



Children in Immigration Detention in the U.S.

Who are these children? Every year tens of thousands of children attempt the arduous trip to cross the Mexican border into the United States. These children, no matter their age or gender, brave the trip alone without a parent or a guardian.

Why do they risk their lives in crossing the border? There are numerous reasons why children make the difficult journey to cross the border. Migrant children may be trying to escape gang violence and recruitment; being forced into drug trafficking; sexual violence; child abuse and neglect; and poverty. Many are also hoping to reunify with family who are already in the U.S.

What happens to them when they are apprehended? These children are detained upon arrival by Customs and Border Protection (CBP). Children remain in jail-like CBP hold rooms, which are not equipped to care for children, until they are transferred to the Office of Refugee Resettlement's Division of Children's Services (ORR/DCS).

While conditions for children in DCS custody are more appropriate for children, DCS still fails to implement fully a "best interest of the child" approach. Facilities range from foster care programs to group homes, shelters and institutional juvenile detention centers. Confinement facilities are locked and surrounded by barbed wire. Children remain in DCS custody for an average of 55 days until a parent or guardian can be located. If there is no guardian available to release the child to, the child remains in DCS custody for the duration of his/her immigration case. While ORR/DCS has taken positive steps in providing child welfare-centered care, it continues to over-rely on confinement facilities—ranging from lock-up shelters to secure juvenile justice facilities.

What rights do they have? Unaccompanied children remain largely invisible. Because they do not have the right to an attorney free of charge or a guardian ad litem and because they often do not have family available in the U.S. to protect them, they have less access to the outside world than children in juvenile justice detention. Because HHS has not acknowledged that their locked facilities are confinement, unaccompanied children in immigration custody are also not protected under the Prison Rape Elimination Act (PREA) and remain vulnerable to sexual assault while detained.

Demographics:

- The majority of unaccompanied child migrants are between the ages of 14 and 18 and come from Honduras, Guatemala, El Salvador and Mexico.
- Mexican children are often treated differently and are not automatically transferred to ORR custody. In FY2011 only about 10% of Mexican children apprehended were transferred to ORR/DCS custody; the majority were repatriated to Mexico immediately.
- While the total numbers of unaccompanied children apprehended at the U.S.-Mexico border has remained more or less steady since 2010, the number of Central American unaccompanied children in custody has approximately doubled.
- The average number of UACs in HHS custody per year from FY2009-FY2011 was 7,500.
- In FY2012, nearly twice the previous years' average—an estimated 14,000 UACs—were in HHS custody.

Additional Information:

Halfway Home – Women's Refugee Commission: http://womensrefugeecommission.org/docs/halfway_home.pdf.

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