

Why Do Unaccompanied Children Need Protection?

Though many issues today seem intractable, as lawmakers debate broader immigration issues on Capitol Hill and in legislatures across the nation, the protection of unaccompanied children has emerged as a rare space for bipartisan progress. Implementation of practical measures to both safeguard these children and streamline our immigration system to promote efficiency and fairness is not only possible, but already playing out. This guide answers tough questions about unaccompanied children and offers common sense, practical solutions for starting down a new path of child protection in the United States grounded in the principle that all kids deserve protection, regardless of their immigration status.

Key Facts About Unaccompanied Children in the United States



Unaccompanied children are young people (under 18 years old) who come to the United States without a parent or legal guardian or are separated at the border from a parent or legal guardian.



Each year, more than 100,000 unaccompanied children from all parts of the world arrive in the United States seeking protection. From places such as Afghanistan and Ukraine, to Haiti and Honduras, children alone are fleeing political unrest, violence, gangs, human trafficking, environmental disasters, and other life-threatening dangers. They range in age from toddlers to teenagers. In 2023, nearly 150,000 children arrived at the U.S.-Mexico border unaccompanied by a parent or legal guardian.



The United States is not alone in seeing a rise in child migration. Across the globe, a record number of children are migrating alone due to war, poverty, violence, disease, climate, and political upheaval. By the end of 2022, over 43 million children were forcibly displaced from their homes. More than half of the world's 26 million registered refugees are children. Many of these children migrate alone, without a parent or guardian. Many countries are wrestling with how best to protect these children.



Although critical legal protections exist to protect unaccompanied children, far more must be done to adequately protect these vulnerable children.



Unaccompanied children are placed in an immigration court system designed for adults and without guaranteed access to counsel.



Unaccompanied children with legal counsel are nearly 100 times more likely to receive legal relief than those who face immigration proceedings without an attorney.



The need to protect unaccompanied children does not exist only at country borders and inside courtrooms. Unaccompanied children are kids in our care and need safety in our communities. As with all children, they need access to education, psychosocial support, health care, and other services to remain protected.

Frequently Asked Questions

Why should we care about unaccompanied children?

Unaccompanied children are children seeking safety who need and deserve the protection and care we strive to provide for all children. Many of these children have fled significant harm and dangers in their countries of origin and have either temporarily or permanently been without the protection of a safe family environment. As with all particularly vulnerable children, we should ensure that unaccompanied children receive the assistance and protection they need.

Why should we let unaccompanied children into the United States? Can't they stay in their home countries or at the border?

Most of these children are fleeing dire circumstances of violence and other harm; they come to the United States seeking protection. They are particularly vulnerable, having traveled hundreds or thousands of miles alone to seek safety. We need to hold other countries accountable for the protection of children, as well as stop smugglers and traffickers from exploiting children in their home countries and along migration routes. In the meantime, when unaccompanied children reach our doorstep, we have a responsibility to ensure they are safe from harm. Sending them back to their countries or to northern Mexico without first determining their reasons for coming to the United States can lead to further danger for the child and the possibility of repeating the cycle of unregulated migration. As a nation that values the protection of children, we must recognize that for a child to undertake such a dangerous journey to seek safety is a clear indication that the child felt they had no other options to stay safe.

By letting the unaccompanied kids into the United States, aren't we helping human traffickers?

Combatting human trafficking requires efforts to protect children throughout their migration journey, including when they reach the border. Traffickers prey on vulnerability, so eliminating vulnerability, in addition to enforcing laws designed to protect victims, is important. Screening children for signs of trafficking and other safety concerns is an important responsibility of law enforcement. Children deserve protection from all forms of exploitation that lead to forced migration, but while protection gaps remain, those facing this danger will continue to come to the border seeking help. When they do, we must meet the call to ensure that they are safe. The challenge is to create more legal pathways so unaccompanied children can seek protection without having to undertake dangerous journeys alone, during which they could potentially fall prey to criminal exploitation.

Won't the issue of immigrant kids and child labor stop if we stop allowing kids in?

Unaccompanied children who need protection will continue to search for safety in the United States, regardless of U.S. immigration policy. Closing legal and safe doors to protection only opens up avenues for other problems, including increased instances of child labor abuse and other exploitation. We can't close our borders and our eyes to the dangers driving these unaccompanied children to seek safety here. That is inconsistent with who we are as Americans and our commitment to protecting the most vulnerable among us. This conversation should not be about whether to protect kids, but how we ensure their safety.

