



# Serving and Advocating for Unaccompanied Children

For University of Arkansas “Children at Work” symposium  
Panel: Emerging Issues in Children at Work

**Marisa Peterson, Esq.**

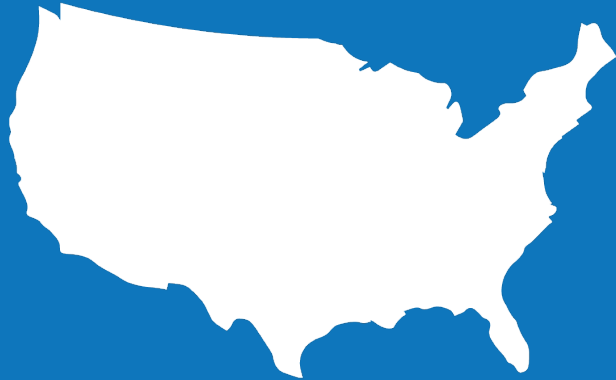
Staff Attorney

KIND’s Houston Office

October 13, 2023

# KIND's U.S. Programs

---



**Fields Offices 11 states and 1 District in the U.S.**

Atlanta | Baltimore | Boston/Providence | El Paso  
Fresno | Hartford | Houston | Los Angeles | Newark  
New York City | Northern Virginia | Orlando/Jacksonville  
San Francisco | Seattle | Washington, DC

---

## LEGAL SERVICES

Provides representation to unaccompanied children in deportation proceedings.

---

## SOCIAL SERVICES

Ensures the safety and well-being of our child clients.

---

## POLICY AND ADVOCACY

Advocates for the fair and appropriate treatment of children alone.

---

## INTERNATIONAL PROGRAMS

Works in Mexico, Central America, and the European Initiative.

---

## BORDER AND FAMILY REUNIFICATION

Works with children and families who have been separated at the border.

# Who are Unaccompanied Children?

---

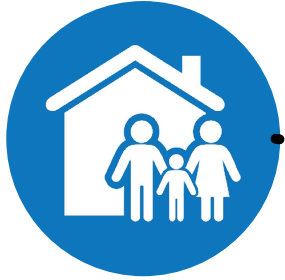
Hafiz left his home at 16 to flee political persecution. He traveled through **13 countries** in **110 days** before being referred to KIND.



Read more about his journey to safety at [supportkind.org](https://supportkind.org)

# Sample Movement of Unaccompanied Immigrant Child in the U.S.

Released to sponsor in Orosi, CA and enrolls and attends school at Orosi High School.



Moves to Los Angeles, CA. Enrolls and attends school at Canoga High School.



Admitted and placed into care of ORR custody in El Paso, TX.

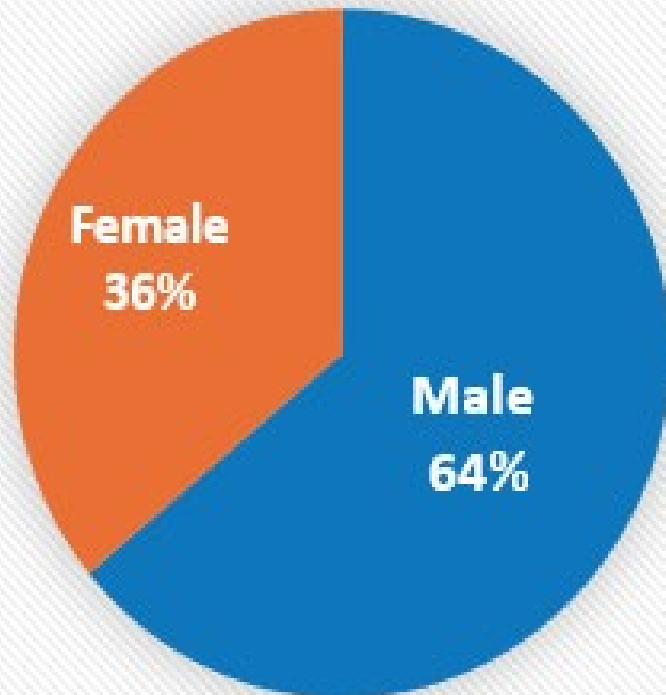


Apprehended and entered U.S. in Hidalgo, TX. Placed into deportation legal proceedings.

