

A D D E N D U M

to

ANOTHER BIDEN BLUNDER: MISSING UNACCOMPANIED ALIEN CHILDREN AND CRIMINAL SPONSORS

This Addendum is available at:

<https://www.govinfo.gov/content/pkg/CHRG-119shrg62654/pdf/CHRG-119shrg62654-add1.pdf>

Submitted by Chair Cornyn:

Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.– <i>The New York Times</i> , article	2
As Migrant Children Were Put to Work, U.S. Ignored Warnings– <i>The New York Times</i> , article	24
For migrant girls, new lives in U.S. bring risk of sexual abuse, <i>The Atlanta Journal Constitution</i> , article	43
UAC Hearing–Examples of Bills	57

Submitted by Ranking Member Padilla:

Acacia Center for Justice, statement	59
Academic Pediatric Association, American Academy of Pediatrics, American Pediatric Society, Association of Medical School Pediatric Department Chairs, National Association of Pediatric Nurse Practitioners, Pediatric Policy Council, Society for Adolescent Health and Medicine, Society for Pe- diatric Research, letter	69
American Psychological Association Services (APAS), letter	74
Government Accountability Project, Protected Whistleblower Disclosure, statement	76
Kids in Need of Defense (KIND), statement	78
Padilla and Durbin, Call for Oversight Hearings, After Whistleblower Re- port Alleges Trump Admin Lied About Safety of Unaccompanied Guate- malan Children to Deport Them, <i>The Washington Post</i> , article	86
Psychiatry Online, article	88
Trump’s mass deportations bring a new wave of family separations, article	99
Whistleblower Account Contradicts Government’s Claims on Guatemalan Children, <i>The New York Times</i> , article	106

Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.

Arriving in record numbers, they're ending up in dangerous jobs that violate child labor laws — including in factories that make products for well-known brands like Cheetos and Fruit of the Loom.

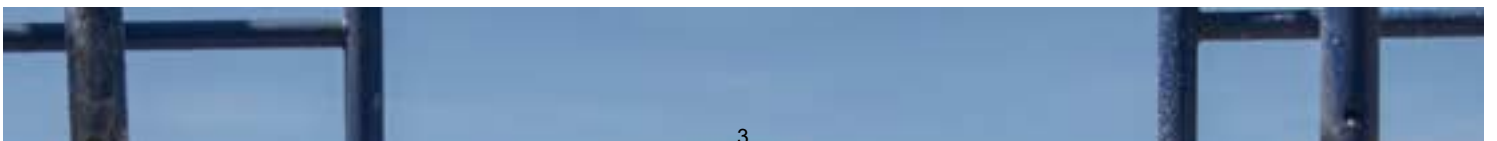
By Hannah Dreier Photographs by Kirsten Luce

Hannah Dreier traveled to Alabama, Florida, Georgia, Michigan, Minnesota, South Dakota and Virginia for this story and spoke to more than 100 migrant child workers in 20 states. hannah.dreier@nytimes [@hannahdreier](https://twitter.com/hannahdreier)

Published Feb. 25, 2023 Updated Feb. 28, 2023



Cristian works a construction job instead of going to school. He is 14.



Carolina packages Cheerios at night in a factory. She is 15.



Kirsten Luce for The New York Times

Wander starts looking for day-labor jobs before sunrise. He is 13.

It was almost midnight in Grand Rapids, Mich., but inside the factory everything was bright. A conveyor belt carried bags of Cheerios past a cluster of young workers. One was 15-year-old Carolina Yoc, who came to the United States on her own last year to live with a relative she had never met.

About every 10 seconds, she stuffed a sealed plastic bag of cereal into a passing yellow carton. It could be dangerous work, with fast-moving pulleys and gears that had torn off fingers and ripped open a woman's scalp.

The factory was full of underage workers like Carolina, who had crossed the Southern border by themselves and were now spending late hours bent over hazardous machinery, in violation of child labor laws. At nearby plants, other children were tending giant ovens to make Chewy and Nature Valley granola bars and packing bags of Lucky Charms and Cheetos — all of them working for the processing giant Hearthside Food Solutions, which would ship these products around the country.

“Sometimes I get tired and feel sick,” Carolina said after a shift in November. Her stomach often hurt, and she was unsure if that was because of the lack of sleep, the stress from the incessant roar of the machines, or the worries she had for herself and her family in Guatemala. “But I’m getting used to it.”



Hearthsides Food Solutions, one of the United States’ largest food contractors, makes and packages products for well-known snack and cereal brands. Kirsten Luce for The New York Times

These workers are part of a new economy of exploitation: Migrant children, who have been coming into the United States without their parents in record numbers, are ending up in some of the most punishing jobs in the country, a New York Times investigation found. This shadow work force extends across industries in every state, flouting child labor laws that have been in place for nearly a century. Twelve-year-old roofers in Florida and Tennessee. Underage slaughterhouse workers in Delaware, Mississippi and North Carolina. Children sawing planks of wood on overnight shifts in South Dakota.

Largely from Central America, the children are driven by economic desperation that was worsened by the pandemic. This labor force has been slowly growing for almost a decade, but it has exploded since 2021, while the systems meant to protect children have broken down.

The Times spoke with more than 100 migrant child workers in 20 states who described jobs that were grinding them into exhaustion, and fears that they had become trapped in circumstances they never could have imagined. The Times examination also drew on court and inspection records and interviews with hundreds of lawyers, social workers, educators and law enforcement officials.

In town after town, children scrub dishes late at night. They run milking machines in Vermont and deliver meals in New York City. They harvest coffee and build lava rock walls around vacation homes in Hawaii. Girls as young as 13 wash hotel sheets in Virginia.



Oscar Lopez, a ninth grader, works overnight at a sawmill in South Dakota. On this day, he skipped school to sleep after a 14-hour shift. Kirsten Luce for The New York Times

In many parts of the country, middle and high school teachers in English-language learner programs say it is now common for nearly all their students to rush off to long shifts after their classes end.

“They should not be working 12-hour days, but it’s happening here,” said Valeria Lindsay, a language arts teacher at Homestead Middle School near Miami. For the past three years, she said, almost every eighth grader in her English learner program of about 100 students was also carrying an adult workload.

Migrant child labor benefits both under-the-table operations and global corporations, The Times found. In Los Angeles, children stitch “Made in America” tags into J. Crew shirts. They bake dinner rolls sold at Walmart and Target, process milk used in Ben & Jerry’s ice cream and help debone chicken sold at Whole Foods. As recently as the fall, middle-schoolers made Fruit of the Loom socks in Alabama. In Michigan, children make auto parts used by Ford and General Motors.

The number of unaccompanied minors entering the United States climbed to a high of 130,000 last year — three times what it was five years earlier — and this summer is expected to bring another wave.

These are not children who have stolen into the country undetected. The federal government knows they are in the United States, and the Department of Health and Human Services is responsible for ensuring sponsors will support them and protect them from trafficking or exploitation.

But as more and more children have arrived, the Biden White House has ramped up demands on staffers to move the children quickly out of shelters and release them to adults. Caseworkers say they rush through vetting sponsors.

While H.H.S. checks on all minors by calling them a month after they begin living with their sponsors, data obtained by The Times showed that over the last two years, the agency could not reach more than 85,000 children. Overall, the agency lost immediate contact with a third of migrant children.

