



Statement for the Record by Kids in Need of Defense (KIND)
“Another Biden Blunder: Missing Unaccompanied Alien Children and Criminal Sponsors”
Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
September 17, 2025

Kids in Need of Defense (KIND) is the leading U.S.-based organization dedicated to the protection of unaccompanied children. KIND was founded by the Microsoft Corporation and the United Nations Refugee Agency (UNHCR) Special Envoy Angelina Jolie. We have provided legal representation to more than 16,000 children in U.S. immigration proceedings, provided legal rights education to more than 75,000 children in the United States, and formed pro bono partnerships with over 800 corporations, law firms, law schools, and bar associations to provide children with pro bono representation. KIND’s social services program facilitates the coordinated provision to unaccompanied children of counseling, educational support, medical care, and other services. KIND also helps children who are returning to their countries of origin to do so safely and to reintegrate into their home communities. KIND’s programs in Mexico and Central America work to address the root causes of forced migration and help protect the safety and well-being of migrant children at every phase of their migration journey. Through its European Initiative, KIND and partners in Belgium, France, Greece, Ireland and the United Kingdom work to ensure access to high quality pro bono legal assistance for unaccompanied children in Europe.

Each year, thousands of unaccompanied children arrive to the United States, having fled extreme violence, sexual abuse, human trafficking, and other dangers in their countries of origin. Many of these children come from countries across Central America, and increasingly, from throughout the Western Hemisphere, as global displacement has reached historic levels due to war, political unrest, natural disasters, and other threats in many parts of the world. Unable to find safety in their countries of origin, children are often forced to undertake dangerous journeys, and once in the United States, face complex immigration proceedings. These children, many of whom have experienced severe trauma, confront numerous obstacles after arrival, including limited resources, language barriers, and the need to navigate the complex U.S. immigration system, often on their own.

Recognizing the unique vulnerability of unaccompanied children, Congress created fundamental procedural protections designed to help these children fairly access protection and navigate immigration proceedings to prevent their return to harm or exploitation. These safeguards, enacted on a broad bipartisan basis through the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), build

upon foundational child welfare safeguards for all children in federal immigration custody that are embodied within the *Flores* Settlement Agreement, signed by the federal government in 1997.

KIND submits this statement for the record at a time of deep concern regarding the Trump Administration's treatment of unaccompanied children. Recent administration actions have contravened the TVPRA, threatened children's return to trafficking and other dangers without meaningful opportunity to seek protection in the United States, kept children apart from their families, and needlessly left them in prolonged government custody at grave expense to their well-being. We encourage Congress to exercise vigorous oversight of these troubling actions, defend the TVPRA's longstanding safeguards, and ensure that unaccompanied children receive legal and other services vital to protecting their welfare.

Rather than ensuring unaccompanied children's placement with safe sponsors, the Trump Administration has taken actions that often prevent placement with sponsors at all, including by illegally seeking to remove children from the sponsorship process in the United States and instead summarily return them to the same countries and dangers they fled.

A whole-of-government approach is necessary to safeguard unaccompanied children, and ensuring these children's placement with safe sponsors in the United States while their legal cases transpire is a crucial element of that approach. Unfortunately, this Administration's actions serve to prevent children from being placed with the sponsors most likely to meet their best interests and often have prevented children from being placed with sponsors at all, leaving them separated from loved ones and without a safe home.

Mass summary returns of Guatemalan unaccompanied children: An illegal circumvention of the sponsorship process.