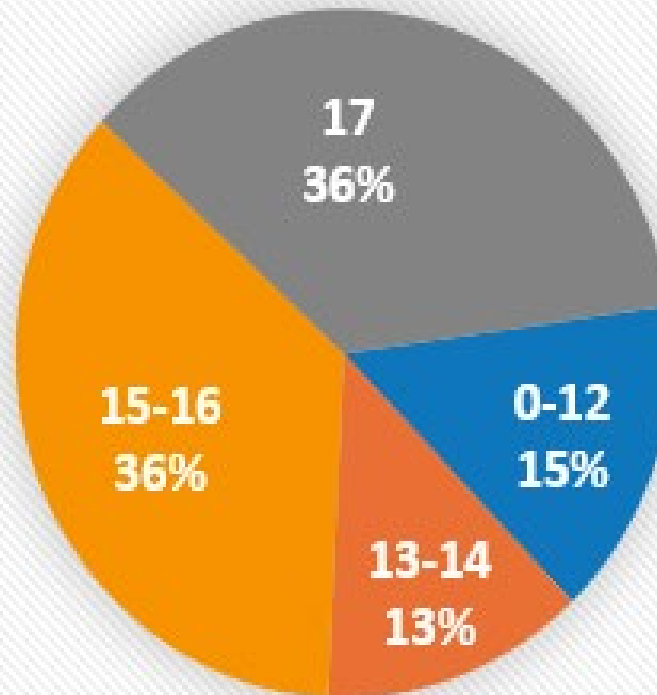


# Unaccompanied Children Demographics in ORR Custody, FY 2022

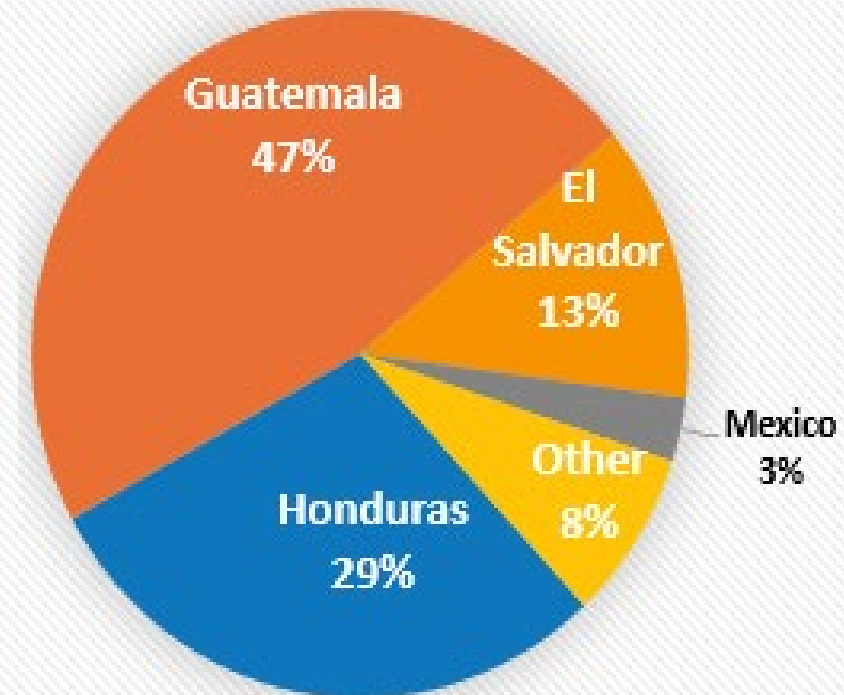
Gender



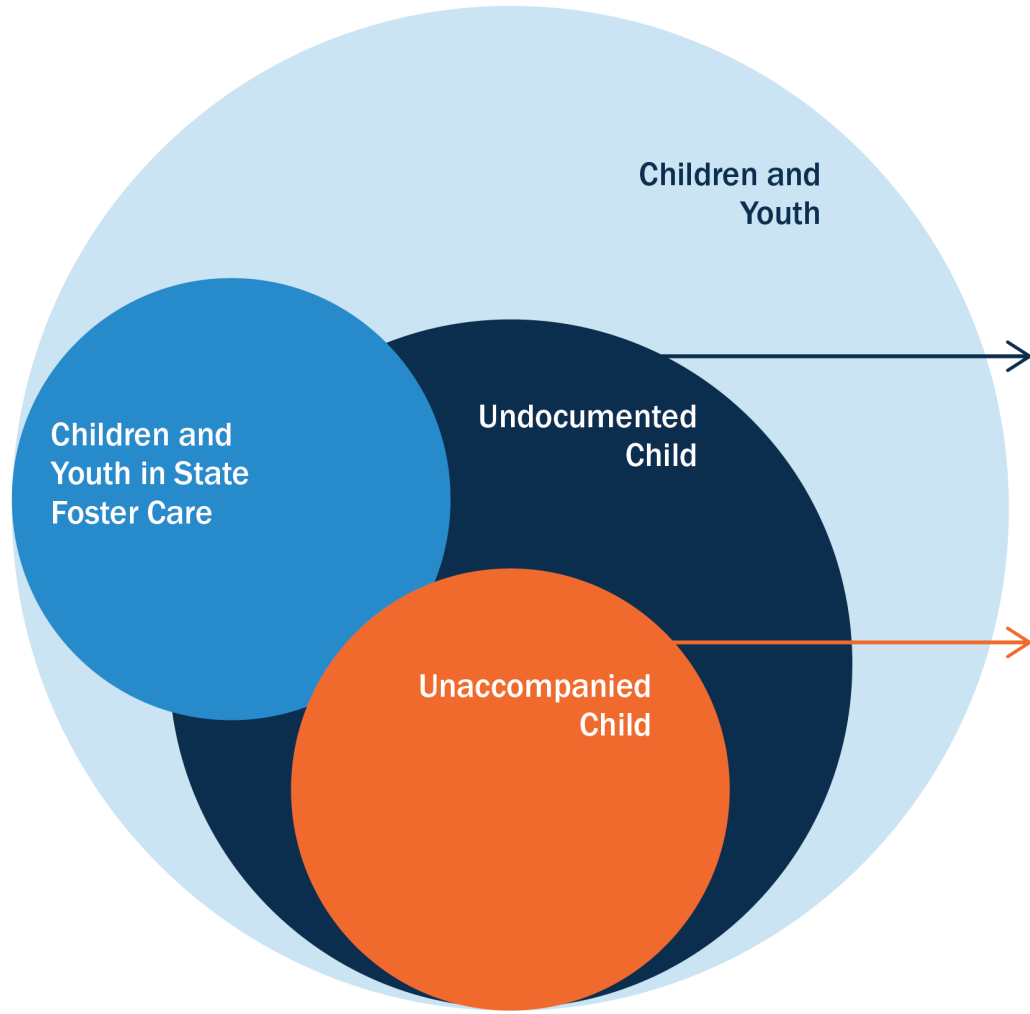
Age



Country of Origin



# Who are Unaccompanied Children?



**A child who is present in the U.S. who:**

- Has no lawful immigration status, and