



Policy and Enforcement Challenges Faced by Unaccompanied and Immigrant Children

The current federal and state policy landscape impacting unaccompanied and immigrant children

Recent years have shown the real-world impact of the escalation of anti-immigration rhetoric into policy. For unaccompanied and other categories of migrant children, these policies can have lasting negative impacts that can exacerbate or create traumatic experiences, erode safety and belonging, and limit a child's growth into adulthood as a contributing agent for prosperity in the United States.

We are facing a relentless string of policies targeting migrant children and keeping them separated from their families. These policies are not just a part of the administration's immigration enforcement crackdown and mass deportation campaign, but a focus of it.

Despite wide reporting of shelters being forced to close and instances of children facing abuse after months in federal custody, the administration indicates that it will not only maintain its cruel course of action, it will go much further. It may be only a matter of time for more inhumane policies to be put into practice, with only the courts able to slow down the effort.

CWS prioritizes the well-being and safety of migrant children in every aspect of our advocacy and programmatic work. This core ethos had directed CWS in the past, it will continue to do so in the future, and it drives us now as we address current challenges.

Of the key policy challenges targeting migrant children, CWS Advocacy and Children's Services teams are tracking policies that have taken shape along three central fronts:

Prolonged Separation

Active policies have created an atmosphere of prolonged separation—from parents, relatives, and loved ones in the United States—for children.

- Introduction of new barriers to sponsorship of children such as onerous DNA tests, and excessive and exclusionary administrative fees unable to be paid by parents as they search for occupations in their new communities.
- The administration has also attempted to end Flores protections—which limit child detention to 20 days—and is actively transferring children to adult detention facilities immediately upon turning 18 years of age.
- The impact of these efforts has led to an average length of time in custody from one month to over six months thus far. As detention is prolonged, conditions in facilities keep worsening- poor hygiene, unhealthy food, a lack of stable education, and deteriorating child protection oversight.

Enforcement Tactics

The horror of these policies is compounded by the cruelty through how they are enforced.

- The administration rescinded previous guidance that limited which locations ICE and partnering agencies could operate. Commonly known as “protected” or “sensitive” locations, these areas include schools, churches, and other faith establishments.
- Enforcement actions rely increasingly on surprise and coercive circumstances, even going so far as to stage operations in the middle of the night, waking children in their beds in attempts to rapidly deport them with limited or lack of due process. Sudden apprehensions and rapid transfers reduce opportunities for children to access legal counsel.
- Enforcement has blurred child-protection and enforcement roles, requiring agencies responsible for child protection to information-share with ICE. These practices deter families and sponsors from engaging with child-centric systems.
- These efforts have led to a tenfold increase in the number of detained immigrant children since the administration took office—the chilling effects extend beyond enforcement as families avoid schools, healthcare and community services under fear of exposure.

Threats to a child’s rights and due process

Aside from the impacts that these practices and methods have had upon children, the administration has simultaneously targeted legal protections or created barriers to accessing guaranteed legal rights.

- The administration is attacking legal pathways for unaccompanied children in numerous ways. For children seeking Special Immigrant Juvenile Status (SIJS)—those minors who have experienced abandonment and abuse—the administration has ended deferred action, a temporary protection from deportation that allows children to remain lawfully in the country while they await processing of their green card application. In addition, the administration is curtailing access to asylum across the board, limiting another pathway to legal protection. And in a crass attempt to bribe migrant children into self-deporting—often back to the very danger they fled—the administration has tried to induce children to sign away their rights in exchange for a stipend to leave the United States.
- In the courts themselves, through legal representation writ large, and in official applications for legal status, unaccompanied children now face a steeper climb to safety, with increased attempts to terminate pro bono legal services and uncertainty in funding supporting such services. All of which bears repeating, is especially heinous, as it would place young children in a legal hearing without representation, often without any English language comprehension. This is a clear violation of due process and, with the target being children, is predatory.

CWS continues to urgently press policymakers and the courts to reverse policies that prolong family separation or expand child detention. With each additional day, these policies deepen harm and deny children their legal rights and basic safety.

For more information on what challenges migrant and unaccompanied children face in policy and how CWS is fighting back, visit cwsglobal.org or contact Danilo Zak, Director of Advocacy at CWS, at dzak@cwsglobal.org.