

BORDER SECURITY LOOPHOLES DRIVE MASSIVE SURGE IN UNACCOMPANIED ALIEN CHILDREN

“The Unaccompanied Alien Children Program is being abused; it was never intended to be a foster care system with more than 10,000 children in custody at an immediate cost to the federal taxpayer of over one billion dollars per year.” - Steven Wagner, Acting Assistant Secretary for the Administration for Children & Families

SEPARATION OF FAMILIES AT THE BORDER: Congress’s inaction on border security has created perverse and dangerous incentives for illegal border crossings and child smuggling.

- Anyone who crosses the border illegally is subject to federal criminal prosecution. As is the case in criminal proceedings – regardless of the immigration status of the criminal offender – the individual being prosecuted will be transferred to federal criminal custody for breaking United States law. Therefore, families with children that enter into the United States illegally will be separated when the parent is transferred to federal custody for breaking United States law. If parents do not wish to be separated from their children, they should not violate the laws of the United States or endanger minors through criminal smuggling. There are appropriate legal channels and rules to follow for legal immigration to the United States, which has the largest humanitarian-based immigration system in the world.
- Congress needs to fix our broken immigration system by enacting legislation that will close the legal loopholes so families seeking to cross the border illegally can be returned home swiftly – ending the practice of catch-and-release. This is the most humane policy solution – and the only one that will put a stop to rampant human smuggling.
- Closing these loopholes is also essential to protect American communities from the criminal gangs, like MS-13, who exploit these catch-and-release policies to expand their criminal enterprise.
- Open borders policies are responsible for the permanent separation of American families whose loved ones were murdered and taken from them forever through the crimes committed by illegal immigrants.

TRACKING UAC RELEASES TO SPONSOR FAMILIES: HHS’ primary legal authority is to temporarily house and then release unaccompanied alien children (UAC) to a sponsor.

- The United States taxpayer can no longer be responsible for being a surrogate parent for every would-be illegal immigrant who crosses our border. Under our current immigration loopholes, if anyone under the age of 18 illegally enters the United States they will be placed into HHS custody and released into the interior of the United States, rather than returned home to their country of origin. This is open borders.
- While HHS houses and cares for UAC until the point at which UAC can be released to a sponsor, Congress has not given HHS the power or the funding to reach far beyond its primary statutory authority. Indeed, that could require billions of additional dollars.
- The HHS Office of Refugee Resettlement (ORR) conducts a Safety and Well-Being follow up call with each child and his or her sponsor 30 days after the release date. The purpose of the follow up call is to determine whether the child is still residing with the sponsor, is enrolled in or attending school, is aware of upcoming court dates, and is safe.
- HHS/ORR is not required by statute to make these calls. ORR does so in order to ensure that sponsors and child have access to additional supportive services, if needed.

- A chain news organization recently reported that 1,475 unaccompanied alien children were lost by the federal government. These children are not lost. They were released to sponsors that HHS vetted and deemed appropriate. HHS simply could not reach them during our attempts to contact them. If a provider feels that the UAC who has not been reached is at risk, they may contact law enforcement or make a referral to local child welfare entities in the community where the child has been released.
- The reason many sponsors cannot be reached is because they themselves are illegal aliens and do not want to be reached by federal authorities. This is the core problem: HHS has been put in the position of releasing illegal aliens to the individuals who helped arrange for them to be smuggled into the country, which makes the immediate crisis worse and creates a perverse incentive for even more smuggling.
- Furthermore, the UAC program has become a gateway for MS-13, creating gang-zones in UAC placement areas like Long Island, New York.

LOCATING NECESSARY SPACE FOR UAC: Congressional failure to close catastrophic loopholes, combined with longer processing for sponsors, has created the need to find additional housing space for UAC.

- HHS/ORR is responsible and required to care for minors who are in the country illegally without an available parent or guardian. Operating this program requires routinely evaluating the needs and capacity of an existing network of approximately 100 shelters in 14 states.
- Additional properties identified by federal agencies are being evaluated by ORR as potential locations for temporary sheltering as a routine part of its management of UAC shelter capacity.
- Community representatives will be notified in advance if HHS is seriously considering a local site for potentially housing UAC, as part of responsible contingency planning.
- Additional temporary housing is only sought as a last resort when current locations are reaching capacity.
- The sole workable solution to this problem is to change federal law so that illegal immigrants can be returned after they are apprehended.