may have entered the U.S. without authorization or overstayed their visa, and
- For immigration legal matters is unmarried and under the age of 21, and
- May have parent(s), legal guardians, or caregivers in the U.S., or
- May be under the state's custody

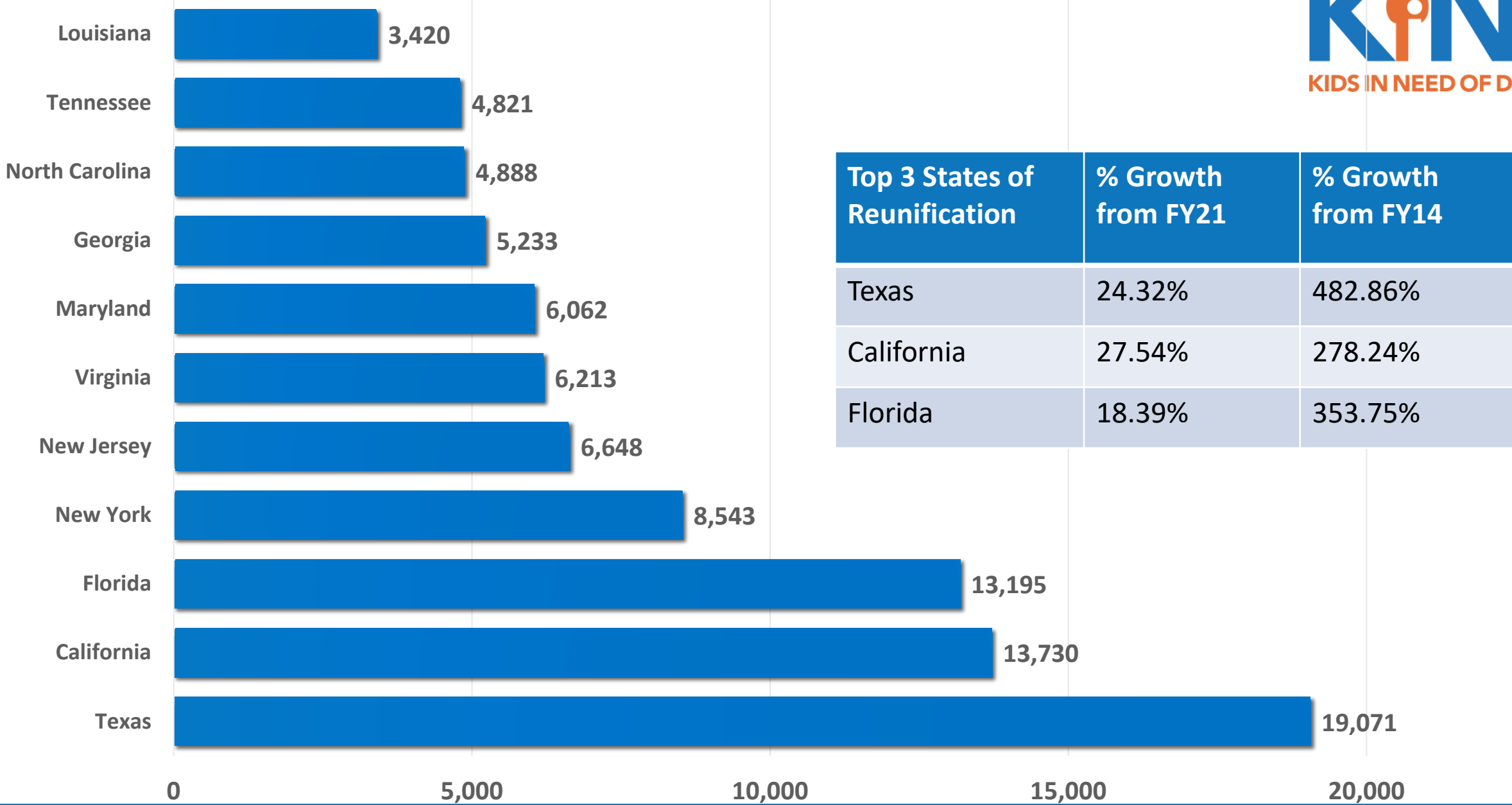
**A child who at the time of apprehension:**

