



Supporting foster, adoptive and kinship parents nationally.

NFPA Brief on Unaccompanied Alien Children

This brief, in response to inquiries NFPA is receiving regarding the many unaccompanied alien children who are entering the US illegally, is general in nature due to the complexities of the situation and our understanding of current federal laws and rules. This brief addresses only the children entering the US unaccompanied through illegal channels and does not address the unaccompanied children/youth who are invited to the US as refugees or the children who enter the US illegally with one or both of their parents or other relative. There are different sets of federal laws, programs and services for children who fall within those categories.

The Office of Refugee Resettlement (ORR) has contracts nationwide to provide housing and other services for unaccompanied alien children (UAC). The children who are entering the US illegally without a parent or relative fall into this category. ORR contracts with entities to assist them in negotiating various contracts for both family foster care with required services and shelter services across the country. One of those is Lutheran Immigration and Refugee Services (LIRS).

Child Placing Agencies and Shelters that have these federal contracts to provide services have all been asked to increase their capacity and many are doing so. Federal rules/guidelines and contracts require child placing agencies to provide foster parents that preferably speak the language of the children that will be placed into their homes when possible. These child placing agencies are also responsible for providing school/educational settings for the children with teachers who speak their language since these children are not eligible to attend public schools. Children in the UAC category do not fall under the McKinney/Vento Act due to their being unaccompanied without a visa or other processing allowing them to stay in the US.

Contracted child placing agencies must also coordinate with US Public Health Services to obtain medical and mental health services for these children/youth. They work with pro-bono immigration attorneys that help identify if any of the children can obtain one of two or three special Visas that will allow them to stay in the US after being united with a family member who is already living in the US, usually illegally, or if the child might be eligible to get refugee status if

they do not have a parent or relative here in the US to unite with. The agencies also provide transportation to all appointments and to immigration court appearances and help to facilitate the child to connect with the family member they will live with should they get an appropriate Visa. Of important note: before a child can be united with a parent or other relative here in the US, a home visit must be completed to ensure the child has not been sent to the US to be used for sex trafficking, indentured servitude, etc.

Shelters with these contracts are responsible for all of the above, as well.

As you can see, federal law, rules, guidelines and contracts are very specific as to the services that must be provided and by whom.

ORR had an RFP (Request for Proposal) for additional foster care and shelter programs posted that closed the end of July, 2014. We understand they received many responses from across the country. Once additional providers are selected and contracts are negotiated, it may take several months for most to be ready to actually take the children into their programs.

It is impossible, at this time without some changes in federal law, rules and guidelines, to place unaccompanied alien children/youth into current foster homes that care for children from abuse and neglect situations through our child protection systems. The main issues are the additional services, such as education, that must be provided by specific providers outside state/county run foster care systems, and that the foster parents/staff at shelters must preferably speak the language of the children as well as other factors.

The time children may be in foster care or in a shelter can vary from a few days to several months depending on availability of immigration attorneys and how crowded the immigration courts are. There is already a huge backlog in the immigration courts.

Congress is considering a funding bill that would increase the number of immigration judges to hear these cases and perhaps hire more immigration attorneys. Typically, pro-bono immigration attorneys assist this population of children when they arrive in the US and are detained by ICE/Border Patrol. Federal law will not allow these cases to be heard in local or state courts.

NFPA recognizes the plight of these children/youth and our hearts go out to them and the families they have left behind in their home countries. We encourage individuals and communities to seek out agencies that are providing care and services to the children/youth to see how they might be of assistance. Become a foster parent with one of these agencies, if you qualify, provide clothing as a donation to the agencies as most children come with only the clothes on their backs, etc. We hope the countries the children/youth are fleeing from will

soon be able to control the violence and drug cartels that appear to be the driving force for their children leaving or being sent to the United States unaccompanied.

For more complete and up-to-date information, please visit the [Office of Refugee Resettlement website](#).

“The National Voice of Foster Parents”

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