

## FIVE THINGS TO KNOW ABOUT UNACCOMPANIED IMMIGRANT CHILDREN

The [Young Center for Immigrant Children's Rights](http://www.theyoungcenter.org) advocates for the rights of unaccompanied immigrant children in federal custody. It has been appointed as [Independent Child Advocate](#) (similar to a *guardian ad litem*) for thousands of children to ensure that every decision made about a child considers the child's best interests, that is, their expressed wishes, safety and right to family integrity, liberty, development, and identity. These best interest factors are well-established in domestic and international law. Here are five things all policymakers should know about unaccompanied children:

### 1) UNACCOMPANIED CHILDREN DESERVE PROTECTION, REGARDLESS OF IMMIGRATION STATUS

[Some children migrate](#) to escape violence at home or gang recruitment. Some face persecution due to gender identity or their family's political affiliation. Many flee extreme poverty or migrate to reunify with family. A child is considered "unaccompanied" when they arrive at the border without a parent or legal guardian. These children are transferred to the custody of the Office of Refugee Resettlement where they wait to be reunified with family. In 2023, the Young Center served more than 1,500 children from 48 countries. **Congress must strengthen protections for unaccompanied children, ensuring they have a right to government-funded counsel and that Child Advocates are available as needed.**

### 2) CHILD PROTECTION STANDARDS ARE NOT LOOPHOLES

The 1997 Flores Settlement Agreement (FSA) and the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) have been attacked as "loopholes" by those who want to restrict immigration. But in reality, they ensure children are provided with basic necessities such as food, water, and medical care. The FSA requires children be held in the "least restrictive setting" —either with family, a suitable adult, or in a state-licensed childcare facility. The TVPRA—passed in 2008 with strong bipartisan support— recognizes that some unaccompanied children require special protection and authorized the appointment of Child Advocates to advocate for the child's best interests with decision-makers.

**Congress must reject any effort to weaken the TVPRA or the FSA.**

### 3) FAMILIES ARE THE SAFEST PLACE FOR CHILDREN

Children thrive in the care of family and people who love them. Unfortunately, anti-immigrant rhetoric has repeatedly characterized immigrant families as suspicious or dangerous, causing some to believe that unaccompanied children should be separated from family. But children can be kept safe and stay with family. Grandparents, aunts, uncles, and adult siblings can be screened upon arrival and children can be released in their care instead of separated and sent to government custody. Children who must enter government custody should be held in settings that most approximate family life and released as quickly as possible, and children with disabilities must have access to appropriate supports and services. Prolonged stays in custody separated from family can cause irreparable harm. **Congress should endorse initiatives that keep families together and support efforts to reduce the use of large congregate care facilities or unlicensed placements for unaccompanied immigrant children.**

### 4) POLICIES THAT RESTRICT ACCESS TO PROTECTION FOR ADULTS LEAD TO FAMILY SEPARATION

The Trump administration's family separation policy rightly shocked the American conscience. But restrictive border [policies like Title 42](#) and [other expulsion authorities](#) also separate families. The Young Center has been appointed to hundreds of children who have separated from their parents to avoid being expelled back to danger under Title 42. Parents should never be forced to choose separation to protect their child. [Alternative border management solutions](#) are possible. **Congress must reject policies which lead to family separation even if it is an unintended consequence.**

### 5) CHILDREN MUST BE ABLE TO SEEK SAFETY AT THE U.S. BORDER

Everyone must be able to apply for asylum at the U.S. border. The Trump administration's asylum transit ban was devastating for children, returning them to known danger. The Biden administration must not implement something similar. Few children control precisely when or how they reach the border. They should be entitled to seek asylum through a fair process regardless of how they arrived.

**Congress must reject any effort to ban children from seeking asylum based on their journey to the U.S. border.**