An H.H.S. spokeswoman said the agency wanted to release children swiftly, for the sake of their well-being, but had not compromised safety. “There are numerous places along the process to continually ensure that a placement is in the best interest of the child,” said the spokeswoman, Kamara Jones.

Far from home, many of these children are under intense pressure to earn money. They send cash back to their families while often being in debt to their sponsors for smuggling fees, rent and living expenses.

“It’s getting to be a business for some of these sponsors,” said Annette Passalacqua, who left her job as a caseworker in Central Florida last year. Ms. Passalacqua said she saw so many children put to work, and found law enforcement officials so unwilling to investigate these cases, that she largely stopped reporting them. Instead, she settled for explaining to the children that they were entitled to lunch breaks and overtime.

Sponsors are required to send migrant children to school, and some students juggle classes and heavy workloads. Other children arrive to find that they have been misled by their sponsors and will not be enrolled in school.

The federal government hires child welfare agencies to track some minors who are deemed to be at high risk. But caseworkers at those agencies said that H.H.S. regularly ignored obvious signs of labor exploitation, a characterization the agency disputed.

In interviews with more than 60 caseworkers, most independently estimated that about two-thirds of all unaccompanied migrant children ended up working full time.

A representative for Hearthside said the company relied on a staffing agency to supply some workers for its plants in Grand Rapids, but conceded that it had not required the agency to verify ages through a national system that checks Social Security numbers. Unaccompanied migrant children often obtain false identification to secure work.

“We are immediately implementing additional controls to reinforce all agencies’ strict compliance with our longstanding requirement that all workers must be 18 or over,” the company said in a statement.

At Union High School in Grand Rapids, Carolina’s ninth-grade social studies teacher, Rick Angstman, has seen the toll that long shifts take on his students. One, who was working nights at a commercial laundry, began passing out in class from fatigue and was hospitalized twice, he said. Unable to stop working, she dropped out of school.

“She disappeared into oblivion,” Mr. Angstman said. “It’s the new child labor. You’re taking children from another country and putting them in almost indentured servitude.”

On the Night Shift



Children being processed by the U.S. Border Patrol in Roma, Texas. In the past two years alone, 250,000 unaccompanied minors have come into the country. Kirsten Luce for The New York Times

When Carolina left Guatemala, she had no real understanding of what she was heading toward, just a sense that she could not stay in her village any longer. There was not much electricity or water, and after the pandemic began, not much food.

The only people who seemed to be getting by were the families living off remittances from relatives in the United States. Carolina lived alone with her grandmother, whose health began failing. When neighbors started talking about heading north, she decided to join. She was 14.

“I just kept walking,” she said.

Carolina reached the U.S. border exhausted, weighing 84 pounds. Agents sent her to an H.H.S. shelter in Arizona, where a caseworker contacted her aunt, Marcelina Ramirez. Ms. Ramirez was at first reluctant: She had already sponsored two other relatives and had three children of her own. They were living on \$600 a week, and she didn’t know Carolina.

When Carolina arrived in Grand Rapids last year, Ms. Ramirez told her she would go to school every morning and suggested that she pick up evening shifts at Hearthside. She knew Carolina needed to send money back to her grandmother. She also believed it was good for young people to work. Child labor is the norm in rural Guatemala, and she herself had started working around the second grade.

One of the nation's largest contract manufacturers, Hearthside makes and packages food for companies like Frito-Lay, General Mills and Quaker Oats. "It would be hard to find a cookie or cracker aisle in any leading grocer that does not contain multiple products from Hearthside production facilities," a Grand Rapids-area plant manager told a trade magazine in 2019.

General Mills, whose brands include Cheerios, Lucky Charms and Nature Valley, said it recognized "the seriousness of this situation" and was reviewing The Times's findings. PepsiCo, which owns Frito-Lay and Quaker Oats, declined to comment.

Three people who until last year worked at one of the biggest employment agencies in Grand Rapids, Forge Industrial Staffing, said Hearthside supervisors were sometimes made aware that they were getting young-looking workers whose identities had been flagged as false.

"Hearthside didn't care," said Nubia Malacara, a former Forge employee who said she had also worked at Hearthside as a minor.

In a statement, Hearthside said, "We do care deeply about this issue and are concerned about the mischaracterization of Hearthside." A spokesman for Forge said it complied with state and federal laws and "would never knowingly employ individuals under 18."

Kevin Tomas said he sought work through Forge after he arrived in Grand Rapids at age 13 with his 7-year-old brother. At first, he was sent to a local manufacturer that made auto parts for Ford and General Motors. But his shift ended at 6:30 in the morning, so he could not stay awake in school, and he struggled to lift the heavy boxes.

"It's not that we want to be working these jobs. It's that we have to help our families," Kevin said.

By the time he was 15, Kevin had found a job at Hearthside, stacking 50-pound cases of cereal on the same shift as Carolina.

'So Many Red Flags'



Cristian, 14, has been working in construction in North Miami for two years instead of going to school. Federal law bars minors from a long list of such jobs. Kirsten Luce for The New York Times

The growth of migrant child labor in the United States over the past several years is a result of a chain of willful ignorance. Companies ignore the young faces in their back rooms and on their factory floors. Schools often decline to report apparent labor violations, believing it will hurt children more than help. And H.H.S. behaves as if the migrant children who melt unseen into the country are doing just fine.

"As the government, we've turned a blind eye to their trafficking," said Doug Gilmer, the head of the Birmingham, Ala., office of Homeland Security Investigations, a federal agency that often becomes involved with immigration cases.

Mr. Gilmer teared up as he recalled finding 13-year-olds working in meat plants; 12-year-olds working at suppliers for Hyundai and Kia, as documented last year by a Reuters investigation; and children who should have been in middle school working at commercial bakeries.

"We're encountering it here because we're looking for it here," Mr. Gilmer said. "It's happening everywhere."

Children have crossed the Southern border on their own for decades, and since 2008, the United States has allowed non-Mexican minors to live with sponsors while they go through immigration proceedings, which can take several years. The policy, codified in anti-trafficking legislation, is intended to prevent harm to children who would otherwise be turned away and left alone in a Mexican border town.

When Kelsey Keswani first worked as an H.H.S. contractor in Arizona to connect unaccompanied migrant children with sponsors in 2010, the adults were almost always the children's parents, who had paid smugglers to bring them up from Central America, she said.

But around 2014, the number of arriving children began to climb, and their circumstances were different. In recent years, "the kids almost all have a debt to pay off, and they're super stressed about it," Ms. Keswani said.

She began to see more failures in the vetting process. "There were so many cases where sponsors had sponsored multiple kids, and it wasn't getting caught. So many red flags with debt. So many reports of trafficking."

Now, just a third of migrant children are going to their parents. A majority are sent to other relatives, acquaintances or even strangers, a Times analysis of federal data showed. Nearly half are coming from Guatemala, where poverty is fueling a wave of migration. Parents know that they would be turned away at the border or quickly deported, so they send their children in hopes that remittances will come back.

In the last two years alone, more than 250,000 children have entered the United States by themselves.