- Has no lawful immigration status, and
- Is under the age of 18, and
- Has no parent or legal guardian in the U.S., or
- Has no parent or legal guardian in the U.S. who is available to provide care and physical custody
- Legal Definition found at 6 U.S.C. 279(g)(2)

\*Reunification with parent or family member does not remove legal determination as unaccompanied child, and child most likely needs to fight deportation case.



# Top States Where Unaccompanied Children Released to Sponsors, FY22

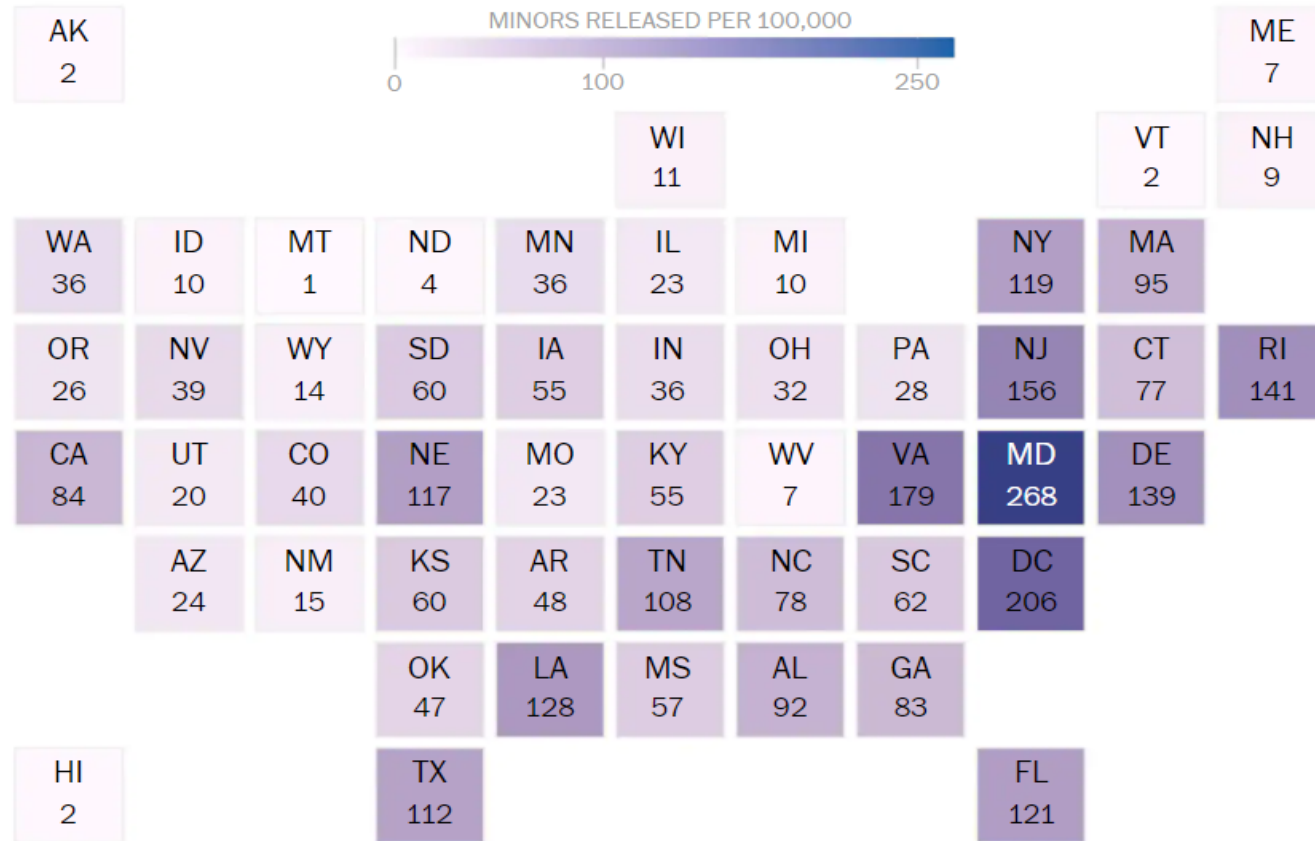






## Unaccompanied minors released to sponsors by state, per 100,000 residents

From October 2014 through December 2020, more than 250,000 minors were released to sponsors in the United States. In raw numbers, almost half went to sponsors in the largest states, but when adjusted for population Maryland, D.C. and Virginia were the top destinations.

