



POLICY & ADVOCACY REPORT

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Safeguarding Afghan Unaccompanied Children and Young Afghan Evacuees

The first phase of the Afghan evacuation—the departure of tens of thousands of Afghans—has largely finished. The second phase, that of resettlement, has begun. Among those to be resettled are hundreds of separated and unaccompanied children. The Office of Refugee Resettlement (ORR) has told advocates that it has already received more than 150 referrals of Afghan unaccompanied children. Some children may be reunited quickly, if they have a trailing parent or caregiver who arrives soon after they do. Others may not have a caregiver who can enter the United States, or they may be orphaned. At this point, the expectation is that many Afghan unaccompanied children will stay in ORR's care for an extended period.

Nearly all unaccompanied children in ORR care come from El Salvador, Guatemala, or Honduras. Because of this, the ORR network is expert in serving children from Latin America. Providers have linguistic competency or, in the case of indigenous languages, can locate interpreters. Providers are familiar with best-practices in culturally informed, trauma-responsive care, as well as in mitigating the specific forms of secondary trauma that can arise among clinicians and youth-care workers. And both ORR and providers have set up [reunification practices] around documentation and evidence of bona-fide relationships between children and their prospective sponsors, such as the availability of birth certificates. Both ORR and providers in its network are less familiar with a population of Afghan unaccompanied children.

This brief is intended to bring visibility to some expected challenges in caring for a population of children new to ORR's network of providers. It makes seven guidelines or recommendations for ways in which ORR can rise to meet the needs of arriving Afghan children, and in which the United States can equally rise to its responsibilities to these children.

1. Provide Foster Families and Shelters with Guidelines and Orientation Materials

Advocates expect that many Afghan unaccompanied children will stay with foster families for an extended period. Most foster-care agencies and placement agencies have little experience with Afghan youth. Similarly, social-services agencies in the ORR network have experience working with diverse populations, but may lack the specific knowledge needed to provide the most culturally appropriate care to Afghan unaccompanied children—and accordingly, may not know the best way to adjust trauma-responsive models of care. ORR should ensure that foster families and the shelters currently housing Afghan unaccompanied children (a) have the basic materials needed to make Afghan

children feel welcomed, such as prayer stones, religious headgear, a prayer clock, and mats for praying; (b) documented best-practices for working with the Afghan population taken from other experiences with resettlement or displacement; and (c) a venue for foster families to share experiences as needed.

2. Ensure that Materials for the Prevention of Sexual Assault are Available in Dari and Pashto

ORR requires that shelters in its network have both posters and flyers that make clear that unwanted sexual behavior is unacceptable. Shelters also have a phone where children in care can report incidents and other reporting mechanisms for written complaints. ORR should ensure (a) that all language-specific materials (e.g. posters, flyers, written materials) are available in both Dari and Pashto; and (b) that speakers of Dari and Pashto are available for telephone reports, anticipating that professional translation services are likely to be severely impacted by the Afghan evacuation.

3. Anticipate Language and Documentation Challenges to Family Reunifications

It is common that Afghans lack last names, were never issued birth certificates, or that evacuees would not have their birth certificates if they were issued (or cannot get them). Further, both Dari and Pashto use non-Roman alphabets, which increases the likelihood of transcription errors and transliteration errors in official documents written in English. For Afghan unaccompanied children, the most pressing need is placement in safe and stable homes, ideally with family. Longer term, legal processes will involve documents to adjust immigration status and take other steps to rebuild their lives. Both in the short-term and medium-term, the U.S. government across Departments should ensure that administrative processes are robust against these very predictable problems, so that children can reunify with family and all Afghans can rebuild their lives.

4. Implement Specific Post-18 Planning for Afghan UCs

Legal Service Providers report that some Afghan unaccompanied children have turned 18 without being reunified with family. These young Afghans, they report, are moving to post-18 placements that are unlikely to have the robust services needed for individuals who have been evacuated in traumatic circumstances. The Department of Health and Human Services should proactively reach out to Afghan community groups in key regions to ensure post-18 placement options

among co-nationals, with continuing access to social services, medical services, and legal services for young Afghan evacuees.

5. Clarify the Process for International Reunification, when in the Child's Best Interest

Legal Service Providers and staff deployed to process Afghan arrivals also indicate that a significant number wish to unite or reunify with family in third countries. ORR has told advocates that it is working in partnership with the Red Cross to conduct family tracing, similar to the process for reunification with unaccompanied refugee minors. ORR should be lauded for these actions. However, a number of administrative questions remain, such as whether third countries will allow the entry of solo children from Afghanistan who may lack identify documents; how the custodial chain will operate in prospective cases of third-country reunifications, inclusive of both legal and physical custody (and consequently, whether to prioritize some state and local jurisdictions in the United States); and how to assure that a third-country reunification will be in the child's best interest. ORR should work to clarify the process as much as possible in advance of these expected challenges, and the relevant federal Departments, such as the Department of State, should collaborate to ensure that children's best interests are met when such best interests lie in a country other than the United States.