Our Coverage of U.S. Immigration



Federal Judge Rejects Administration Efforts to Tie State Disaster Funds to Immigration Cooperation



Under Trump Policy, Bonds for Immigrants Facing Deportation Are Vanishing



Immigration Agents Collected U.S. Citizens' DNA at Border Checkpoints



The shifting dynamics in Central America helped create a political crisis early in Mr. Biden's presidency, when children started crossing the border faster than H.H.S. could process them. With no room left in shelters, the children stayed in jail-like facilities run by Customs and Border Protection and, later, in tent cities. The images of children sleeping on gym mats under foil blankets attracted intense media attention.

The Biden administration pledged to move children through the shelter system more quickly. "We don't want to continue to see a child languish in our care if there is a responsible sponsor," Xavier Becerra, secretary of health and human services, told Congress in 2021.



A detention site in the Rio Grande Valley in March 2021. The Biden administration has faced pressure to move unaccompanied children through the system quickly. Pool photo by Dario Lopez-Mills

His agency began paring back protections that had been in place for years, including some background checks and reviews of children's files, according to memos reviewed by The Times and interviews with more than a dozen current and former employees.

"Twenty percent of kids have to be released every week or you get dinged," said Ms. Keswani, who stopped working with H.H.S. last month.

Concerns piled up in summer 2021 at the Office of Refugee Resettlement, the H.H.S. division responsible for unaccompanied migrant children. In a memo that July, 11 managers said they were worried that labor trafficking was increasing and complained to their bosses that the office had become "one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases."

Staff members said in interviews that Mr. Becerra continued to push for faster results, often asking why they could not discharge children with machine-like efficiency.

"If Henry Ford had seen this in his plants, he would have never become famous and rich. This is not the way you do an assembly line," Mr. Becerra said at a staff meeting last summer, according to a recording obtained by The Times.

The H.H.S. spokeswoman, Ms. Jones, said that Mr. Becerra had urged his staff to "step it up." "Like any good leader, he wouldn't hesitate to do it again — especially when it comes to the well-being and safety of children," she said.

During a call last March, Mr. Becerra told Cindy Huang, the O.R.R. director, that if she could not increase the number of discharges, he would find someone who could, according to five people familiar with the call. She resigned a month later.

He recently made a similar threat to her successor during a meeting with senior leadership, according to several people who were present.

'It Was All Lies'



Migrant children were among the day laborers who gathered on a school day in Homestead, Fla., to find roofing, landscaping or other work. Kirsten Luce for The New York Times

While many migrant children are sent to the United States by their parents, others are persuaded to come by adults who plan to profit from their labor.

Nery Cutzal was 13 when he met his sponsor over Facebook Messenger. Once Nery arrived in Florida, he discovered that he owed more than \$4,000 and had to find his own place to live. His sponsor sent him threatening text messages and kept a running list of new debts: \$140 for filling out H.H.S. paperwork; \$240 for clothes from Walmart; \$45 for a taco dinner.

“Don’t mess with me,” the sponsor wrote. “You don’t mean anything to me.”

Nery began working until 3 a.m. most nights at a trendy Mexican restaurant near Palm Beach to make the payments. “He said I would be able to go to school and he would take care of me, but it was all lies,” Nery said.

His father, Leonel Cutzal, said the family had become destitute after a series of bad harvests and had no choice but to send their oldest son north from Guatemala.

“Even when he shares \$50, it’s a huge help,” Mr. Cutzal said. “Otherwise, there are times we don’t eat.” Mr. Cutzal had not understood how much Nery would be made to work, he said. “I think he passed through some hard moments being up there so young.”

Nery eventually contacted law enforcement, and his sponsor was found guilty last year of smuggling a child into the United States for financial gain. That outcome is rare: In the past decade, federal prosecutors have brought only about 30 cases involving forced labor of unaccompanied minors, according to a Times review of court databases.



A handwritten ledger, in Spanish, of Nery Cutzal's debts to his sponsor, including money for tacos and clothes. The child owed more than \$4,000, plus interest. Court information has been redacted for privacy.

Unlike the foster care system, in which all children get case management, H.H.S. provides this service to about a third of children who pass through its care, and usually for just four months. Tens of thousands of other children are sent to their sponsors with little but the phone number for a national hotline. From there, they are often on their own: There is no formal follow-up from any federal or local agencies to ensure that sponsors are not putting children to work illegally.

In Pennsylvania, one case worker told The Times he went to check on a child released to a man who had applied to sponsor 20 other minors. The boy had vanished. In Texas, another case worker said she had encountered a man who had been targeting poor families in Guatemala, promising to help them get rich if they sent their children across the border. He had sponsored 13 children.

"If you've been in this field for any amount of time, you know that there's what the sponsors agree to, and what they're actually doing," said Bernal Cruz Munoz, a caseworker supervisor in Oregon.

Calling the hotline is not a sure way to get support, either. Juanito Ferrer called for help after he was brought to Manassas, Va., at age 15 by an acquaintance who forced him to paint houses during the day and guard an apartment complex at night. His sponsor took his paychecks and watched him on security cameras as he slept on the basement floor.

Juanito said that when he called the hotline in 2019, the person on the other end just took a report. "I thought they'd send the police or someone to check, but they never did that," he said. "I thought they would come and inspect the house, at least." He eventually escaped.

Asked about the hotline, H.H.S. said operators passed reports onto law enforcement and other local agencies because the agency did not have the authority to remove children from homes.

The Times analyzed government data to identify places with high concentrations of children who had been released to people outside their immediate families — a sign that they might have been expected to work. In northwest Grand Rapids, for instance, 93 percent of children have been released to adults who are not their parents.

H.H.S. does not track these clusters, but the trends are so pronounced that officials sometimes notice hot spots anyway.

Scott Lloyd, who led the resettlement office in the Trump administration, said he realized in 2018 that the number of unaccompanied Guatemalan boys being released to sponsors in South Florida seemed to be growing.



Jose Vasquez, 13, photographed at the church he attends in Grand Rapids, Mich. He works 12-hour shifts, six days a week, at an egg farm outside the city. Kirsten Luce for The New York Times

“I always wondered what was happening there,” he said.

But his attention was diverted by the chaos around the Trump administration’s child separation policy, and he never looked into it. The trend he saw has only accelerated: For example, in the past three years, more than 200 children have been released to distant relatives or unrelated adults around Immokalee, Fla., an agricultural hub with a long history of labor exploitation.

In a statement, H.H.S. said it had updated its case management system to better flag instances when multiple children were being released to the same person or address.

Many sponsors see themselves as benevolent, doing a friend or neighbor a favor by agreeing to help a child get out of a government shelter, even if they do not intend to offer any support. Children often understand that they will have to work, but do not grasp the unrelenting grind that awaits them.

“I didn’t get how expensive everything was,” said 13-year-old Jose Vasquez, who works 12-hour shifts, six days a week, at a commercial egg farm in Michigan and lives with his teenage sister. “I’d like to go to school, but then how would I pay rent?”

Occupational Hazards



Carolina Yoc, back right, worked on math problems after a night shift at a Grand Rapids food plant. The 13-year-old girl sitting next to her said she also worked nights at a factory. Kirsten Luce for The New York Times

One fall morning at Union High School in Grand Rapids, Carolina listened to Mr. Angstman lecture on the journalist Jacob Riis and the Progressive Era movement that helped create federal child labor laws. He explained that the changes were meant to keep young people out of jobs that could harm their health or safety, and showed the class a photo of a small boy making cigars.

