



Where We Stand: A 20-Year Retrospective of the Unaccompanied Children's Program in the United States

By Jenny Rodriguez

CHAPTER SIX: INFLUX OF CENTRAL AMERICAN UNACCOMPANIED CHILDREN

The U.S. Committee for Refugees and Immigrants (USCRI) and The Children's Village present chapter six of Where We Stand: A 20-Year Retrospective of the Unaccompanied Children's Program in the United States. The retrospective reviews the Unaccompanied Children's Program from the passage of the Homeland Security Act (HSA) of 2002 until today. It assesses 20 years of legislation, policies, litigation, and, most importantly, the U.S. federal government's care of unaccompanied migrating children, with a view toward the next steps and improvements for the years ahead. The sixth chapter looks at the influx of Central American children that started in 2012 and reached a crisis point in 2014.

The First Significant Increase of Unaccompanied Children at the Southern Border

The Unaccompanied Children's Program in the Office of Refugee Resettlement (ORR) at the U.S. Department of Health and Human Services (HHS) housed fewer than 8,000 children annually from 2003 through 2011.¹ Not until 2012 did the trajectory for the number of children entering the United States unaccompanied change significantly. Although 2012 was not considered a year for one of the major influxes, 2012 saw a significant and rapid increase in unaccompanied children at the Southern border. In 2014, the number of children reached an all-time high and a crisis point.

The influx of unaccompanied children overwhelmed the system put in place by the Homeland Security Act of 2002. To understand the challenges posed by the increasing number of children arriving at the Southern border, I sat down with Eskinder Negash, President and CEO of the U.S. Committee for Refugees and Immigrants, who was the Director of ORR at the time.

"The UC influxes of 2012 and 2014 posed new challenges for 'our tiny office,' but ORR emerged intact and stronger for it, due to the exemplary dedication of staff, partners, and leadership," said Negash. "One of the main challenges for ORR was the lack of bed capacity, which meant that custody could not be transferred from DHS to ORR within the 72-hour requirement. ORR met this challenge through joint efforts, such as inter-agency coordination, to add temporary bed capacity into its network."

Coordinated Federal Agencies' Efforts

In the summer of 2014, in response to the influx of unaccompanied children arriving at the border, President Obama declared "an urgent and humanitarian situation."

¹ U.S. Department of Health and Human Services. Administration for Children and Families, Latest UC Data – FY2019 HHS.gov (2019), <https://www.hhs.gov/programs/social-services/unaccompanied-children/latest-uc-data->



“The influx of unaccompanied children across the southwest border of the United States has resulted in an urgent humanitarian situation requiring a unified and coordinated Federal response,” he said in a presidential memorandum.²

The Obama Administration coordinated a federal response with representatives from key agencies headed by the Federal Emergency Management Agency (FEMA) administrator, Craig Fugate. The Administrator's role was to "lead and coordinate the Federal response efforts to ensure that Federal agency authorities and the resources granted to the departments and agencies under Federal law ... are unified in providing humanitarian relief to the affected children, including housing, care, medical treatment, and transportation."³

Unaccompanied Children and The Department of Defense

ORR coordinated with the U.S. Department of Defense (DOD) to temporarily house children on military bases to manage the first major increase of unaccompanied children across the Southern border. Lackland Air Force Base in San Antonio, Texas, was the first military base to house the children. At the time of the influx in 2014, U.S. Customs and Border Protection (CBP) apprehended almost 80% more children compared to the prior year; CBP apprehended 38,759 children in fiscal year (FY) 2013 and in FY 2014 that number rose to 68,542.⁴

The U.S. system was overwhelmed, and the reality was that insufficient space existed to house the number of apprehended unaccompanied children.

According to Wendy Young of Kids in Need of Defense (KIND), an advocacy organization for unaccompanied immigrant children, the system Congress had in place as of 2014 "was designed for about 6,000 to 8,000 kids a year."