The Trump Administration recently sought to summarily return over 600 Guatemalan unaccompanied children who are in ORR custody, even though many of those children feared returning to their country of origin, many had already applied for humanitarian protection in the United States and others were in the process of preparing applications, and many were pending sponsor placements in the United States. This attempted mass return violated statutory protections that provide these children the opportunity to have their claims for legal relief in the United States considered prior to their return, and it threatened return of children to dangerous situations that they had fled without concern for their safety post-return. In addition, in advance of these attempted returns, ORR prohibited sponsor placements of many Guatemalan children in its custody, regardless of whether those placements were safe and served children's best interests. Reporting indicated that "the administration directed federal field specialists, who serve as regional liaisons to care providers and stakeholders, to cease all releases of Guatemalan children into the custody of certain sponsors, like relatives. They were also told to halt approvals of sponsors for Guatemalan children who are in government custody and don't have a parent in the United States, according to guidance reviewed by CNN."¹

¹ Priscilla Alvarez, *Exclusive: Trump administration plans to send hundreds of Guatemalan children in government custody back to home country*, CNN, Aug. 29, 2025, available at: <https://www.cnn.com/2025/08/29/politics/migrant-kids-guatemala-immigration>.

The Department of Justice (DOJ) initially represented to the federal court that all of these children's parents in Guatemala had requested their return. But a report from the Guatemalan government came to light revealing that only a fraction of these parents had been contacted regarding the prospect of their children's return and that many had rejected this possibility, including due to safety concerns. DOJ later retracted its claim, acknowledged that it had lacked any factual basis. Indeed, one of the impacted Guatemalan children stated in a sworn declaration that her mother in Guatemala had died, and that her father and other surviving family members there had abused her. The Trump Administration therefore not only sought to deny children safe sponsor placements in the United States; it intended to return children to situations in Guatemala where they would face the risk of further abuse and other harm.

Other recent actions/changes that have deprived unaccompanied children of safe sponsor options include:

- **Information sharing for immigration enforcement purposes:** The Administration has consistently taken actions to broaden the sharing of ORR information with the Department of Homeland Security (DHS) in ways that undermine ORR's mission to provide for unaccompanied children's welfare. First in an executive order² and later in an interim final rule,³ the Administration encouraged information sharing and eliminated existing restrictions on ORR's collection and sharing of immigration status information—restrictions that existed for purposes of maintaining ORR's role as distinct from immigration enforcement and focused on upholding children's well-being. Reporting brought to light that ORR permitted ICE personnel to access its Unaccompanied Children's Portal, a database containing a wide array of sensitive and confidential information about children and their potential sponsors.⁴ Such actions threaten to deter sponsorship of unaccompanied children and compel many children to remain in federal government care indefinitely.
- **Deliberately restrictive sponsorship requirements:** ORR has created a new requirement that all potential sponsors, adult members of their households, and alternate caregivers listed in an unaccompanied child's proposed care plan present original, unexpired documents when attending fingerprint appointments and provide ORR with color copies of original, unexpired documents to confirm their identity.⁵ The new requirements pose significant delays in release for children, as potential sponsors and others in the care plan may lack access to unexpired documents if, for example, their foreign passports have expired, or may decline to engage with ORR due to fear of increased enforcement. Further, ORR modified its policies to significantly narrow the kinds of documentation that potential sponsors of unaccompanied children may

² Executive Order 14159, *Protecting the American People Against Invasion*, Jan. 20, 2025, available at: <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02006.pdf>.

³ *Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements*, 90 Fed. Reg. 56, Mar. 25, 2025.

⁴ Ximena Bustillo, *ICE officers granted access to unaccompanied minors database*, NPR, Feb. 14, 2025, available at: <https://www.npr.org/2025/02/14/g-s1-48979/ice-unaccompanied-minors-database>.

