

The Honorable Barbara A. Mikulski  
United States Senate  
503 Hart Senate Office Building  
Washington, DC 20510

April 10, 2014

Dear Senator Mikulski:

The Baltimore (area) International Non-governmental Organizations (BINGO) thank you for our meeting on March 18 and for your commitment to Unaccompanied Alien Children (UACs). We write to submit recommendations to address the anticipated exponential increase in UACs from Central America and Mexico this year. As agencies who have witnessed the plight of UACs both domestically and internationally, we recommend an inter-governmental, cross-border, social service strategy to 1) reduce the number of children becoming victims of forced migration and trafficking; 2) increase the number of children being cared for by their families; 3) increase the number of UACs reaching family permanency outcomes which protect their safety and well-being; and 4) decrease the number of children pushed to flee violence and penury in their home countries.

In fiscal year 2014 it is anticipated that 60,000-80,000 Unaccompanied Alien Children (UACs) from Central America and Mexico will enter the United States. The U.S. government is not currently prepared to address such a large number of children. Prior to 2012, an average of 6,000-7,000 children came to the United States unaccompanied. That number roughly doubled to 13,625 in 2012; and roughly doubled again to 24,668 in 2013.

There are many factors which compel youth to migrate north, including the greater economic and educational opportunities. Many of us operating in Central America observe that an overriding factor in recent years is the generalized violence at the state and local levels and a corresponding breakdown of the rule of law that threaten citizen security and created a culture of fear and hopelessness. For more information about these and other push factors, please find attached the following resources: "Mission to Central America: The Flight of Unaccompanied Children to the United States," Report of the Committee on Migration of the United States Conference of Catholic Bishops; *UAC Children on the Run*, United Nations High Commission for Refugees; and "A Treacherous Journey, Kids In Need of Defense" (KIND), attached.

Currently, once UACs arrive to the United States, NGOs assist these undocumented youth with their immigration cases and provide limited services. Outstanding legal advocates, NGOs promote rights of UACs and advocate for social services that will further contribute to their safety, permanency and well-being based on existing domestic social work best practices and established international standards for the care and protection of UACs. The Office of Refugee Resettlement/Division of Children Services (ORR/DCS) has cooperative agreements with some child welfare, social service NGOs to provide limited post-release services for children released from ORR care who meet eligibility requirements. For a brief overview of these services, please see the "ORR UAC Fact Sheet" attached.

As you know, Senator, in any other setting children fleeing these conditions would be considered refugees. We believe that it is imperative that the United States expediently enhance the coordinated cross-border social service response to this growing trend and develop a national strategy to reduce factors compelling migration. We are pleased to see an interagency process beginning to address the needs of UACs. The process must include building social service capacity in the United States and transit and sending countries to identify at-risk, migrating children; determine their immediate and long term protection and care needs; preserve or reunite families when appropriate; and provide domestic care and protection when placement in the child's home country is not in the child's best interest. There must be an established protocol for social service providers to communicate across borders to protect the safety and well-being of all children entering into, or leaving, their borders. It should also address the root causes of migration, including violence, lack of educational opportunities, and lack of economic opportunities.

Based on our experience with this problem both domestically and internationally, we respectfully submit the following recommendations.

Enlist cross border, cross government and non government cooperation to create a plan with outcomes

- Establish and fund a task force to include key social service, legal service, community, and unaccompanied child stakeholders from within the US and the sending and transit countries to develop a five-year implementation plan to reduce the number of children becoming victims of forced migration and trafficking, increase the number of children being cared for by their families, increase the number of UACs reaching permanency outcomes which protect their safety and well-being; and decrease the number of children exposed to violence in their home country. The task force should ensure the participation of domestic and international partners in the planning and implementation processes.

State Department and USAID

- Direct the U.S. Agency for International Development to provide funds to Mexico and the Northern Triangle (El Salvador, Guatemala and Honduras) to build the capacity of social service providers to preserve families, protect children from violence, mediate familial and societal conflict, and strengthen the child welfare system. This is consistent with two out of three of the primary goals of the U.S. Government's Action Plan on Children in Adversity, which states:
  - U. S. Government assistance will support and enable families to care for their children, prevent unnecessary family-child separation, and promote appropriate, protective and permanent family care.
  - The U. S. Government will facilitate the efforts of national governments and partners to prevent, respond to, and protect children from violence, exploitation, abuse, and neglect.