CBP kept children in temporary facilities, not suited for children, and ORR in an effort to quickly move children out of CBP facilities again turned to DOD in hopes of using other military bases as it was using Lackland. Military emergency facilities expanded to Fort Sill in Oklahoma and Naval Base Ventura County in California.⁵ Over the course of four months, 7,700 children were housed on these military bases, which closed in August 2014.⁶

² The White House, Office of the Press Secretary, Presidential Memorandum., The White House, Office of the Press Secretary, Presidential Memorandum—Response to the Influx of Unaccompanied Alien Children Across the Southwest Border (2014).

³ Statement by Secretary Johnson on Increased Influx of Unaccompanied Immigrant Children at the Border. and The White House, Office of the Press Secretary, Presidential Memorandum., The White House, Office of the Press Secretary, Presidential Memorandum—Response to the Influx of Unaccompanied Alien Children Across the Southwest Border (2014).

⁴ FY2008-FY2013: United States Border Patrol, "Juvenile and Adult Apprehensions—Fiscal Year 2013." FY2014-FY2018: Customs and Border Protection, "U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018." FY2019-FY2021: U.S. Border Patrol, "Southwest Land Border Encounters," <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

⁵ Office of Refugee Resettlement Year in review - FY2014, The Administration for Children and Families, <https://www.acf.hhs.gov/orr/outreach-material/office-refugee-resettlement-year-review-fy2014>.

⁶ *Id.*



Eskinder Negash recalled the implementation of temporary solutions to accommodate the influx of unaccompanied children: “ORR fostered a collaborative relationship with DOD in creating temporary solutions to ensure unaccompanied children were appropriately housed. Following a request from HHS to DOD, DOD searched their inventory of facilities, using HHS criteria for potential sites for HHS use.”

Additional U.S. Government Efforts

On June 30, 2014, the Obama Administration asked Congress for \$3.7 billion to address the crisis along the Southern border. This funding would support domestic enforcement, repatriation, and reintegration of migrants; associated transportation costs; and additional immigration judges, prosecutors, and immigration litigation attorneys to ensure cases were processed fairly and as quickly as possible.⁷ This request was met with pushback on the Hill and a failure of Congress to provide emergency funding in response to the influx.

In September 2014, the Obama Administration announced a new Central American Minors program (CAM), a refugee and parole program that provides certain qualified children who are nationals of El Salvador, Guatemala, and Honduras, as well as certain family members of those children, an opportunity to apply for refugee status and possible resettlement in the United States.⁸

“In response to the influx in 2014, President Obama ordered a government-wide coordinated response, which opened the door for collaboration between agencies to assist ORR and DHS. Although impactful, the CAM program was introduced after the crisis was abated and therefore not helpful in mitigating the 2014 influx,” said Negash.

Aftermath

When Vice President Joe Biden visited Central America in June 2014, he warned families in Central America not to come to the United States or send their children there. The government paid for advertising campaigns to educate families in Central America about the danger of the journey to the United States. The U.S. government also expanded the use of family detention for migrant families in an effort to deter more children and families from coming to the United States.

In FY 2015, fewer children were apprehended at the Southern border. This could have been due to the Mexican government apprehending migrants en route to the United States, the federal government cracking down on smuggling efforts, the deterrence strategy by the U.S. government, or many other

⁷ Letter from the president -- regarding emergency supplemental appropriations request to address the increase in child and adult migration from Central America in the Rio Grande Valley areas of the southwest border; and wildfire suppression National Archives and Records Administration, <https://obamawhitehouse.archives.gov/the-press-office/2014/07/08/letter-president-regarding-emergency-supplemental-appropriations-request> (last visited Mar 24, 2023)

⁸ U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), “State Letter 15-01: In-Country Refugee/Parole Program for Children in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States – Eligibility for ORR Benefits and Services” (letter to state refugee coordinators, national voluntary agencies, and other interested parties, January 7, 2015).



factors in the originating countries. Nevertheless, the influx in 2014 changed how the federal government and federal agencies would respond to surges or crises in the future.

“Due to the influx and the ensuing response, ORR was able to increase its network of permanent licensed bed capacity. This is the most effective way to meet an increase flow of UC into ORR care,” said Negash. “The influx also opened a pathway for cross-departmental collaboration, which greatly assisted ORR in locating and procuring federal properties to temporarily house children in influx situations.”