership has the potential to broaden stakeholders and leverage resources, but it must be developed with a gender and child-centered lens to have an impact. Vice President Harris recently announced that businesses and social enterprises have invested more than \$1.2 billion in response to the call to action.²⁶
- The President’s Budget Request for fiscal year 2022 includes \$861 million in assistance to Central America to help address the root causes of migration, which represents a first step in meeting the President’s pledge to invest \$4 billion in the region over the next four years.²⁷
- The White House released the first-ever *National Strategy on Gender Equity and Equality*, a whole of government strategy that explicitly includes recommendations to address gender equality in immigrant communities and recognizes that gender-based violence and gender inequality are factors that drive migration from Central America and around the world.²⁸ The strategy calls for action plans that are currently being developed by U.S. government agencies.
- USAID announced several promising reforms, including a goal to direct more aid to local organizations. This effort is being piloted with the Centroamérica Local initiative, a five-year initiative to invest up to \$300 million in local organizations in El Salvador, Guatemala, and Honduras to address the root causes of migration to the United States.²⁹

²³ White House, [Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border](#), Feb. 2, 2021.

²⁴ White House, [FACT SHEET: Strategy to Address the Root Causes of Migration in Central America](#), July 29, 2021.

²⁵ White House [FACT SHEET: Vice President Harris Launches a Call to Action to the Private Sector to Deepen Investment in the Northern Triangle](#), May 27, 2021.

²⁶ White House, [Vice President Kamala Harris Announces New Commitments as Part of the Call to Action for the Private Sector to Deepen Investment in Central America, Now Totaling Over \\$1.2 Billion](#), Dec. 13, 2021.

²⁷ White House, [FACT SHEET: The President’s Budget for Fiscal Year 2022](#) (May 28, 2021).

²⁸ U.S. Agency for International Development, [National Strategy on Gender Equity and Equality](#).

²⁹ U.S. Agency for International Development, [USAID Announces Centroamérica Local Initiative to Empower Local Partners in El Salvador, Guatemala, and Honduras](#), Nov. 4, 2021.

Addressing the root causes of migration will take time. In the interim, migrant children must be protected while in transit throughout the region including Mexico, and new and expanded refugee processing and resettlement programs are needed to provide safe, legal alternatives for those in need of urgent protection.

Efforts to manage migration in the region and expand pathways to protection also progressed with some positive developments. In July 2021, President Biden issued a Collaborative Migration Management Strategy focused on working with regional governments to strengthen cooperative efforts to manage migration in a manner that is safe, orderly, and humane.³⁰ The strategy includes promising actions, such as expanded access to protection in countries of origin and in other countries in the region, increased access to pathways for protection in the United States, and assistance for populations with acute needs. This approach stands in stark contrast to the last Administration, which emphasized regional cooperation almost exclusively through a law enforcement lens.

The Biden Administration's decision to relaunch and expand the Central American Minors (CAM) program will allow certain children in El Salvador, Guatemala, and Honduras to reunite with a parent or legal guardian lawfully present in the United States through application for refugee resettlement while "in country" without having to undertake the dangerous journey to the United States alone. Before it was terminated in 2017, the program helped 3,000 children arrive safely and reunite with their parents in the United States.

The Biden Administration's work to restart CAM is an encouraging development, but the program is currently failing to achieve the intended impact of protecting children and reducing irregular migration. To provide a meaningful alternative to dangerous migration journeys, the Administration must accelerate implementation, further expand eligibility, dramatically increase outreach and assistance to eligible families, and provide counsel to children in the program.

To prepare for future unexpected influxes of unaccompanied or separated children from far-away countries like Afghanistan, the U.S. government and national and international organizations should collaborate in implementing a streamlined and coordinated approach to support transnational family reunification and resettlement, engage non-governmental actors, coordinate the protection of children throughout the U.S. immigration process, and ensure that children have access to appropriate services, including assistance in processing trauma. The Administration's current approach to unaccompanied Afghan children violates the requirements of the TVPRA and requires a systemic change.