“Riis reported that members of this family worked 17 hours a day, seven days a week,” he told the students. “The cramped space reeked of toxic fumes.” Students seemed unmoved. Some struggled to stay awake.

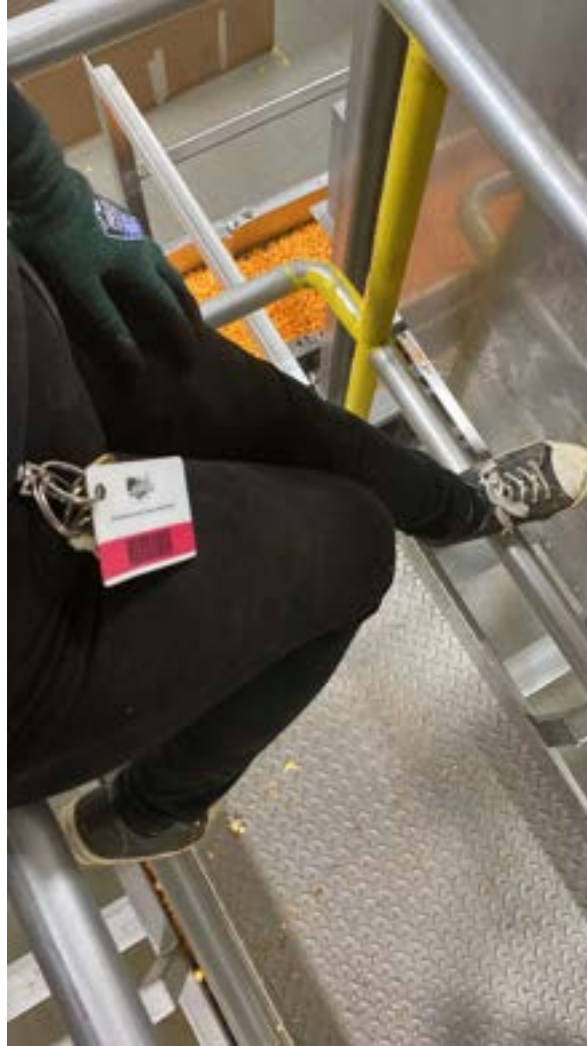
Teachers at the school estimated that 200 of their immigrant students were working full time while trying to keep up with their classes. The greatest share of Mr. Angstman’s students worked at one of the four Hearthside plants in the city.

The company, which has 39 factories in the United States, has been cited by the Occupational Safety and Health Administration for 34 violations since 2019, including for unsafe conveyor belts at the plant where Carolina found her job. At least 11 workers suffered amputations in that time. In 2015, a machine caught the hairnet of an Ohio worker and ripped off part of her scalp.

The history of accidents “shows a corporate culture that lacks urgency to keep workers safe,” an OSHA official wrote after the most recent violation for an amputation.

Underage workers in Grand Rapids said that spicy dust from immense batches of Flamin' Hot Cheetos made their lungs sting, and that moving heavy pallets of cereal all night made their backs ache. They worried about their hands getting caught in conveyor belts, which federal law classifies as so hazardous that no child Carolina's age is permitted to work with them.

Hearthside said in a statement that it was committed to complying with laws governing worker protections. "We strongly dispute the safety allegations made and are proud of our safety-first culture," the statement read.



A selfie taken by a 17-year-old at a Hearthside facility in Grand Rapids. She said older men at the factory sometimes harassed her.

Federal law bars minors from a long list of dangerous jobs, including roofing, meat processing and commercial baking. Except on farms, children younger than 16 are not supposed to work for more than three hours or after 7 p.m. on school days.

But these jobs — which are grueling and poorly paid, and thus chronically short-staffed — are exactly where many migrant children are ending up. Adolescents are twice as likely as adults to be seriously injured at work, yet recently arrived preteens and teenagers are running industrial dough mixers, driving massive earthmovers and burning their hands on hot tar as they lay down roofing shingles, The Times found.

Unaccompanied minors have had their legs torn off in factories and their spines shattered on construction sites, but most of these injuries go uncounted. The Labor Department tracks the deaths of foreign-born child workers but no longer makes them public. Reviewing state and federal safety records and public reports, The Times found a dozen cases of young migrant workers killed since 2017, the last year the Labor Department reported any.

The deaths include a 14-year-old food delivery worker who was hit by a car while on his bike at a Brooklyn intersection; a 16-year-old who was crushed under a 35-ton tractor-scraper outside Atlanta; and a 15-year-old who fell 50 feet from a roof in Alabama where he was laying down shingles.



From left: Oscar Nambo Dominguez, 16, was crushed last year under an earthmover near Atlanta. Edwin Ajacalon, 14, was hit by a car while delivering food on a bike in Brooklyn. Juan Mauricio Ortiz, 15, died on his first day of work for an Alabama roofing company when he fell about 50 feet.

In 2021, Karla Campbell, a Nashville labor lawyer, helped a woman figure out how to transport the body of her 14-year-old grandson, who had been killed on a landscaping job, back to his village in Guatemala. It was the second child labor death she had handled that year.

“I’ve been working on these cases for 15 years, and the addition of children is new,” Ms. Campbell said.

In dairy production, the injury rate is twice the national average across all industries. Paco Calvo arrived in Middlebury, Vt., when he was 14 and has been working 12-hour days on dairy farms in the four years since. He said he crushed his hand in an industrial milking machine in the first months of doing this work.

“Pretty much everyone gets hurt when they first start,” he said.

Targeting the Middlemen



Young workers exited an overnight cleaning shift last October at a JBS pork plant in Worthington, Minn. Their employer, a sanitation company, was later fined for violating child labor laws. Kirsten Luce for The New York Times

Charlene Irizarry, the human resources manager at Farm Fresh Foods, an Alabama meat plant that struggles to retain staff, recently realized she was interviewing a 12-year-old for a job slicing chicken breasts into nuggets in a section of the factory kept at 40 degrees.

Ms. Irizarry regularly sees job applicants who use heavy makeup or medical masks to try to hide their youth, she said. “Sometimes their legs don’t touch the floor.”

Other times, an adult will apply for a job in the morning, and then a child using the same name will show up for orientation that afternoon. She and her staff have begun separating other young applicants from the adults who bring them in, so they will admit their real ages.

Ms. Irizarry said the plant had already been fined for one child labor violation, and she was trying to avoid another. But she wondered what the children might face if she turned them away.

“I worry about why they’re so desperate for these jobs,” she said.

In interviews with underage migrant workers, The Times found child labor in the American supply chains of many major brands and retailers. Several, including Ford, General Motors, J. Crew and Walmart, as well as their suppliers, said they took the allegations seriously and would investigate. Target and Whole Foods did not respond to requests for comment. Fruit of the Loom said it had ended its contract with the supplier.

One company, Ben & Jerry's, said it worked with labor groups to ensure a minimum set of working conditions at its dairy suppliers. Cheryl Pinto, the company's head of values-led sourcing, said that if migrant children needed to work full time, it was preferable for them to have jobs at a well-monitored workplace.

The Labor Department is supposed to find and punish child labor violations, but inspectors in a dozen states said their understaffed offices could barely respond to complaints, much less open original investigations. When the department has responded to tips on migrant children, it has focused on the outside contractors and staffing agencies that usually employ them, not the corporations where they perform the work.