6. Enhance Afghan Sponsor and Youth Supports Post-Release

Both sponsors and Afghan children placed with families will require significant social support to ensure the health of the home environment. This is particularly important in cases where Afghan youth are reunited with a trailing parent or parents, because all parties will have suffered the multiple and compounding traumas of separation alongside the circumstances in Afghanistan that warranted their evacuation. ORR should (a) provide enhanced post-release services for all Afghan unaccompanied children who are reunited with families; (b) relax post-contact rules that prevent shelter staff from contacting youth 30 days post-release; and (c) ensure support for legal services that allow them to begin their lives in the United States on the most stable footing possible.

7. Take Measures to Protect Children's Interests over the Longer Term

Some proportion of unaccompanied children who are placed with sponsors never pursue their legal rights to remain. Given the overwhelming humanitarian crisis in Afghanistan, ORR should anticipate that many reunified families will be overwhelmed. ORR should implement proactive measures to provide immigration counsel to Afghan unaccompanied children and (where appropriate) Child Advocates, and to ensure that any Afghan child must actively choose not

to pursue an avenue to legal immigration status. The Department of Homeland Security should consider streamlining refugee processing—for example, with a rebuttable presumption that an individual meets the refugee definition if paroled into the United States—and should remove any outstanding Notices to Appear that were issued to Afghan unaccompanied children.

United States Issue Updates

- **USCIS Extends TPS for El Salvador, Honduras, Nepal, Nicaragua, and Sudan**

On September 10th, U.S. Citizenship and Immigration Services (USCIS) announced a 15-month extension of Temporary Protected Status (TPS) for all current beneficiaries from Nepal, Sudan, Nicaragua, El Salvador, and Honduras. An 18-month extension had already been granted for TPS designees from Haiti. The extension results from the ongoing Ramos vs. Mayorkas litigation. The suit, which was originally filed as Ramos vs. Nielson, began in 2018, when plaintiffs representing TPS holders from Sudan, Nicaragua, El Salvador, and Haiti moved to stop scheduled terminations of TPS. Two other cases have been consolidated in Ramos: Bhattarai vs. Nielsen, and Saget v. Trump. A 2018 injunction from Ramos remains in effect, as the appellate court has not yet issued a directive to the district court to prohibit DHS from terminating TPS from these countries.

- **Third Whistleblower Comes Forward with Allegations of Gross Mismanagement at Ft Bliss and other UC Facilities**

On September 8th, the Government Accountability Project (GAP) filed a third complaint regarding harsh and unsafe conditions for unaccompanied children held at Ft Bliss, as well as sites in Houston, TX and Erie, PA. The complaint alleges children suffered from dehydration and gastrointestinal issues due to compromised drinking water and unsanitary food. Echoing earlier complaints, the whistleblower emphasized the presence of underqualified staff at Ft. Bliss –for example, alleging that only two people on a mental-health staff of 20 were licensed and trained in mental-health work. Additionally, the complaint outlines cases of children being burned after bathing in scalding water, getting blood drawn without explanation, and being threatened repeatedly with deportation. us and unsanitary living conditions and gang violence. To read the opinion, click here.

- **COVID Vaccinations to be Required for Many Green Card Applicants**

As of October 1st, individuals applying for lawful permanent residence (green cards) must be vaccinated against COVID-19, according to an announcement by the Centers for Disease Control (CDC). COVID-19 has been classified as a “Class A inadmissible condition,” therefore meeting the criteria for vaccine requirements for green card applicants. Waivers are available for those who are not old enough to receive the vaccines, or for whom the vaccine is medically contraindicated.

- **Afghan Evacuation Update: 40–50,000 Completed Arrivals, DHS Says**

Afghans continue to arrive at Dulles and Philadelphia International Airports from third-country processing centers. According to the Department of Homeland Security, between 40,000-50,000 Special Immigrant Visa (SIV) applicants or holders, at-risk Afghans, or other Afghan visa holders have arrived in the United States as a part of Operation Allies Welcome since August 17th. Currently, 25,000 of those arrivals are at one of eight military bases around the country for medical and legal processing so that they can receive the specific benefits for which they are eligible – either as refugees, or parole arrivals. A significant number of Afghans remain in third countries awaiting biometric and biographic screening prior to entering the United States.

United States Issue Updates (Cont'd)

- **Biden Administration Submits Budget Anomaly Requests with Money for Afghan Resettlement**

On September 7, the Biden Administration sent Congress its requests for anomalies for an anticipated **Continuing Resolution** to the U.S. budget. A Continuing Resolution allows the continuing operation of the federal government at a pro-rated basis of the previous year's budget; an anomaly is requested funding that deviates from the set formula. The anomaly requests include \$1.69 billion for the Office of Refugee Resettlement (ORR) to serve Afghans, as well as a prorated amount based on an annual spending rate of \$7.99 billion for the fiscal year for unaccompanied children, refugees, and other vulnerable populations; \$2.2 billion for the State Department and United States Agency for International Development to evacuate and serve at-risk Afghans and respond to other humanitarian needs; \$535 million for US Citizenship and Immigration Services to address the refugee backlog and support Afghan assistance; and \$21.5 million for the Centers for Disease Control and Prevention for medical support and care for Afghan arrivals and refugees.