⁵ Office of Refugee Resettlement, Field Guidance #26, *Fingerprint Background Checks and Acceptable Supporting Documentation for a Family Reunification Application*, Feb. 14, 2025, available at: <https://acf.gov/sites/default/files/documents/orr/ORR-FG-26-Revised-Fingerprint-Requirements-for-Sponsors-and-HHM--02-14-2025-.pdf>.

provide to prove their identity, address, and relationship to the child, and to require that sponsors provide proof of income, including through the presentation of U.S. tax filings, pay stubs from the last 60 days, or a letter from their employer verifying their salary and employment.⁶ The agency also issued field guidance requiring DNA testing of all potential sponsors claiming a biological relationship with an unaccompanied child.⁷

- ***Targeting unaccompanied children and their sponsors for immigration enforcement:*** Subsequent to issuance of an ICE memorandum on establishing an “operational initiative to locate unaccompanied children,”⁸ agents from ICE and Homeland Security Investigations (HSI)—and in some cases federal personnel from other agencies such as the Federal Bureau of Investigations (FBI), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and Drug Enforcement Administration (DEA) —began conducting “wellness checks” on unaccompanied children throughout the country, typically at children’s homes, based on prepared target lists. During checks, agents may be armed and in tactical gear, surround the child’s home, and request to speak with the child and their sponsor. Reporting indicates that nearly 500 children have been returned to ORR custody following “wellness checks,” in some cases due to immigration enforcement against their sponsors.⁹

As a consequence of these often overly restrictive policies and the chilling effect created by sweeping enforcement against sponsors, the duration of unaccompanied children’s government detention has soared. From October 2024 to July 2025, the average length of care of children who are in ORR custody grew from 67 to 187 days.¹⁰ That’s half a year that the average unaccompanied child is now spending detained and apart from their loved ones. These prolonged stays in government custody lead to children experiencing depression, anxiety, and hopelessness and disserve children’s best interests.

At the same time that the Trump Administration has amplified the inaccurate “missing children” narrative, it has carried out a host of actions that have rendered unaccompanied children substantially more vulnerable to trafficking, exploitation, and abuse – not less.

The unfounded narrative around “lost” or “missing” children under the Biden Administration originated with a misleading claim that nearly 85,000 unaccompanied children had gone “missing” after release from Office of Refugee Resettlement (ORR) custody. The reference to 85,000 children was first included in a 2023 N.Y. Times article addressing the concerning prevalence of labor exploitation of unaccompanied

⁶ ORR Unaccompanied Alien Children Bureau Policy Guide, Section 2.2.4, *Required Documents for Submission with the Sponsor Application for Release*, available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2.4>.

⁷ Office of Refugee Resettlement, Field Guidance #27, *DNA Testing Expansion*, May 15, 2025, available at: <https://acf.gov/sites/default/files/documents/orr/FG-27 - DNA Testing Expansion.pdf>.

⁸ U.S. Immigration and Customs Enforcement, *Unaccompanied Alien Children Joint Initiative Field Implementation*, available at: <https://ninpnlg.org/sites/default/files/2025-04/2025-ICFO-22246-001.pdf>.

⁹ Priscilla Alvarez, Trump administration takes hundreds of migrant children out of their homes, into government custody, CNN, Jun. 4, 2025, available at: <https://www.cnn.com/2025/06/04/politics/migrant-children-families-government-custody>.

¹⁰ Office of Refugee Resettlement, Data, <https://acf.gov/orr/about/ucs/facts-and-data>.

children in the United States.¹¹ The figure is based on ORR data from the prior two years indicating the number of children who ORR was unable to reach during follow-up calls within the month after their release.

Following an August 2024 report by the DHS Office of Inspector General stating that DHS had not filed Notices to Appear (NTAs) in immigration court for hundreds of thousands of unaccompanied children, the narrative evolved into one centered on over 300,000 children “lost” by DHS.¹² The OIG report states that “ICE reported more than 32,000 UCs failed to appear for their immigration court hearings from FYs 2019 to 2023.”¹³ It further states, “As of May 2024, ICE had not served NTAs on more than 291,000 UCs who therefore do not yet have an immigration court date.”¹⁴

While efforts to ensure children’s safety are paramount at all times, data regarding whether a child or sponsor accepted an ORR call or whether DHS filed an NTA are not reliable indicators of a child’s safety or trafficking risk. For example, there are many reasons why a child or family may not have responded to ORR’s calls, including not being home, having changed phone numbers, or avoidance of calls from an unrecognized number. Moreover, claims that children are missing based on ICE having not filed NTAs for immigration court proceedings mischaracterize protections for unaccompanied children in the U.S. immigration system. Filed NTAs indicate the commencement of immigration court proceedings. They reflect a procedural step by the federal government, but do not themselves offer meaningful information about a child’s safety. In reality, many of the unaccompanied children referred to as “missing” reside in safe homes with loving sponsors. Many have consistently updated their address with DHS, applied for asylum or other relief before USCIS, and maintain contact with ORR’s network of legal and social service providers.

