

KIND BLUEPRINT 2024

Practical Solutions that Protect Unaccompanied Children Seeking Safety

Executive Summary

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Kids in Need of Defense's (KIND) Blueprint comprehensively examines issues and policies affecting unaccompanied children and recommends practical administrative actions that the U.S. government can take to improve child protection and well-being while also contributing to safe, orderly, and humane migration processes and government efficiency. Uplifting the protection of unaccompanied children as a collective priority and necessity for children, communities, and sound government operations, the Blueprint articulates a promising and actionable vision.

Protecting Unaccompanied Children in the United States

- **The U.S. government should ensure legal representation for unaccompanied children in immigration proceedings.** Many children do not have an attorney to assist them in understanding complex legal processes and immigration laws. This gap compromises the fairness of immigration proceedings, risks the return of children to harm, exacerbates children's vulnerability to human trafficking and exploitation, and contributes to government inefficiencies. The Office of Refugee Resettlement (ORR) should request and dedicate significant funds from the Unaccompanied Children Program to support legal services for the greatest number of unaccompanied children possible, and partner with nonprofits and the private sector on nationwide initiatives to expand legal representation.
- **The U.S. government should ensure appropriate reception, screening, and care of unaccompanied children consistent with federal anti-trafficking law and related legal protections and standards.** These efforts should leverage the expertise of professionals with child welfare expertise, including through the hiring and deployment of licensed child welfare professionals at southern border sectors by the Department of Homeland Security (DHS). The government must ensure that unaccompanied children are never subject to expedited removal, turnbacks, or border closure policies, in violation of U.S. and international law, and should consider the impact of any border policies on family unity and access to protection.
- **ORR should fully implement the Unaccompanied Children Program Foundational Rule and uphold all required standards to protect children's well-being and support the government's preparedness amid increases in child migration globally.** The federal government should counter any congressional efforts to repeal or defund implementation of the rule, which was promulgated to implement the longstanding *Flores* Settlement Agreement and to set forth child welfare best practices touching on nearly every aspect of a child's time in care and their safe reunification with family. Such efforts could undermine children's protection from trafficking and other harm and result in prolonged detention of children. ORR should continue to support placement of children in licensed, small-scale or family-based placements. It is also imperative that ORR maintain its independence from the law enforcement functions of other federal departments and agencies to best effectuate its child welfare mission.
- **ORR should ensure robust oversight and monitoring of ORR-funded programs and facilities, including enhanced monitoring of programs in states where state licensing is not available.** ORR should publish for consideration proposed regulations related to federal licensing of ORR facilities and support implementation of the new Unaccompanied Child Office of the Ombuds, as provided for by the Foundational Rule. The federal government should ensure appropriate access and authority for the Ombuds to enable proactive investigations and issue additional rulemaking to ensure the most robust monitoring and complaint mechanisms possible.
- **The federal government should expand government-wide efforts to combat child labor trafficking and exploitation.** ORR should provide information to children and sponsors about child labor laws, rights, and ways to report violations. The Department of Labor (DOL) should actively enforce compliance by employers and request increased funding from Congress for these efforts while supporting congressional action to increase civil monetary fines for violations. Efforts by the Department of Education to improve unaccompanied children's access to education can further promote safe and healthy integration into communities and reduce children's vulnerability to exploitation and other harms.
- **The Executive Office for Immigration Review (EOIR) should fully implement specialized children's dockets to improve the fairness and efficiency of immigration proceedings.** Reforms that leverage child-appropriate practices and adjudication can help ensure full and fair consideration of children's cases while reducing delays and driving efficiencies in proceedings. EOIR should engage with local and regional pro bono committees to maximize opportunities for qualified attorneys to be present at court to share legal information, assistance, and referrals.

- **DHS should continue to defer filing of a child's Notice to Appear until the child has time to reunify with a sponsor.** Federal agencies should ensure timely and consistent adjudication of children's petitions for Special Immigrant Juvenile Status (SIJS), asylum, and employment authorization.
- **ORR should offer enhanced post-release services to all unaccompanied children to protect their well-being, reduce vulnerability to human trafficking and exploitation, and support children in becoming engaged members of their communities.** In addition to other assistance including psychosocial services, family reunification support, and access to health care, access to education remains critical for children's integration. The Department of Education's Office for Civil Rights should request adequate funding to enforce laws pertaining to the right to a free public education regardless of immigration status, and the federal government should reject any efforts to curtail children's access to K-12 education. U.S. Citizenship and Immigration Services should expand targeted outreach to provide unaccompanied children with information about the naturalization process and help them overcome barriers to applying.
- **The federal government should ensure the well-being of children who are ordered removed or who choose to voluntarily depart the country through the coordination of predeparture planning and return and reintegration services.** Such programming not only helps ensure children's safety and stability in their countries of origin but also reduces the likelihood that children will be compelled to re-migrate to find protection. Return and reintegration efforts should be led by professionals with expertise in child welfare and migration.
- **The federal government should uphold family unity and take steps to prevent unnecessary separations of children from parents and other family caregivers when making and implementing border and immigration policies.** The federal government must ensure full compliance with the *Ms. L* settlement, including provisions related to future separations and streamlined processes by which eligible families can apply for humanitarian protection. DHS should implement robust policies to ensure consideration and prioritization of children's best interests in any separation decisions; ensure regular training; and provide for a rigorous review process. As part of those policies, prior to any separation by Customs and Border Protection of a child from a parent or legal guardian due in whole or part to child safety concerns, a DHS Office of Health Security-hired child welfare professional should assess relevant child welfare considerations.

Protecting Children Beyond U.S. Borders

- **The federal government should deepen its leadership in addressing root causes of child migration to help children find protection closer to home and reduce the need to undertake dangerous journeys to find safety.** The U.S. government should dedicate significant foreign assistance to address drivers of migration and direct efforts toward communities and regions experiencing high levels of forced migration and displacement, prioritizing community-based violence prevention and response, especially as it affects children, youth, and women; programming to support access to education and other opportunities; and capacity building for child welfare and child protection systems. These efforts should address not only children fleeing Central America but also those forced to migrate through the Darien Gap and the region in search of protection from harm in countries such as Haiti and Venezuela.
- **The U.S. government should expand existing refugee processing and resettlement mechanisms to provide safe, legal alternatives for those in need of international protection.** Such measures should include improvements to in-country refugee processing initiatives such as the Central American Minors Program to help vulnerable children access protection mechanisms without dangerous journeys, thereby relieving pressure at the U.S.-Mexico border. Additional efforts should create opportunities for unaccompanied children to access regional refugee processing centers, such as Safe Mobility Offices.
- **Mexico and the United States should partner in the creation and implementation of robust protections for children on the move.** Such collaboration can not only safeguard vulnerable populations from trafficking and other harm but also advance U.S. interests by promoting regional stability, reducing irregular migration, and enhancing bilateral cooperation. U.S. agencies should focus diplomacy and foreign assistance on strengthening the capacity of Mexico's asylum agency, child protection system, and national child welfare agency, and ensure children's access to protection as provided for under Mexican, U.S., and international law. The United States and Mexico should formalize and expand binational coordination mechanisms that ensure the safe transfer of unaccompanied children to the United States when it is in the child's best interests.