In Worthington, Minn., it had long been an open secret that migrant children released by H.H.S. were cleaning a slaughterhouse run by JBS, the world's largest meat processor. The town has received more unaccompanied migrant children per capita than almost anywhere in the country.

Outside the JBS pork plant last fall, The Times spoke with baby-faced workers who chased and teased one another as they came off their shifts in the morning. Many had scratched their assumed names off company badges to hide evidence that they were working under false identities. Some said they had suffered chemical burns from the corrosive cleaners they used.

Not long afterward, labor inspectors responding to a tip found 22 Spanish-speaking children working for the company hired to clean the JBS plant in Worthington, and dozens more in the same job at meat-processing plants around the United States.

But the Labor Department can generally only issue fines. The cleaning company paid a \$1.5 million penalty, while JBS said it had been unaware that children were scouring the Worthington factory each night. JBS fired the cleaning contractor.

Many of the children who were working there have found new jobs at other plants, The Times found.

"I still have to pay back my debt, so I still have to work," said Mauricio Ramirez, 17, who has found a meat processing job in the next town over.

'Not What I Imagined'



Cristian Lopez, 16, pictured with his 12-year-old sister, Jennifer, works at a Hearthside facility in Grand Rapids. Kirsten Luce for The New York Times

It has been a little more than a year since Carolina left Guatemala, and she has started to make some friends. She and another girl who works at Hearthside have necklaces that fit together, each strung with half a heart. When she has time, she posts selfies online decorated with smiley faces and flowers.

Mostly, though, she keeps to herself. Her teachers do not know many details about her journey to the border. When the topic came up at school recently, Carolina began sobbing and would not say why.

After a week of 17-hour days, she sat at home one night with her aunt and considered her life in the United States. The long nights. The stress about money. "I didn't have expectations about what life would be like here," she said, "but it's not what I imagined."

She was holding a debit card given to her by a staffing agency, which paid her Hearthside salary this way so she did not have to cash checks. Carolina turned it over and over in her palm as her aunt looked on.

"I know you get sad," Ms. Ramirez said.

Carolina looked down. She wanted to continue going to school to learn English, but she woke up most mornings with a clenched stomach and kept staying home sick. Some of her ninth grade classmates had already dropped out. The 16-year-old boy she sat next to in math class, Cristian Lopez, had left school to work overtime at Hearthside.

Cristian lived a few minutes away, in a bare two-room apartment he shared with his uncle and 12-year-old sister, Jennifer.

His sister did not go to school either, and they had spent the day bickering in their room. Now night had fallen and they were eating Froot Loops for dinner. The heat was off, so they wore winter jackets. In an interview from Guatemala, their mother, Isabel Lopez, cried as she explained that she had tried to join her children in the United States last year but was turned back at the border.

Cristian had given his uncle some of the money he earned making Chewy bars, but his uncle believed it was not enough. He had said he would like Jennifer to start working at the factory as well, and offered to take her to apply himself.

Cristian said he had recently called the H.H.S. hotline. He hoped the government would send someone to check on him and his sister, but he had not heard back. He did not think he would call again.

Research was contributed by Andrew Fischer, Seamus Hughes, Michael H. Keller and Julie Tate.

Hannah Dreier is a Pulitzer Prize-winning reporter on the investigations team. hannah.dreier@nytimes

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Alone, Underage and Exploited for Labor

As Migrant Children Were Put to Work, U.S. Ignored Warnings

The White House and federal agencies were repeatedly alerted to signs of children at risk. The warnings were ignored or missed.



By Hannah Dreier

Published April 17, 2023 Updated July 21, 2025

In the spring of 2021, Linda Brandmiller was working at an arena in San Antonio that had been converted into an emergency shelter for migrant children. Thousands of boys were sleeping on cots as the Biden administration grappled with a record number of minors crossing into the United States without their parents.

Ms. Brandmiller's job was to help vet sponsors, and she had been trained to look for possible trafficking. In her first week, two cases jumped out: One man told her he was sponsoring three boys to employ them at his construction company. Another, who lived in Florida, was trying to sponsor two children who would have to work off the cost of bringing them north.

She immediately contacted supervisors working with the Department of Health and Human Services, the federal agency responsible for these children. "This is urgent," she wrote in an email reviewed by The New York Times.

But within days, she noticed that one of the children was set to be released to the man in Florida. She wrote another email, this time asking for a supervisor's "immediate attention" and adding that the government had already sent a 14-year-old boy to the same sponsor.

Ms. Brandmiller also emailed the shelter's manager. A few days later, her building access was revoked during her lunch break. She said she was never told why she had been fired.

Over the past two years, more than 250,000 migrant children have come alone to the United States. Thousands of children have ended up in punishing jobs across the country — working overnight in slaughterhouses, replacing roofs, operating machinery in factories — all in violation of child labor laws, a recent Times investigation showed. After the article's publication in February, the White House announced policy changes and a crackdown on companies that hire children.

But all along, there were signs of the explosive growth of this labor force and warnings that the Biden administration ignored or missed, The Times has found.

Again and again, veteran government staffers and outside contractors told the Health and Human Services Department, including in reports that reached Secretary Xavier Becerra, that children appeared to be at risk. The Labor Department put out news releases noting an increase in child labor. Senior White House aides were shown evidence of exploitation, such as clusters of migrant children who had been found working with industrial equipment or caustic chemicals.

As the administration scrambled to clear shelters that were strained beyond capacity, children were released with little support to sponsors who expected them to take on grueling, dangerous jobs.

In interviews with The Times, officials expressed concern for migrant children but shifted blame for failing to protect them.

H.H.S. officials said the department vetted sponsors sufficiently but could not control what happened to children after they were released. Monitoring workplaces, they said, was the job of the Department of Labor.

Officials at the Labor Department said inspectors had increased their focus on child labor and shared details about workers with H.H.S., but said it was not a welfare agency.

And White House officials said that while the two departments had passed along information about migrant child labor, the reports were not flagged as urgent and did not make clear the scope of the problem. Robyn M. Patterson, a White House

spokeswoman, said in a statement that the administration was now increasing scrutiny of employers and reviewing its vetting of sponsors.

“It’s unacceptable that companies are using child labor, and this administration will continue working to strengthen the system to investigate these violations and hold violators accountable,” the statement read.

But the White House declined to comment on why the administration did not previously react to repeated signs that migrant children were being widely exploited.

“If I saw it, they could have put it together,” said Ms. Brandmiller, who is also an immigration lawyer. “There were so many opportunities to connect those dots that no one ever did.” An H.H.S. spokeswoman said the agency had no record of Ms. Brandmiller’s concerns. The company that ran the emergency shelter declined to comment.

Ms. Brandmiller said she still worried about the 14-year-old boy, Antonio Diaz Mendez.

Antonio is living in Florida City, Fla., far from his family in Guatemala. In an interview last summer, he sat on the mildewed porch of a house crowded with other migrant children. He said he was working long shifts in a refrigerated warehouse, packing vegetables for distribution around the country, and had not seen his sponsor in months.

He missed his grandmother and sometimes went days without talking to anyone. He wanted to go to school, but felt trapped because he needed to earn money to repay his debts, support himself and help his siblings.

No one, he said, had ever come to check on him.