While the “missing” children narrative is inaccurate, what is accurate is that unaccompanied children are particularly vulnerable to risks of trafficking or exploitation, both in their countries of origin and in the United States. This is precisely why Congress passed the TVPRA, which provides safeguards to help prevent and mitigate such mistreatment. That is also why it is imperative that the executive branch take responsible, robust, and comprehensive measures to keep these children safe. Tragically, Trump Administration actions have rendered these children substantially *more* vulnerable to trafficking, exploitation, and abuse – not *less*. These actions include:

- **Termination of funding for legal representation of over 26,000 unaccompanied children.** Unaccompanied children’s attorneys often serve as their chief line of defense against traffickers and other bad actors. In fact, an attorney may be the sole adult in an unaccompanied children’s

¹¹ Hannah Drier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, The New York Times, Feb. 25, 2023, available at: <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

¹² See generally DHS Office of Inspector General, Management Alert - ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody (Aug. 19, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-46-Aug24.pdf>.

¹³ *Id.* at 3.

¹⁴ *Id.* at 4.

life in whom that child feels safe confiding information about mistreatment. The attorney can then address immediate safety needs, help the child pursue legal protection, and promote the child's cooperation with law enforcement in the investigation and prosecution of perpetrators. Yet the Trump Administration sought to eliminate funding for what in many cases are these children's only defenders against harm. A federal district court enjoined this termination, finding that, among things, it violated the TVPRA's requirement that the U.S. government ensure counsel for unaccompanied children "to the greatest extent practicable."¹⁵ The government's appeal of this injunction is pending and the future of legal representation for these tens of thousands of children remains uncertain.

- **"Wellness checks" by armed ICE agents, combined with other ICE enforcement actions, that risk leaving children afraid of engaging with any U.S. authorities at all – or even of attending school.** These checks, described above, have been carried out not by child welfare professionals, but by armed immigration enforcement personnel who often arrived unannounced at unaccompanied children's residences. The fear and panic sown by these visits among children and families throughout the country deter many children from engaging with any U.S. authorities for fear of immigration enforcement consequences, driving them deeper into the shadows where there are at heightened risk of trafficking and exploitation. Some children have become afraid of attending their immigration court hearings and even of going to school.
- **Rescission of the deferred action policy for Special Immigrant Juveniles.** Special Immigrant Juveniles are certain immigrant youth who qualified for humanitarian protection in the United States on account of parental abuse, abandonment, or similar mistreatment. Previously, these youth were considered for "deferred action," which helped protect them from, among other things, the threat of deportation to the same places they were abused or abandoned. The Trump Administration eliminated this deferred action policy for those granted Special Immigrant Juvenile Status moving forward, leaving many of these youth at risk of deportation to the very abusers they fled.¹⁶
- **Elimination of the Central American Minors Program (CAM).** CAM allowed children who were facing danger in northern Central America and who have parents with immigration status in the United States to apply to reunite with those parents in the United States as refugees through an application process that transpired while the children remained in Central America. In doing so, the program helped children avoid a dangerous trek to the U.S. border associated with heightened trafficking risks. Yet the Trump Administration eliminated CAM, stripping away a safe

¹⁵ *Community Legal Services in E. Palo Alto v. HHS*, No. 25-cv-02847-AMO (D.D.C. Apr. 29, 2025) (order granting preliminary injunction).