- **Undocumented Women in Texas Face Shrinking Options for Reproductive Healthcare following Restrictive Abortion Law**

For undocumented women in Texas, possibilities for seeking safe abortion care were already limited. However, the passage of SB8, an incredibly restrictive law that empowers regular citizens to enforce, reduces undocumented women's options even further. SB8 makes it unlawful for physicians to perform abortions after 6 weeks of pregnancy, which is before most women know that they're pregnant, and gives the right to private citizens to file lawsuits against any person who 'aids or abets' an abortion after 6 weeks. Reproductive rights advocates are exploring methods for Texas women to seek abortions out of state, yet such a strategy is impossible for undocumented women, as leaving the state would require the passage through **multiple immigration checkpoints** that might result in deportation. Like most restrictive abortion legislation, advocates anticipate that SB8 will not, in fact, reduce the number of abortions Texas women will have – it will simply reduce the number of safe ones. This reality extends to undocumented women.

Around the World in International Migration

• Nicaraguans Flee as President Ortega Cracks Down on Dissidents

As Nicaragua nears its November 7th presidential election, current president Daniel Ortega has been **cracking down**, arresting and imprisoning all opposition candidates. His regime has also targeted political dissidents of all types, from outspoken activists, to students, to academics. Security forces have been conducting night raids, causing widespread fears of continuing escalation and violence. The wave of arrests has spurred mass migration of those who oppose the Ortega regime to Costa Rica and the U.S. border. Costa Rica received over 5,000 refugees from Nicaragua in July alone, the highest number in three years. About 21,000 Nicaraguans reached the U.S. border in June and July, compared to less than 300 in the same months last year.

• Ethiopia's Tigray Forces Advance, Massacring 120 in Amhara

The conflict in Ethiopia has been raging for over ten months. After retaking most of the Tigray region earlier this summer, the Tigray People's Liberation Front (TPLF) moved into the Amhara region. New reports from local officials in Amhara tell of a massacre in the region, allegedly committed by the TPLF. The TPLF denies any wrongdoing, despite the discovery of at least **120 bodies** as TPLF forces retreated from the area. Although the counting of bodies continues, a local spokesperson states that children, women, and elderly persons were killed. One man said that during the TPLF attack, civilians mobilized against the troops to fight them off, fighting for five days until the TPLF left. The TPLF continues to claim it does not attack civilians, and has even called for an independent investigation into the atrocities.

• Amnesty Reports Reveals Syrian Refugees Tortured Upon Return to Syria

A new **report** from Amnesty International has documented accounts of torture, rape, and other human rights abuses committed against Syrian refugees returning to Syria. The abuses have been committed by Syrian intelligence officers, and 13 of the 66 documented victims are children, one as young as five years old. People are being targeted for having fled the country, and are being accused of treason. Some are even targeted for having lived in opposition-held territories in Syria, regardless of their personal political affiliations.

This report comes at a time when several European countries have begun encouraging—and even attempting to force—Syrian refugees to return home. Last summer, Denmark began denying Syrian refugees' applications to renew their temporary residency, and earlier this year the country declared that it was safe for refugees to return to certain parts of Syria. Turkey, Sweden, and other European countries have also begun increasing measures to return or keep out refugees. Amnesty's report concludes that no part of Syria is safe for returnees, and urges European countries to immediately halt deportations or pushbacks to Syria.



USCRI's Action and Resources on Afghanistan

For more information about the crisis in Afghanistan, resources for Afghan allies, and updates, please check out the links below:

[Resources for Afghan Allies](#)

[Human Faces of the Crisis in Afghanistan](#)

[USCRI Statement Calling for Extension of Evacuations](#)

[USCRI Snapshot: Humanitarian Parole for Afghan Evacuees](#)

Upcoming Meetings & Events

Immigration Seminar Series – Sept. 17

On Friday, September 17 at 3:00 PM EST, join the City University of New York's Graduate Center for the first in a series of webinars on immigration issues. The first one will discuss the ethics of migration research. For more information and to register, click [here](#).

Spring Cleaning for Good – Sept. 18

On Saturday, September 18 from 12:00- 5:00 PM EST, donate your gently used belongings to benefit four non-profits that support unaccompanied children who cross the border. The event will also feature a DJ, yoga classes, and mental health resources. For more information and to register, click [here](#).

Refugee Convention at 70 – Sept. 22

On Wednesday, September 22 at 10:30 EST, the Doughty Street Chambers immigration team will host a discussion of the new and recurrent threats to the refugee convention, as well as the impact of restrictive asylum policies on refugees. For more information and [to register](#), click here.

[Click here to donate today!](#)

Interested in joining the USCRI team? [Click here](#) for current job openings!

If you have any questions or comments, please contact the Policy and Advocacy Division at policy@uscrimail.org.