'This Is BS'



Over the past two years, more than 250,000 migrant children have come alone to the United States. Kirsten Luce for The New York Times

Soon after President Biden took office, the growing numbers of migrant children touched off tension between the new administration and longtime government staff members.

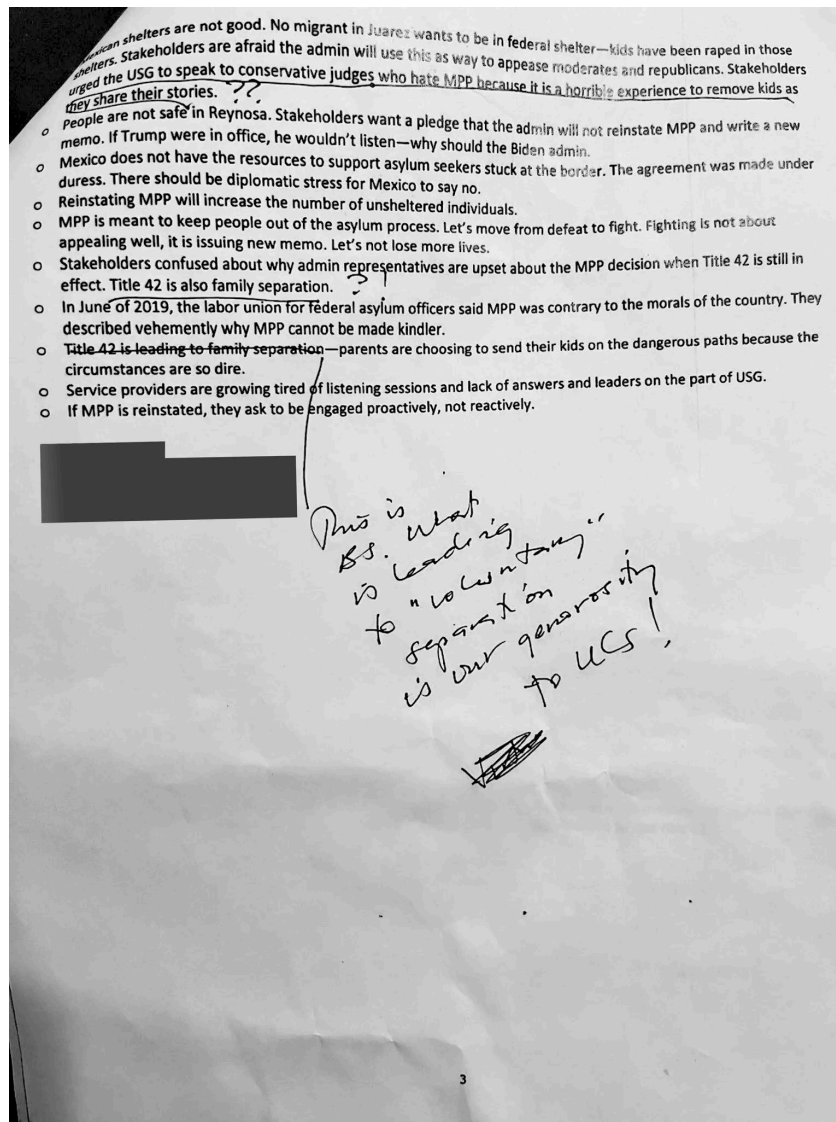
The president had promised to abide by a 2008 anti-trafficking law that requires the federal government to accept children traveling alone from most countries and allows them to stay in the United States during the yearslong process of applying for legal status.

But the law did not anticipate that a pandemic would ravage the economies of Central American countries. Parents in deepening poverty began sending their children to the United States to earn money — part of a phenomenon some immigration advocates call “voluntary family separation.”

In 2021, as images of children sleeping under foil blankets in overflow centers dominated the news, Susan E. Rice, the White House’s head of domestic policy, told staff members she was frustrated with the situation, according to five people who worked with her. Ms. Rice vented in a note she scribbled on a memo detailing the position of advocates, who believed a pandemic-era border closure was compelling parents to send unaccompanied children, sometimes called U.C.s.

“This is BS,” Ms. Rice wrote, according to a copy of the memo reviewed by The Times. “What is leading to ‘voluntary’ separation is our generosity to UCs!”

In a statement, Ms. Patterson, the White House spokeswoman, said that any suggestion that Ms. Rice felt constrained by the demands of the law was false and that she was “proud to be doing the right thing and treating children with dignity and respect.”



A copy of a 2021 memo with handwritten notes by Susan E. Rice, the White House's domestic policy adviser. Identifying information has been redacted.

Under the law, the Department of Health and Human Services is responsible for vetting sponsors to ensure they will provide for children's well-being and protect them from trafficking or exploitation. But as shelters filled with children, the department began loosening some vetting restrictions and urging case managers to speed the process along.

Longtime H.H.S. staff members complained that the changes endangered children. White House aides and administration officials grew exasperated, believing that these workers were clinging to protocols that kept children in shelters when it was better for them to be in a home with an adult.

“It was maddening,” said Vivian Graubard, a White House adviser who worked with Ms. Rice on migrant child issues.

At least five Health and Human Services staff members filed complaints and said they were pushed out after raising concerns about child safety.

Jallyn Sualog was the most senior career member of the H.H.S. division responsible for unaccompanied migrant children when Mr. Biden took office. She had helped build the program after the passage of the 2008 law and, as a lifelong Democrat, had celebrated Mr. Biden’s win.

But soon, she said, she began to hear reports that children were being released to adults who had lied about their identities, or who planned to exploit them.

She warned her bosses in a 2021 email, “If nothing continues to be done, there will be a catastrophic event.” She continued to email about situations she described as “critical” and “putting children at risk.”



Jallyn Sualog was moved out of her position at the Health and Human Services Department after raising concerns about migrant child safety. Lexey Swall for The New York Times

Concerned that no one was listening, Ms. Sualog filed a complaint in the fall of 2021 with the H.H.S. Office of Inspector General, the agency’s internal watchdog, and requested whistle-blower protection. She also took the unusual step of speaking with congressional staffers about her worries.

“I feel like short of protesting in the streets, I did everything I could to warn them,” Ms. Sualog said of the administration. “They just didn’t want to hear it.”

Our Coverage of U.S. Immigration



**Tucked in a Vineyard,
a Field of Dreams
Where Immigration
Fears Fade Away**



**Whistle-Blower
Account Contradicts
Government’s Claims
on Guatemalan
Children**



**‘People Are Losing
Hope’ Inside ICE
Detention Centers**



In late 2021, she was moved out of her position. She filed a complaint with the federal office responsible for enforcing whistle-blower protection rules, arguing that she had been illegally retaliated against.

Last fall, the Office of the Inspector General released a report that discussed Ms. Sualog’s case and several demotions and dismissals at the agency that “may have risen to the level of whistle-blower chilling.”

Ms. Sualog settled with the agency, which agreed to pay her legal fees, and resigned last month.

An H.H.S. spokeswoman declined to comment on Ms. Sualog's complaint but said the agency does not retaliate against whistle-blowers. While some staffers disagreed with the administration's approach, the spokeswoman said, significant changes were needed to address the increase in unaccompanied migrant children.

Even as veteran employees left, others kept sounding alarms. In January, shortly before the Times investigation was published, a group of workers sent another memo to their H.H.S. bosses saying the system had resulted in unsafe discharges. "We are pulling humanity out of 'Health and Human Services,'" they wrote.