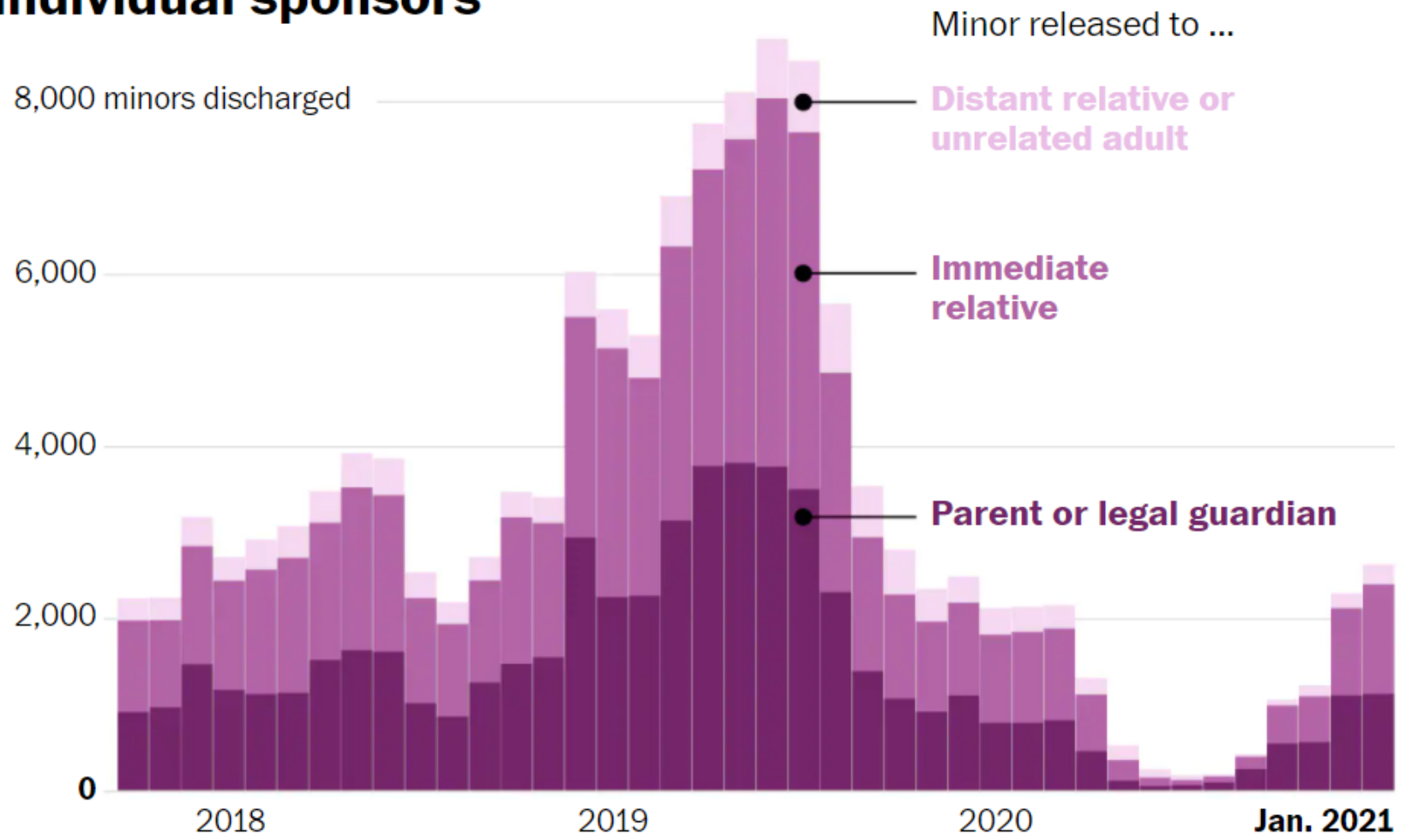


Source: Department of Health and Human Services

From Washington Post, "Hundreds of minors are crossing the border everyday without their parents. Who are they?," Mar. 11, 2021, <https://www.washingtonpost.com/nation/2021/03/11/unaccompanied-minors-immigrants-border/>



# Monthly discharges of unaccompanied minors to individual sponsors



Source: Department of Health and Human Services

From Washington Post, "Hundreds of minors are crossing the border everyday without their parents. Who are they?," Mar. 11, 2021, <https://www.washingtonpost.com/nation/2021/03/11/unaccompanied-minors-immigrants-border/>

