



FAQ: Preventing Trafficking and Abuse of Unaccompanied Migrant Children

Who cares for migrant children who enter the United States without a parent or legal guardian?

Migrant children who enter the United States without a parent or legal guardian, otherwise known as “unaccompanied children,” are defined in United States law as children who cross our borders and (1) have no lawful immigration status in the United States, (2) have not attained 18 years of age, and (3) have no parent or legal guardian in the United States or no parent or legal guardian in the United States who is available to provide for their care and physical custody.ⁱ

When an unaccompanied child arrives in the United States, they are typically apprehended by the Department of Homeland Security (DHS), most often at the U.S.-Mexico border by U.S. Customs and Border Protection (CBP). Generally, DHS is required to notify and transfer custody of the unaccompanied child to the Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR). Under ORR’s care, unaccompanied children receive various types of services to promote their safety and well-being. ORR also ensures that children in its custody are released to parents, guardians, relatives, or other sponsors in the United States in a safe, efficient, and timely manner, also known as “family reunification.” ORR provides extensive guidance for this process and more in its policy guide, “[Children Entering the United States Unaccompanied](#).”ⁱⁱ

What is the process of “family reunification”?

In order to ensure an unaccompanied child’s safety and to safeguard against any instances of trafficking or abuse, ORR requires extensive sponsor vetting through the well-established family reunification process.ⁱⁱⁱ It is required by law that ORR evaluate any potential sponsor’s ability to provide for the child’s physical and mental well-being. ORR must also ensure that children are protected from smugglers, traffickers, and all others who might seek to victimize, exploit, or bring any harm to them. The process of family reunification includes:

- The identification of sponsors;
- Sponsor application(s);
- Interviews;
- The evaluation of sponsor suitability, including verification of the sponsor’s identity and relationship to the child (if any);
- Background checks; and
- Home studies and post-release planning, in some cases.^{iv}

How does ORR identify sponsors for placement?

The process of reunification begins as soon as the child enters ORR custody after the child’s parents, relatives, or close family friends begin the application process to have the child released to their care. The ORR care provider interviews the child and potential sponsors to identify and assess qualified sponsors. The child’s care provider is then responsible for implementing safe screening methods when communicating with potential sponsors and must use appropriate interpreters, obtain sponsor identification, verify the familial relationship, screen for exploitation, abuse, trafficking, or other safety concerns, and engage the child to communicate openly with care provider staff about their own sense of safety.^v

Once a sponsor is identified, how does ORR determine whether it is safe for a child to be placed with them?

All potential sponsors must submit an application to ORR in order for release to be considered. Upon identification, the potential sponsor is sent the “Family Reunification Packet,” which includes: the Family Reunification Application (FRA); Authorization for Release of Records; Sponsor Care Agreement; contact information for the Legal Orientation Program for Custodians; contact information for the Unaccompanied Child Sexual Abuse Hotline; fingerprint instructions; the Sponsor Handbook; a warning to sponsors regarding potential fraud schemes; and more.

In addition to completing and signing the FRA, potential sponsors must provide proof of the child’s identity, proof of the sponsor’s identity and the identity of all adult household members and caregivers identified in the child’s care plan, and proof of relationship to the child they seek to sponsor. As evidence for proof of relationship to the child, ORR will accept birth certificates, marriage certificates, death certificates, court records, guardianship records, hospital records, school records, written affirmation of relationship from a consulate, and certain other documents. Potential sponsors must also provide proof of address and any and all criminal history, including charges, convictions, or investigations for physical and sexual abuse, neglect, and abandonment of a minor. In addition, all sponsors and non-sponsor adult household members and adult caregivers in the child’s sponsor care plan are subject to background checks.^{vi}

Do sponsors undergo any other forms of screening or vetting?

Yes. Through coordination with care provider case managers, case coordinators, and ORR federal field specialists (FFS), ORR uses specific criteria to assess each potential sponsor’s ability to provide for the physical and mental well-being of the child prior to placement.^{vii} The assessment considers the strengths, resources, risk factors and special concerns within the context of the child’s own needs, strengths, and relationship to the sponsor. At this stage, ORR can also determine whether to conduct a home study in accordance with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) or as necessary to ensure the child’s welfare.^{viii} Prior to release of any child to a sponsor, a recommendation by the child’s case manager and case coordinator must be made to ORR/the FFS, who then makes a final release decision. ORR/the FFS can: agree to approve the child’s release to sponsor; require a home study before a final decision; deny release; remand for more information; or approve release with post-release services if it is determined that the child and sponsor need additional assistance.^{ix} For more information about home studies and post-release services, view this [backgrounder](#).^x

Why are these safeguards important to the Catholic Church?

Unaccompanied children are particularly vulnerable to human trafficking, domestic servitude, and other exploitative situations. The Church considers it a moral obligation to ensure that all unaccompanied children are protected from such harms, consistent with their God-given dignity. The U.S. Conference of Catholic Bishops’ Department of Migration and Refugee Services (USCCB/MRS) has operated programs in collaboration with the United States government to help serve and keep migrant children safe for over 40 years, and the well-being of those children remains the highest priority. Further, family unity is a cornerstone of the American immigration system and a foundational element of Catholic social teaching. When possible, family unity and reunification should be promoted and prioritized. An example of USCCB/MRS’ family reunification efforts can be found in its 2018 report, entitled “[Serving Separated and Reunited Families: Lessons Learned and the Way Forward to Promote Family Unity](#).”^{xi}

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Endnotes

ⁱ Homeland Security Act of 2002, 6 U.S.C. § 279(g)(2) (2002).

ⁱⁱ See generally OFFICE OF REFUGEE RESETTLEMENT, CHILDREN ENTERING THE UNITED STATES UNACCOMPANIED (Apr. 13, 2022), <https://www.acf.hhs.gov/orr/policy-guidance/children-entering-united-states-unaccompanied>.

ⁱⁱⁱ *Id.* at §2.1.

^{iv} *Id.*

^v *Id.* at §2.2.2.

^{vi} *Id.* at §2.5.1

^{vii} *Id.* at §2.3; §2.7

^{viii} *Id.* at §2.4

^{ix} *Id.* at § 2.7; §2.7.1

^x Justice for Immigrants, *Frequently Asked Questions about Family Reunification Services for Unaccompanied Children*, <https://justiceforimmigrants.org/what-we-are-working-on/unaccompanied-children/frequently-asked-questions-about-family-reunification-services-for-unaccompanied-children/>.

^{xi} See generally U.S. CONFERENCE OF CATHOLIC BISHOPS & LUTHERAN IMMIGRATION AND REFUGEE SERVICE, *SERVING SEPARATED AND REUNITED FAMILIES: LESSONS LEARNED AND THE WAY FORWARD TO PROMOTE FAMILY UNITY* (2018), <https://justiceforimmigrants.org/wp-content/uploads/2022/02/Serving-Separated-and-Reunited-Families-Final-Report-for-Printing.pdf>.