Troubling Trends



Social workers noted red flags in the Little Village neighborhood of Chicago, where hundreds of migrant children have been sent. Jamie Kelter Davis for The New York Times

Some of the most persistent warnings that children were being funneled into dangerous jobs came from outside the government. H.H.S. releases most children to sponsors without follow-up care, but it hires organizations to provide thousands of the most high-risk children with several months of support services.

Last spring, Matt Haygood, senior director of children's services at the U.S. Committee for Refugees and Immigrants, one of the largest of these organizations, sent an email with the subject line "Trafficking Concerns" to several H.H.S. officials.

"We have identified some troubling trends in the Chicago metro area," he wrote, including vans picking up children at odd hours, suggesting that they were being driven to factory jobs. Mr. Haygood asked if H.H.S. would consider adding the neighborhood to a watchlist, so that prospective sponsors there would be more closely vetted.

An H.H.S. staff member replied that more than 200 children, most of them Guatemalan, had recently been released to the neighborhood and confirmed that many of those cases had been marked as suspicious: Adults were sponsoring multiple children, and minors were working instead of attending school.

"There are certainly plenty of other concerning trafficking red flags," the staff member wrote. Mr. Haygood expected the agency to add more safeguards for children released to the area, Little Village. Instead, H.H.S. decided they were not needed.

In response to The Times, an H.H.S. spokeswoman said the department had already put protections in place for children being released to a few streets in the city and at the time saw expanding those measures as overreach.

At a small fast-food restaurant in Little Village one recent afternoon, Guatemalan teenagers played video games on their phones and flirted in Indigenous languages. Several said they worked full time overnight in factories, in violation of child labor laws. Few had enrolled in school.



A teenager looking at her phone at Dennis B&K, a small fast-food restaurant in Little Village. Some migrant children in the neighborhood said they worked overnight shifts at factories. Jamie Kelter Davis for The New York Times

One, Marvin Che, said he came to the United States last year, when he was 16, and had been working 12-hour overnight shifts alongside other migrant children packing products at the manufacturer Pactiv Evergreen, including Hefty plastic party cups. “We came alone, so we have to work hard,” Marvin said.

A spokeswoman for Pactiv Evergreen said that its company policy prohibited minors from working at manufacturing sites, and that it would make sure its staffing agencies were complying. A representative for Reynolds Consumer Products, which owns the Hefty brand, said Pactiv Evergreen no longer made its party cups.

Other social service organizations said they, too, had flagged clusters of suspicious cases, including in Nashville and Dallas.

“We’re waiting for the congressional hearing that’s like, ‘How did this happen to all these kids?’” Mr. Haygood said.

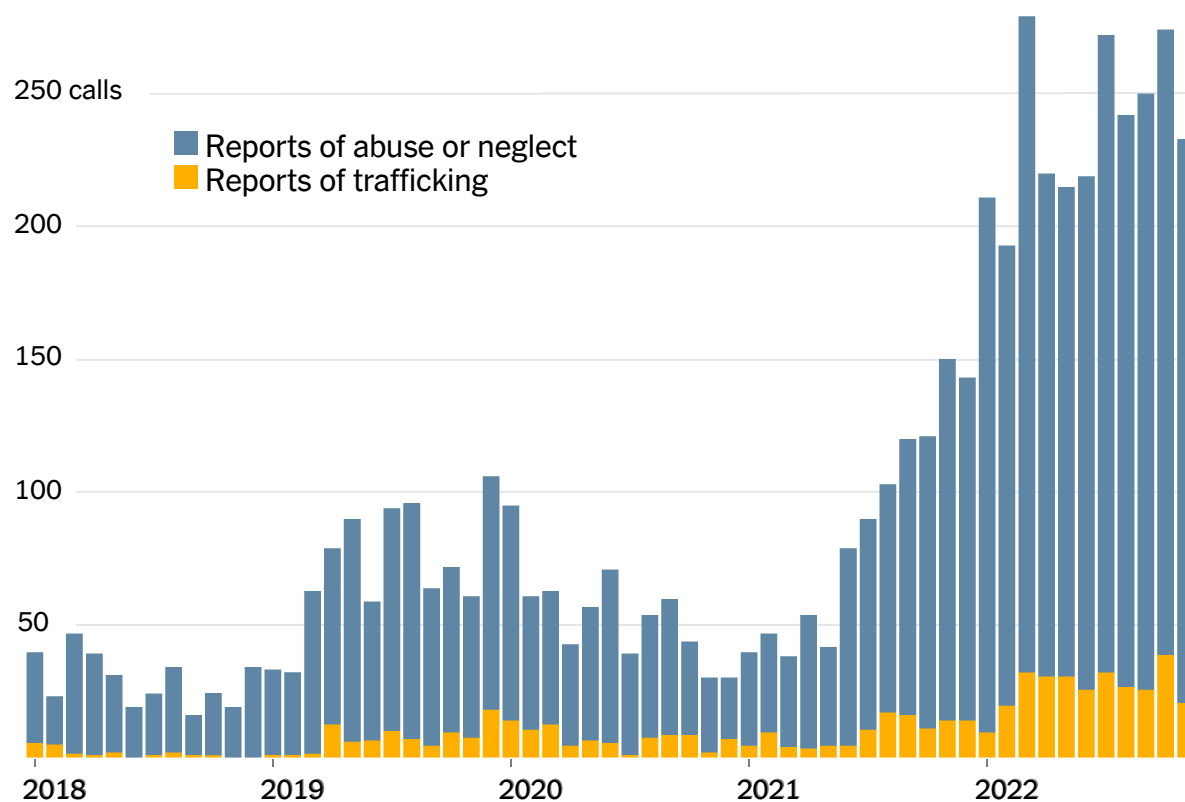
In the last two months, congressional leaders from both parties have questioned why so many migrant children ended up in exploitative jobs, and two oversight hearings are planned in the House on Tuesday.

An H.H.S. spokeswoman said the department was aware that some migrant children worked long hours because they are under intense pressure to earn money, but the agency's legal responsibility for children ends once they are released. Still, the department is working to provide a few months of case management to all unaccompanied migrant children, she said.

For now, most children released to sponsors have little support aside from an H.H.S. hotline. According to internal documents obtained by The Times, reports of trafficking to that hotline increased by about 1,300 percent over the past five years.

Reports of Trafficking and Abuse of Migrant Children

Monthly calls to H.H.S. reporting trafficking, neglect or abuse of minors placed with sponsors.



Source: A New York Times analysis of data from the Department of Health and Human Services • By Eli Murray

In one call last year, a child living in Charlotte, N.C., said his sponsor had found him a job in a restaurant and told him “he needs to work to eat.” In another, a child said his sponsor had never enrolled him in school after he was released from an El Paso shelter, and was forcing him to pay for rent and food.

The H.H.S. spokeswoman said the agency asks local law enforcement to check on children who might be in danger.

A Hard Life in Florida



Three boys from Guatemala who were released to the same sponsor in Florida and work full time in construction. “There are a lot of kids here living the same life,” Antonio said. Kirsten Luce for The New York Times

Antonio arrived at the border shortly after turning 14, and spent several weeks at a shelter before moving to Florida. A former neighbor had agreed to be his sponsor, but Antonio, who had never spent a night away from his town, had not understood

how isolated he would be in the United States.

