

What types of U.S. immigration relief do children potentially qualify for?

Asylum: Asylum is a form of international protection granted to refugees who are present in the United States.

Special Immigrant Juvenile Status (SIJS): SIJS is a humanitarian form of relief available to noncitizen minors who were abused, neglected, or abandoned by one or both parents.

U visas: A U visa is available to victims of certain crimes.

T visas: A T visa is available to individuals who have been victims of a severe form of trafficking.

Can unaccompanied children be detained?

Yes, but special laws govern the custody of children based on child welfare standards that take the “best interests” of the child into account.

Unaccompanied children must be transferred by Department of Homeland Security (DHS) to the custody of Department of Health and Human Services (HHS) within 72 hours of apprehension.

HHS’s Office of Refugee Resettlement (ORR) then manages custody and care of the children until they can be released to family members or other individuals or organizations while their court proceedings go forward.

Unaccompanied Refugee Minors Program

For refugee minors, the State Department identifies children overseas who are eligible for resettlement in the U.S., but do not have a parent or a relative available. Upon arrival in the U.S., these children are placed into the Unaccompanied Refugee Minors (URM) program and receive foster care services and benefits.

ORR also identifies certain minors who may become eligible for the URM program after they arrive in the United States and do not have a parent or a relative available to provide care. The majority of these minors identified by ORR within the U.S. originate as unaccompanied alien children (UACs) and are referred to the URM program once they meet all of the eligibility requirements. For more, visit:

<https://www.acf.hhs.gov/orr/programs/urm/about>



What does “unaccompanied children” mean?

Children who arrive in the United States alone or who are required to appear in immigration court on their own often are referred to as unaccompanied children or unaccompanied minors.

“Unaccompanied alien child” (UAC) is a technical term defined by law as a child who “(a) has no lawful immigration status in the United States; (b) has not attained 18 years of age; and (c) with respect to whom— (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.” Due to their vulnerability, these young migrants receive certain protections under U.S. law.

According to U.S. Customs and Border Protection (CBP), in 2014, CBP encountered 67,339 unaccompanied children. 27% came from Honduras, followed by Guatemala (25%), El Salvador (24%), and Mexico (23%).



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UNACCOMPANIED MINORS