- Require the Department of State and colleague agencies, in partnership with governments and NGOs in sending and transit countries, to assess the factors driving migration and develop a strategy to address them. (See Appendix 2 for recommended language.)
- Require the Department of State and USAID to develop programming to scale to provide alternatives to migration and encourage children to remain in their local communities. Such programming should include skill-based training, psychosocial support, employment services, and gang diversion programs.
- Require the Department of State to implement Sec. 104 of the Trafficking Victims Protection Reauthorization Act of 2008 with regard to children in sending and transit countries, which provides for the “performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.’
- Require the Department of State to establish refugee resettlement processing that makes use of UNHCR referrals, U.S. Embassy referrals, and U.S. NGO referrals of at-risk children from sending and transit countries whose BIDs have recommended refugee resettlement.
- Require the Department of State to partner with foreign governments and U.S. and foreign based NGOs to provide comprehensive repatriation and reintegration programs for children returning from the United States or Mexico to their countries of nationality or habitual residence. This would include a mechanism for cross border social work communication and cooperation. Such programs should be employed for all cases when a UAC is being returned to his/her home country to ensure that the placement is safe, permanent and in the child’s best interests. Require follow-up social services and monitoring to be provided in sending countries by domestic social service providers when a UAC is repatriated, with outcomes that are tracked. This approach would facilitate safe and healthy reintegration into their communities with the goal of preventing remigration.

#### HHS/Office of Refugee Resettlement

- Direct ORR to shift the prioritization of funding from service facilitation while in ORR custody to services by NGOs with child welfare expertise to all UACs who are released from its care to ensure community integration, enrollment in school, and attendance at immigration court hearings. UACs spend less than 50 days in ORR custody, at which point, 90 percent are released to the community in the care of families.
- Require that ORR provide post-release services for all released UACs in order to help them integrate into their communities; ensure safe reunifications with their families, mitigating risk for breakdown; assist with connecting them to immigration legal representation; and better assure their attendance at immigration court proceedings. Require that child well-being and permanency outcomes be tracked and reported.

- Require ORR to consider placing UACs in community-based care, NGO child welfare shelters, and other settings reflecting the needs of such children, including therapeutic placements, mentor homes, and foster homes for young children and pregnant and parenting teens, rather than placing such children in large institutional settings.
- Move the Division of Children's Services (DCS) out of ORR, establishing an independent entity within the Department of Health and Human Services' Administration for Children and Families (HHS/ACF) to explore using domestic child welfare practice, policy, and expected outcomes as a new framework for meeting the best interests of UACs as they are detained, while in federal custody, and once released to the community. There is a clear cross-walk between ACF programming for U.S. citizen children who have been abused, abandoned, and neglected and DCS programming that should be examined closely with input from key stakeholders. Key practices include placement in community-based care, family finding, home studies on potential caregivers both domestic and international, concurrent permanency planning, post-placement follow-up, special needs services (including trauma informed care), and other relevant practices.
- Transfer responsibility for implementing legal services for UACs, including the coordination of pro bono representation and the responsibility for providing legal orientation programs for the custodians of UACs (and the corresponding funding for those activities), from ORR's DCS to the Department of Justice.
- Require ORR to contract with an independent entity to study and report on outcomes for released UACs, separating the reporting to reflect the differences in the outcomes for released UACs who receive follow-up services versus released UACs who do not receive follow-up services.

#### Department of Homeland Security

- Establish a pilot program, operational guidelines, and training to facilitate participation of NGOs with experience with Child Welfare and anti-trafficking to provide child-friendly and trauma informed informational briefings to DHS personnel at U.S. border crossings, U.S. ports of entry and airports to assist DHS personnel in the identification, screening, and referral of trafficking victims and potential child-trafficking victims.

#### Appropriations Levels

- Provide for the appropriation of \$1.22 billion in Fiscal Year 2015 for UACs, so as to ensure adequate funding to care for an estimated 70,000 arriving UACs and not jeopardize Fiscal Year 2015 funding for the Office of Refugee Resettlement's (ORR) other priorities and mandates. Also provide \$110 million for the Unaccompanied Refugee Minors Program (under the TAMS line item) since approximately 1% of the UACs qualify for URM services.
- Establish a no-year contingency fund of up to \$2 billion to be available to the Director of ORR to meet unanticipated emergency needs with respect to the populations that ORR serves. (See appendix 1 for recommended language.) Fund the Contingency Fund in its

first year by allocating funds from yet-to-be-determined fees paid by traffickers and other immigration violators, as well as by a transfer of funds from ORR, the Department of State's Bureau of Population, Refugees and Migration, and the Department of Homeland Security.

- Provide funding for the United Nations High Commissioner for Refugees (UNHCR) to screen children in sending and transit countries, employing a Best Interest Assessment (BIA) and a Best Interest Determination (BID) process, in order to identify and facilitate the short-term protection and care needs of each child, and the long-term durable solutions for such children, where appropriate, including repatriation, local integration, or resettlement in a third country.

We look forward to working with you on this important matter, and thank you again for your leadership on it.

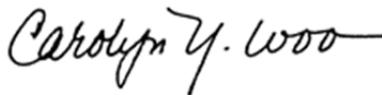
Sincerely,



Julie Gilbert Rosicky,  
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United States of America Branch, Inc.



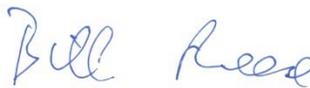
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