¹⁶ U.S. Citizenship and Immigration Services, *Policy Alert, Special Immigrant Juvenile Classification and Deferred Action*, Jun. 6, 2025, <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf>.

and orderly protection avenue for children who may now have no choice but to undertake a dangerous journey in pursuit of humanitarian protection.¹⁷

- **Requiring that unaccompanied children pay thousands of dollars in fees just to have a chance to seek legal protection in the United States.** Pursuant to passage of the “One Big Beautiful Bill Act” (H.R. 1),¹⁸ the Trump Administration is imposing novel and onerous fees on unaccompanied children that they will often be unable to afford. In many cases, an unaccompanied child seeking protection at the U.S. border may have to pay more than \$6,000 merely for an opportunity to seek safety. These developments create openings for traffickers to exploit the fee structure as a means of pressing children into long-term debt bondage.
- **So-called “self-deportation” of unaccompanied children – separate and apart from the attempted returns of Guatemalan children in ORR custody.** Press accounts indicate that the Trump Administration has construed H.R. 1 to enable DHS to summarily return unaccompanied children ages 14-17 who are at the U.S. border or in the interior of the country if those children “consent” to the return and don’t present indicators of trafficking or other protection concerns, thereby bypassing proceedings before an immigration judge.¹⁹ Yet it is unclear whether DHS is so much as screening these children for trafficking indicators, and in many cases children may lack capacity to provide such consent. These “self-deportations” could result in DHS removing children from safety in from their long-term communities and returning them to trafficking and other dangers.

Safeguarding Unaccompanied Children Moving Forward

KIND welcomes Congress’ continued commitment to the wellbeing of unaccompanied children. In service of that commitment, we urge Congress to perform vitally needed oversight of Trump Administration actions that undermine unaccompanied children’s safety, working to ensure that all federal agencies uphold critical anti-trafficking protections created by the TVPRA and other vital safeguards for this vulnerable population.

To protect unaccompanied children from trafficking, exploitation, and other harm – and to ensure continuing touchpoints between unaccompanied children and U.S. government authorities – there is no more important measure that the Trump Administration can take, and Congress can support, than maximizing the provision to these children of legal services. As part of this effort, Congress should ensure that the Fiscal Year 2026 appropriations package provides ORR with robust funding for these services and directs ORR to continue implementing those services fully and without interruption.

Attorneys can work with unaccompanied children to screen for any legal protections for which the child is eligible, provide the child with information about child labor laws and other legal rights, refer the child

¹⁷ Executive Order 14163, *Realigning the United States Refugee Admissions Program*, Jan. 20, 2025, <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02011.pdf>.

¹⁸ Public Law No. 119-2, 139 Stat. 72 (2025).

¹⁹ Priscilla Alvarez, *Exclusive: Trump administration moves to rapidly deport migrant children, asking teens if they want to leave*, CNN, Jul. 23, 2025, <https://www.cnn.com/2025/07/23/politics/migrant-kids-self-deport>.

to trusted community organizations and other professionals for social and other services, and work with the child to assist them, where appropriate, in reporting concerns to child welfare or law enforcement authorities. In many cases in which children have served as victim-witnesses, attorneys have guided those children's cooperation with law enforcement agencies to advance the investigation and prosecution of human traffickers and other bad actors. Legal assistance may also include helping eligible children to apply for a Child Eligibility Letter or interim assistance with the Department of Health and Human Services' Office on Trafficking in Persons (OTIP). Without an attorney, however, child survivors of trafficking may remain unaware of protections for them and could become vulnerable to re-trafficking and other exploitation. For many children, legal assistance can make a lifesaving difference—facilitating access to humanitarian protection so the child will not be deported to harm and helping children find safety from situations of violence, abuse, trafficking, and exploitation they may confront in the United States.

With the proper support, the U.S. government can reduce children's vulnerability to harm, help children secure lasting safety, and nourish children's resilience to grow and make valuable contributions to their communities across the United States.