



The Surge in Arrivals of Unaccompanied Immigrant Children:  
Recommendations for Philanthropic Response

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**OVERVIEW**

The humanitarian crisis of unaccompanied immigrant children, as well as families with children, arriving on the Southern border of the United States merits urgent philanthropic response. Yet many foundations are unfamiliar with the needs of this growing population. This document (a work-in-progress that will be updated periodically) identifies grantmaking opportunities that foundations—from those funding immigration matters to those addressing health and human services or supporting children, youth, and families—might consider in shaping both a rapid response and a longer-term funding strategy. While unaccompanied immigrant children urgently need a range of services under this crisis situation, many of these children will wait years for an immigration court hearing and for their cases to be resolved. Therefore, their needs—and the need to address root causes, inform the general public, and craft policy solutions—will extend beyond the immediate term.

*Immediate and ongoing priorities include legal representation and related legal resources, a full range of direct services, and monitoring of all detention facilities to ensure that basic needs are met and legal rights are protected. Communications and policy advocacy, along with evaluation and research, are also important. Each of these opportunities is detailed below. In addition, funders can convene their foundation peers to discuss coordinated funding strategies, as well as bring together various stakeholder groups to craft a comprehensive strategy for responding to this humanitarian crisis with their sectors or geographic regions.*

**FUNDING OPPORTUNITIES**

**I. Legal Services**

**A. Expand Access to Legal Counsel**

- *Scale up immigration legal services*, building upon existing infrastructure and expanded capacity developed in response to [Deferred Action for Childhood Arrivals \(DACA\)](#).
- Recruit, train, support, and build a robust pool of *pro bono attorneys* to leverage private-sector resources and augment the limited capacity of nonprofit legal services providers.
- Support a new federal pilot program, "[Justice AmeriCorps](#)," which appoints counsel to unaccompanied child migrants. Leverage federal dollars by enhancing the overall compensation package (housing, food, loan repayment) for AmeriCorps members; helping to train, supervise, and manage the program; providing technical assistance to grantees and members; and supporting access to counsel for children over age 15 who are not covered by the program. This program can be a resource both in the immediate and the long term.

## B. Bolster Legal Resources

- Create *emergency legal teams* to provide legal information and representation to children held in facilities at military bases and other locations where legal assistance is virtually impossible to access.
- Expand access to independent *child advocates* to provide “best interest” recommendations for any child who may be repatriated either through voluntary departure or deportation.
- Create a *panel of pro bono/low-fee experts* to provide medical information and information on country conditions to support children’s claims.
- Develop *country conditions evidence* to help prove key issues in children’s asylum claims. Such evidence could be in the form of reports and/or expert witness affidavits.
- Ensure the availability of *interpreters*, including those fluent in the indigenous languages of Mexico and Central America.
- Expand *training for migration judges and asylum officers* deciding unaccompanied immigrant children’s cases.
- Support the development of *state-specific information* for immigration cases that require an order from a relevant state court (e.g., Special Immigrant Juvenile Visa cases).

## II. Direct Services

### A. United States

#### i. On the border and in detention facilities

- *Fund humanitarian support*, including basics such as clothing, medical care, and other immediate needs, to migrants apprehended on the Southern border.
- *Support human rights monitoring* on the border, including at Customs and Border Patrol facilities, temporary shelters (such as those at military bases), and detention facilities.
- Support “*wrap-around services*” for children while in custody and post-release, such as the appointment of a child advocate or caseworker to coordinate services.
- Support training for the staff of *Office of Refugee Resettlement shelter programs*, which are likely to be expanded rapidly; training should address conditions, location, services, and safe release.
- Ensure the provision of *quality interpretation services*, including in the indigenous languages of Mexico and Central America.

## ii. In communities

- *Train educators* on identifying unaccompanied immigrant children and referring them to legal and social services.
- *Create interagency networks* of schools, social services, and legal services designed to meet the services needs of unaccompanied immigrant children.

## iii. Cross-cutting needs

- *Fund mental and physical health services*, including for victims of sexual assault.
- *Support a coordinator* to interact with and share information between the various working groups and coalitions formed to respond to the crisis.