# Legal Services Needs for Labor Trafficked and Exploited Unaccompanied Children



## Immigration

*T-visa, U-visa, VAWA*

*Asylum*

*Special Immigrant Juvenile Status*

*Termination of removal proceedings*

*Adjustment of status*

## Civil and Administrative Remedies

*Civil lawsuits*

*Employment and labor law*

*Benefits*

*Housing*

## Dependency, Family & Probate Law

*Restraining Orders*

*Divorce*

*Child custody & child support*

*Guardianship and dependency*

## Victims' Rights in Criminal Justice

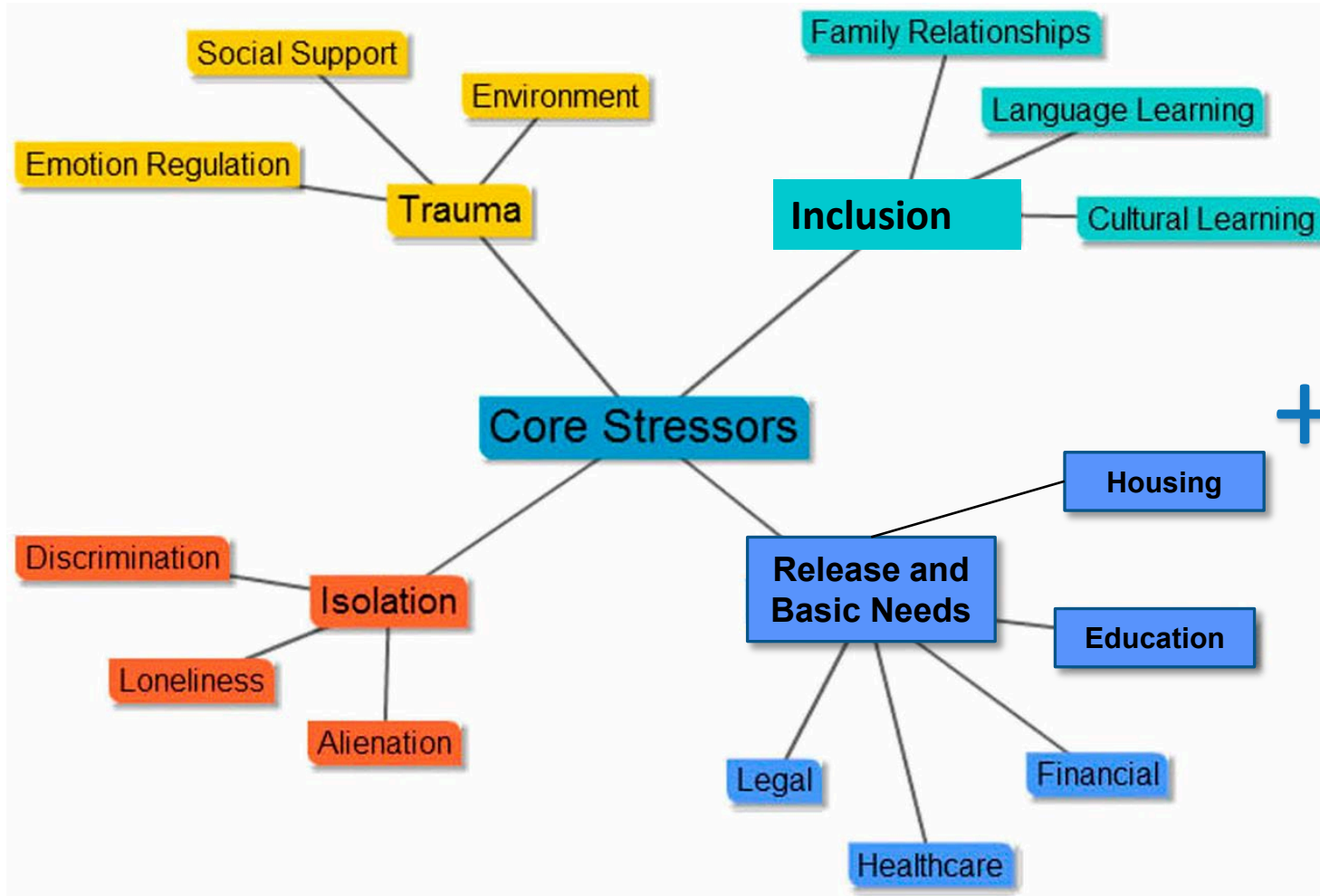
*Restitution*

*Criminal defense*

*Right to be heard and consulted Victim impact statements*

*Vacatur*

# Post-Release Services Needs



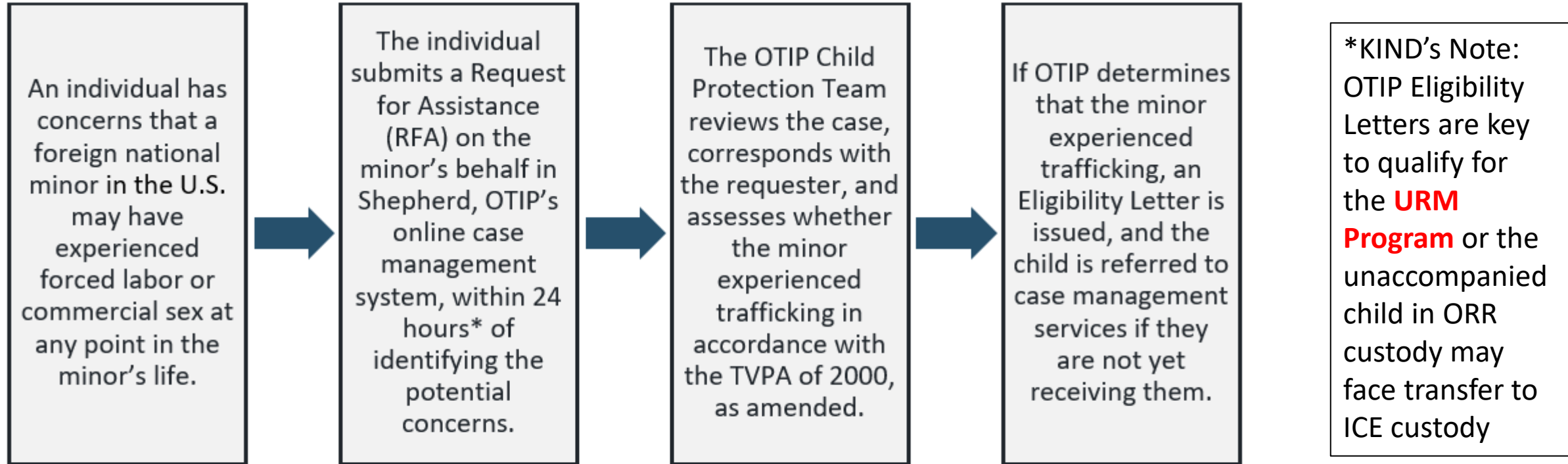
Typical Child & Adolescent Development

Modified from Thomas Seery et al, "Caring for Refugee Children," Pediatrics in Review (Aug. 2015)

# Immigration Options

---

# HHS Eligibility Letter



\*OTIP will also accept case referrals after 24 hours of identifying concerns; the Trafficking Victims Protection Act (TVPA) of 2000 requires federal, state, and local officials to refer cases to HHS within 24 hours



AUG 03 2015

ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Refugee Resettlement | 370 L'Enfant Promenade, S.W., Washington, DC 20447  
www.acf.hhs.gov/programs/orr

HHS Tracking Number

DOB:

Catholic Charities - Houston  
2900 Louisiana Street  
Houston, TX. 77006-3435

ELIGIBILITY LETTER

Dear

This letter confirms that under section 107(b)(1)(G) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This letter does not confer immigration status.

Your eligibility date is . . . . . The benefits outlined in the previous paragraph may offer assistance for only limited time periods that start from the date of this eligibility letter. Therefore, if you wish to seek assistance, *it is important that you do so as soon as possible after receipt of this letter.*

You should present this letter when you apply for benefits or services. Benefit-issuing agencies must call the toll-free trafficking verification line at 1 (866) 401-5510 in the Office of Refugee Resettlement to verify the validity of this document and to inform HHS of the benefits for which you have applied.