Unfortunately, some elements of the Administration's strategy continue to double down on security-based deterrence, which puts migrants at increased risk and runs counter to the stated goal of promoting safe, orderly, and humane migration. Moreover, elements of these strategies rely on public messaging campaigns to discourage migration. This type of deterrence has not been effective, ignores the difficult migration decisions that families confront as they face grave and immediate danger in countries of origin, and suggests that individuals, including children, should not seek safety when necessary.

The strategy highlights important efforts to protect migrants in transit, such as supporting Mexico's asylum system, providing legal and social services to asylum seekers, and scaling up protection efforts

³⁰ White House, [FACT SHEET: The Collaborative Migration Management Strategy](#), July 29, 2021.

for at-risk groups, including children and families. However, these efforts have been slow to expand. In contrast, immigration enforcement has been increasingly brutal, as regional actors, with U.S. support, have doubled down on deterrence efforts that violate the rights of migrants and put children's lives in danger. As the Administration works with Mexico to address migration, it must focus on strengthening Mexico's capacity to protect migrants and receive asylum seekers. Building up Mexico's infrastructure to receive migrants could be a benefit to many unaccompanied children who wish to remain but should not be viewed as a means of preventing migrants from accessing protection in the United States.

As a whole, these actions are an ambitious first step to addressing the root causes of migration and strengthening regional protections, but implementing the strategies will require continued focus and robust investment that is child-sensitive and prioritizes the drivers of child migration.

Successful U.S. Integration or Safe Return and Reintegration in Countries of Origin

Children transitioning into lives in the United States are poised to make vital contributions to their communities, but the experience of detention, separation, and prolonged and complex immigration proceedings can often cause harm and create a difficult transition. The Administration should work to ensure that children receive the necessary post-release case management services to set them up for the greatest success. Post-release services and integration support for unaccompanied children should mirror the benefits and services provided to children arriving in the United States through the unaccompanied refugee minor program, which can include health, social and emotional, educational, and vocational support for children.³¹ HHS, DHS, and EOIR should also work to ensure that children have information on the importance of applying for legal permanent residence and citizenship.

Children should never be returned from the United States when it undermines their safety. In situations where a child is provided counsel and a fair hearing, does not qualify to remain in the United States, and can be returned safely, the U.S. government must ensure that children are returned in a safe, child-sensitive manner and receive comprehensive reintegration services upon arrival in their country of origin. Comprehensive reintegration services are not only necessary for a returning child's safety and well-being but have also been shown to mitigate the need for children to re-migrate. In the Administration's *Collaborative Migration Management Strategy*, assisting and reintegrating migrants, including targeted support for migrant children, is listed as one of the key areas of effort. However, to date, little progress has been made on implementation and no new resources are available for returning migrant children.

Conclusion

The Biden Administration has drawn a strong distinction in policy and rhetoric from many of the harmful actions of the prior Administration. During its first year, the Biden Administration has laid the groundwork for a return to a more humane and orderly migration system. But much work remains to be done, and in too many cases, the Biden Administration has failed to end policies established by the Trump Administration that needlessly undermine children's safety.

³¹ The Unaccompanied Refugee Minors Program serves unaccompanied minors with refugee status identified overseas who entered the United States without a parent or custodian. For more information, see <https://www.acf.hhs.gov/orr/programs/refugees/urm>.

A full discussion of KIND's recommendations moving forward can be found in KIND's 2020 *Blueprint: Concrete Steps to Protect Unaccompanied Children on the Move*. In summary, the Administration must:

- Provide legal counsel for all unaccompanied children in immigration proceedings.
- Reopen ports of entry to all unaccompanied children and migrants seeking humanitarian relief and end the use of Title 42 and MPP.
- Deploy child welfare professionals to lead in the processing of children seeking protection at the border.
- Formalize a policy to prohibit the separation of families except in extreme cases where it is necessary for the protection of children.
- Take urgent steps to end the use of EIS and shelter children in small, licensed facilities or homelike settings for the shortest time possible until they can be united with sponsors.
- Implement strategies to address the root causes of migration and provide safe, legal pathways for children in need of protection
- Expand services for unaccompanied children after the resolution of their immigration cases to help put them on a path to stability and hope for their future.

KIND stands ready to work with the Administration to protect children during each stage of their migration journey.