## B. International

- *Support migrant shelters and welcoming centers* along migration routes.
- *Fund efforts to address the drivers of migration* in the countries of origin, as well as assisting repatriated children through education, economic development, and other strategies.
- Support programs in Mexico and receiving nations in Central America to:
  - *Review claims* for asylum, protection from trafficking or other harm, and to apply a best-interest determination for unaccompanied children.
  - *Train immigration officials* in countries of origin on migrant care, and increase the capacity of these governments and non-governmental organizations (NGOs) to provide services to returned migrants.
  - *Develop a child advocate or guardian ad litem program* to assist child migrants apprehended by authorities.
  - *Provide services* for youth at-risk for gang recruitment and to address factors driving migration.

## III. Communications

- *Finance efforts to align communications and advocacy strategies* at the national and local levels for U.S. groups focused on all aspects of the humanitarian crisis.
- *Support a media campaign to educate the public* on the issue of child migration, drivers of migration, and policy choices consistent with humanitarian and U.S. ideals.
- *Fund programs that educate the media* on issues of unaccompanied immigrant children, asylum and refugee status, trafficking, etc.

## IV. Policy Advocacy

### A. Reform Advocacy

- Support the development of policy recommendations and advocacy for:
  - *Systemic restructuring* of the immigration legal process, particularly advocacy to appoint counsel and child advocates to unaccompanied immigrant children.
  - *Lessons from juvenile court systems with more advanced child-sensitive procedures* and consideration of child capacities (such as mental disorders, cognitive and intellectual disabilities, and child development factors) in the immigration legal process.
  - *Asylum regulations* that provide greater protection for children fleeing gangs and comport with UNHCR guidance and directives.
  - *Alternatives to detention* for all immigrants who pose no threat to public safety or national security, and especially for children and families.
  - *Collection and release of data* on unaccompanied immigrant children (including apprehension, screening, and release of children); children’s demographics; success in obtaining legal representation and child advocates; and case outcomes (relief, deportation, repatriation, etc.).
  - *Systems of protection* for children in Customs and Border Patrol custody, in shelters operated by the Office of Refugee Resettlement, and in screening of family members for the children’s potential release.
- Advocacy to maintain, create, or expand humanitarian protections, such as:
  - *Screening mechanisms* in countries of origin for children with protection-based claims (such as threats of harm from organized crime, violent gangs, traffickers, or domestic violence) modeled on the Orderly Departure Program created after the Vietnam War to resettle refugees.<sup>1</sup>
  - *Legislative or administrative tools* to enable children to seek protection, such as humanitarian parole, expanded forms of temporary protected status, or protection visas.
  - Application of the current definition and application of the term “*unaccompanied alien child*,” which was codified in federal law to protect child migrants and ensure they have access to fair treatment in deportation proceedings.
  - Expansion of the “*best interests of the child*” framework in policy and decision making.
  - Development of *safe repatriation protocols*.

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<sup>1</sup> The United States currently offers in-country refugee screening in Iraq, Cuba, and certain former Soviet States.

## B. Evaluation of Pilot Programs and Proposed Reforms

Evaluate programs announced by federal agencies to date, including:

- The impact of *child-only dockets* in the immigration courts on children’s ability to seek immigration relief and the effectiveness of the courts themselves.
- The application of a *“best interests of the child”* framework in adjudicating children’s immigration cases.
- The impact of *“Legal Orientation Programs for Custodians,”* which educate the family members to whom children are released on the immigration court process.
- The implementation of *“Justice AmeriCorps,”* a pilot program to appoint government-funded lawyers for the children.
- *Outcomes for unaccompanied children* with and without representation, and before and after implementation of “Justice AmeriCorps.”

## V. Research

Support research into and convene experts to discuss topics such as:

- Outcomes for children released to family, including ability to obtain social services, education, legal counsel, child advocates, etc.
- Outcomes for repatriated children, including evaluating ability to reunite with family members, return to school, find work, and avoid persecution.
- Impact of arriving children on receiving communities in the United States.
- Similar international cases to develop best practices for unaccompanied immigrant children.
- Drivers of child migration, based on interviews with migrants’ families, government officials, NGOs, security specialists, and other experts.
- Development projects in Mexico and Central America that could alleviate conditions that drive migration.

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