You must notify this office of your current mailing address. Please send a dated and signed letter with any changes of address to: Trafficking Program Specialist, Office of Refugee Resettlement, 8<sup>th</sup> Floor West, 370 L'Enfant Promenade, SW, Washington, DC 20447. We will send all notices to your current mailing address, and any notice mailed to your current mailing address constitutes adequate service. You may also need to share this same information with state and local benefit-issuing agencies.

Sincerely,

Robert Carey  
Director  
Office of Refugee Resettlement



# HHS Eligibility Letter

Grants immigrant victims access to refugee benefits, which **may include:**

- Emergency cash assistance
- Medical card
- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- Food Stamps
- Refugee resettlement programs

“Use it or lose it” from the starting date of benefits

# Legal and Social Services

---

- Safety planning
- Assessing social services needs
- Legal services evaluation and options

Will the survivor stay in the U.S. or leave the U.S.?



# Immigration Options

## T visa

- For immigrant victims of a severe form of human trafficking

## U visa

- For victims of certain criminal activity who suffered substantial physical or mental abuse

## VAWA

- Allows certain battered immigrants to file for immigration relief without abuser's assistance or knowledge

## Special Immigrant Juvenile Status (SIJS)

- Children eligible due to abuse, neglect or abandonment when return to home country not a viable option

## Asylum

- Suffered or fear persecution based on race, religion, nationality, political opinion or membership in a particular social group in country of origin

# Immigration Options

## Asylum

- Suffered or fear persecution based on race, religion, nationality, political opinion or membership in a particular social group in country of origin

## Removal Defense

- Represent client in immigration court to prevent removal

## Adjustment of Status

- Process of changing from a nonimmigrant immigration status (VAWA, U visa, T visa, SIJS, asylum) to legal permanent residence (“green card”)

## Other

- Continued Presence, Family Petitions, Derivative Citizenship, Business Immigration, TPS, S visa, DACA

# Challenges in Legal Representation

---

**Need for trauma-informed, culturally-responsive, linguistically-competent, and developmentally-appropriate legal services:**

- Does not identify as a victim/survivor
- Misidentification (name, age, etc.)
- Refuses help
- Aggression, defiance, or numb in affect
- Fearful of retaliation
- Runs away
- Does not come to meetings
- Substance addiction or dependence
- Unclear or disjointed memory and narrative
- May lie or obscure truth because of trauma, shame, stigma, and lack of trust
- Protect trafficker (trauma bonds) or fearful of getting anyone in trouble
- Lack of corroborating evidence
- Lack of services and safe placement

# Advocacy

---

# Who should be or is already at the table?

Mayor and Executive Offices of Immigrant Affairs, Victims' Rights, and Children & Youth

School District, County Office of Education, School Boards, Educators, and Newcomer Programs in Schools

District Attorney, Police Department, Public Defender's Offices, Probation, Juvenile Justice

Child Welfare Agencies

Health Care Professionals

Dept. of Health, Human Services, Social Services

State and Local Labor Agencies

State and Local Agencies Enforcing Civil Rights

Community-Based Organizations (immigrants' rights, youth rights, workers' rights, etc.)

Labor & Workers' Rights Organizations (esp. for informal sectors)

Language Access Specialists

Legal Services Agencies

Academia

# Advocacy Questions

---

- Are we using an intersectional lens to examine systems of oppression in our advocacy solutions?
- Is this aiming for empowerment of children and youth instead of using paternalistic, enforcement-led, and “savior” approaches?
- What kind of learning do you need to be the most effective?
- What to do about ongoing economic and financial concerns?

# Advocacy Questions

---

- Will this legislation affect those who may be vulnerable to exploitation and trafficking?
- Can this legislation harm exploitation and trafficking survivors and the immigrant community at large?
  - Criminalization-only vs. victim-centered approach?
- How will it be implemented, and by whom?
  - Where should these laws be written and passed? (e.g. local, state, federal level; criminal, civil, immigration, etc.)



# Recommendations to Protect Unaccompanied Children

---



- Labor exploitation is complex and intersectional
- Reauthorize the Trafficking Victims Protection Reauthorization Act (TVPRA)
- Build protective factors and use a strength-based approach
- Provide robust social and legal services
- Strengthen child and youth federal, state, and local labor, employment, and worker safety laws
- Create U and T visa certification protocols and state laws



# CONNECT WITH KIND

[www.supportkind.org](http://www.supportkind.org)



**Marisa Peterson, Esq.**  
Staff Attorney  
KIND's Houston Office  
[mpeterson@supportkind.org](mailto:mpeterson@supportkind.org)

