



Statement to the U.S. House Committee on Appropriations, pertaining to its hearing: “Reviewing the Administration’s Unaccompanied Children Program” on Wednesday, February 27, 2019

As a U.S.-based human rights organization with more than 40,000 members and supporters across the country, the Unitarian Universalist Service Committee (UUSC) expresses its profound concern over recent changes to the Unaccompanied Children Program of the Office of Refugee Resettlement (ORR), most notably the growth of child incarceration, fueled by the administration’s globally reviled family separation policy. We are grateful to the Committee for holding a hearing to review the program and urge members to use this opportunity to investigate abusive practices that endanger the human rights of children.

Since the start of the Trump administration, the number of children in ORR custody has reportedly grown from less than 3,000 to nearly 15,000 – a five-fold increase in only two years.¹ Many of these children did not initially cross the border without a guardian, but rather were rendered artificially “unaccompanied” due to the administration’s policy of separating children from adult caregivers at the U.S.-Mexico border – a practice from which, at the height of the family separation crisis, hundreds of children reportedly suffered each week.² A Department of Health and Human Services (HHS) report issued last month found that thousands more children may have been separated under this policy than previously known, swelling the number of children held in ORR shelters.³

Although the President’s Executive Order of June 20, 2018 ostensibly reversed the family separation policy, it left in place the administration’s stated goal of criminally prosecuting all migrants and asylum-seekers who cross the border without authorization. UUSC warned at the time that the continuation of this so-called “zero tolerance” policy would allow more family separations to occur.⁴ In a chilling report issued this week, the Texas Civil Rights Project confirmed that family separations have continued on a broad scale since June 2018 – in spite of a nationwide injunction largely barring the practice – fueled, in part, by ongoing “zero tolerance” prosecutions.⁵

Administration policies have not only placed more children into ORR custody, however; they have also made it harder for those children to be released to available relatives and other caregivers. In April 2018, the Trump administration implemented new fingerprinting requirements for the households of all potential sponsors, in order to arrest potential sponsors who were undocumented.⁶ This policy ensured that many children remained in ORR custody long past any period of time permissible under the Trafficking Victims Protection Act and *Flores* Settlement, which require the U.S. government to prioritize the best interests of the child and to hold children in the least restrictive setting consistent with their wellbeing.

The combined effect of these policies has perverted the original purpose of ORR emergency shelters, which was to provide temporary accommodations for children until they can be placed in a long-term setting. As the number of children and amount of time in custody have grown, many “temporary” ORR facilities have come to resemble detention centers. Recent news reports describe a host of practices at major ORR facilities, including the recently expanded Homestead facility in Florida, that effectively ensure that children cannot leave, violating their rights under the *Flores* settlement.⁷ In June 2018, UN experts condemned child detention as a “punitive” measure so heinous that “in some cases [it] may amount to torture.”⁸ A UUSC report published in 2015 likewise confirmed the traumatic effects of child detention and family separation in U.S. government custody.⁹ It is imperative that this practice end.

Recognizing the inhumanity of the present situation, Congress wisely included provisions in the most recent appropriations legislation to prevent funds from being used to arrest and deport potential sponsors of unaccompanied minors using information provided by HHS.¹⁰ We encourage the Committee to provide oversight to the Department of Homeland Security and HHS to ensure that the administration meets its legal obligations under these new provisions. We also urge the members of the Appropriations Committee to hold the Trump administration accountable to U.S. laws and legal decisions protecting the rights of children by thoroughly investigating and exposing the continuation of child detention and family separation, with the goal of finally bringing these unlawful and morally abhorrent practices to an end.

¹ CNBC, “Nearly 15,000 migrant children in federal custody jammed into crowded shelters,” December 19, 2018. <https://www.cnn.com/2018/12/19/nearly-15000-migrant-children-in-federal-custody-jammed-into-crowded-shelters.html>

² American Bar Association, “Background on Separation of Families and Prosecution of Migrants at the Southwest Border,” July

https://www.americanbar.org/groups/public_services/immigration/resources/memo-on-family-separation/

³ Office of the Inspector General, U.S. Department of Health and Human Services, “Separated Children Placed in Office of Refugee Resettlement Care,” January 2019. <https://oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf>

⁴ UUSC, “Trump Order Ending Family Separation May Not Be The End,” June 20, 2018.

<https://www.uusc.org/press/trump-order-ending-family-separation-may-not-be-the-end/>

⁵ Texas Civil Rights Project, “The Real National Emergency: Zero Tolerance & the Continuing Horrors of Family Separation at the Border,” February, 2019. <https://texascivilrightsproject.org/wp-content/uploads/2019/02/FamilySeparations-Report-Final.pdf>

⁶ Julia Ainsley, “Trump admin weighed targeting migrant families, speeding up deportation of children,” NBC News, January 17, 2019. <https://www.nbcnews.com/politics/immigration/trump-admin-weighed-targeting-migrant-families-speeding-deportation-children-n958811>

⁷ Graham Kates, “Migrant children in U.S. are being held in unlicensed shelters, lawyers say,” CBS News, January 23, 2019. <https://www.cbsnews.com/news/migrant-children-in-u-s-are-being-held-in-unlicensed-shelters-lawyers-say/>

⁸ UN Office of the High Commissioner for Human Rights, “UN experts to US: “Release migrant children from detention and stop using them to deter irregular migration,” June 22, 2018.

<https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E>

⁹ UUSC, “No Safe Haven Here: Mental Health Assessment of Women and Children Held in U.S. Immigration Detention,” October 19, 2015.

http://www.uusc.org/sites/default/files/mental_health_assessment_of_women_and_children_u.s._immigration_detention.pdf

¹⁰ Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, Tit. 2 § 224 (a).