Why should we spend money on these kids?

Investing in children is investing in our present and our future. Many of the unaccompanied and separated children who come to the United States will be reunited with family members or other sponsors who are already members of a community. Ensuring that newly arrived children are enrolled in school and have access to health care and other vital services available to their peers is the best way to ensure stability and safety for the child, deter exploitation, and build stronger and more successful communities. Whether the child is permitted to remain in the United States or eventually returns to their home country, meeting their needs during the time it takes to determine that outcome ensures that they can thrive, learn, and contribute to society. Taking care of their needs humanely and compassionately helps these children build the foundation they need no matter what their future holds. For the children who do remain in the United States, the support they find in their communities will determine whether they are later prepared to succeed and give back to this country. But local communities should not have to grapple with this question alone—states and the federal government should work with counties, cities, and towns to ensure that all children have what they need to flourish.

Why should kids have representation?

To treat these children with the care that all children deserve, we must make sure they have a chance to fairly make their case for U.S. protection in the immigration system. This means providing children with attorneys, a step that already has bipartisan support. We need to get to the bottom of each child's story to determine whether they need protection in the United States. The assistance of an attorney ensures that the child has a trusted adult who can help navigate the immigration court system and guard against other potential dangers such as child labor exploitation.

Can anything meaningful be accomplished on immigration when the issue has become so divisive?

Yes. A recent bipartisan, bicameral bill—the *Immigration Court Efficiency and Children's Court Act of 2023* (S.3178/H.R.6145)—is an important example. The bill creates a children's docket in immigration court for unaccompanied children presided over by specialized judges. This focused docket will help ensure a child-centered legal process while also making the immigration court system more efficient, which can help reduce the three million case backlog. The bill demonstrates that immigration policies can be pragmatic, fiscally responsible, and consistent with the value of protecting children.

Unaccompanied Children's Stories

The Danger is Real

Isaias never forgot the first time he realized he was not safe in his home country of Honduras. One night, when he was 10 years old, gang members burst into the home he shared with his mother. Isaias and his mother ran out the back of the house and scaled a wall to reach a neighbor's roof, but a shot rang out behind them, and his mother fell. Isaias knelt by his mother's side as the gang members caught up with them and shot his mother three more times. A gang member put a gun to Isaias' head, but another member said not to shoot because he wasn't who they were looking for. Danger to his safety increased as he grew, so he decided his only chance to be safe was to come to the United States.

Unaccompanied Children Want to Give Back

Celeste, from Honduras, remembers her first day of school in the United States when she was 14. She went with her mom. They had only been together for three days after not seeing each other for 10 years. School has always been important to Celeste; her professional career and development is the only pathway she sees to economically give back to her mother and grandparents. "I have always wanted to get good grades. I was worried about how I would do that being here [the U.S.] and without speaking English," she said. But she did it – and then some. She graduated high school with honors and is in college on a full-ride scholarship, pursuing political science and pre-law degrees. "Looking back to when I was 14 made me realize the long way I've come...my new friends, my English learning process, mentors, goals, and my new living environment," she said. "It was hard, but I came out ahead thanks to my mother, KIND, and my attorney."

An Attorney and Patience Make a Difference

Abdirahman was 17 when he came to the United States from Somalia to seek safety and escape the dangers he faced at home. He was referred to KIND for legal representation. As his case was proceeding through the U.S. immigration system, he started to build a life. He learned English, which was his favorite subject in school. He wrote an essay in school called, "English: The Key to America." He received his high school diploma and college credits at a community college. He found a job and focused on school and work. The years went by and his case was still not finalized. He focused on his family, school, and work and tried not to dwell on his immigration status. "Patience is the key of life," he said. "It leads to the future. For example, my green card: it took longer than expected...as long as I'm doing what I need to do....that's something that I could not control." After eight years, his green card finally arrived. Abdirahman credits his KIND pro bono attorney for supporting him through the years and helping him achieve his ultimate goal of safety and security in the United States. Without a pro bono attorney, Abdirahman said, "I couldn't have made all the achievements that I made, and I couldn't have the hope that I have today. I don't know how it would be, but I believe it could be hardly like it is today."

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