He took jobs with employers willing to hire a child without a work permit — sometimes in landscaping and sometimes in housecleaning. He also enrolled in eighth grade and discovered that he loved biology.

He scraped by until the end of the school year, but he needed to earn more money. Instead of continuing to ninth grade, he found the job packing vegetables. He worked numbing shifts that left him chilled each night even though he worked in the heaviest jacket he could afford. A spokeswoman for the company, Jalaram Produce, said it does not hire minors.

Antonio had not told anyone back home how much he was struggling. “I don’t want them to worry about me,” he said. His father became more absent during the pandemic, and he knew his grandmother had no other way to feed his young sisters. He said he might feel less lonely after he turned 16 and qualified to enroll in night school.



Antonio called his middle school graduation the proudest day of his life. He bought a frame for his certificate and sent a photo to his siblings back home. Kirsten Luce for The New York Times

This was a common hope among migrant children in his neighborhood. A few blocks away, a boy working construction said he felt ashamed about not knowing how to read. He, too, was released in 2021 — at age 12 — and was immediately put to work by a man who had sponsored at least five children. At a day-labor pickup site, a 13-year-old released last year to a man he had never met said he wished he could enroll in middle school and start learning English.

“People don’t know,” Antonio said, “but there are a lot of kids here living the same life.”

Warning Signs

Inside the White House, Ms. Rice was at the center of the migrant children crisis. As she pressed to move children out of shelters more quickly, clues began to emerge about what was happening to them once they left.

In the summer of 2021, near the height of the crush at the border, H.H.S. managers wrote a memo detailing their worry about increasing reports that children were working alongside their sponsors, a sign of possible labor trafficking. Ms. Rice’s team received the memo, and Ms. Rice was also told what it said, according to two people familiar with the conversations.

Andrew J. Bates, White House deputy press secretary, disputed that, saying Ms. Rice “did not see the memo and was not made aware of its contents.”

Around the same time, Ms. Rice’s team was told about concerns over a large group of children who had been released to one city in Alabama, according to six current and former staff members. The situation was the subject of frequent updates as H.H.S. sent case managers to the city to check on children, and coordinated with the Labor Department and Homeland Security Investigations to look into whether they were working in poultry plants.

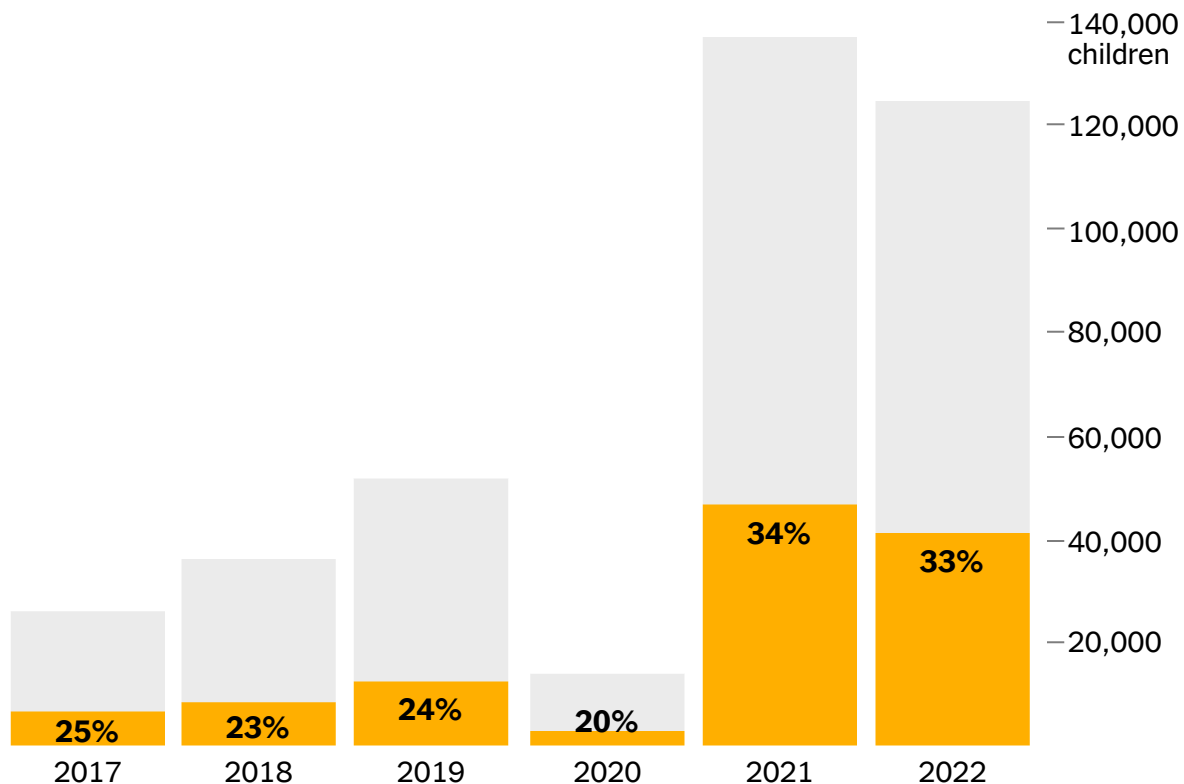
One former top White House adviser remembered thinking at the time that the development was worrisome and that it suggested other cases could be going overlooked.

A White House spokeswoman denied that senior officials were told about the situation.

A few months later, Ms. Rice's staff learned that H.H.S. could not reach a growing number of migrant children just a month after their release, according to a former senior White House official.

Losing Track of Sponsored Children

An increasing share of migrant children **could not be reached** by H.H.S. after a month.



Source: A New York Times analysis of data from the Department of Health and Human Services •

Note: Cases where children were marked “not applicable” as participants in a followup contact by H.H.S. were excluded. • By Eli Murray and Michael H. Keller

But the White House largely treated these as discrete events, not as signs of a mounting problem.

Tyler Moran, Mr. Biden's senior adviser for migration at the time, said she relied on H.H.S. to tell her how to weigh information, such as the memo from the department's worried managers and the calls to children that were going

unanswered. Staff members, she said, had not pointed to a broader child labor crisis. “The White House deferred to the agencies to let us know when things were really a problem,” Ms. Moran said.

The Department of Labor was sending up signals of its own. In 2022, investigators began uncovering signs of migrant child labor inside industrial workplaces, including several auto part factories in the South. The department put out news releases warning of a rise in child labor violations.

Last summer, labor investigators began a major operation at a sanitation company that eventually found that more than 100 mostly Spanish-speaking children were working the overnight shift scouring meatpacking plants around the country. Many of the children had come through the migrant shelter system and been released to sponsors.

As investigators found more and more migrant children working for the cleaning company around the country, H.H.S. briefed Ms. Rice’s team about the situation regularly over a period of months, according to two people familiar with the conversations.

The Labor Department also included details about the sanitation company and auto parts operations in weekly cabinet-level reports. “It was like, ‘We have problems here,’” said Martin J. Walsh, the secretary of labor until last month. “We sent reports to the White House, so they knew we were working on this stuff.”

When the Labor Department updated its public dashboard in December, it showed a 69 percent increase in child labor violations since 2018.

A spokeswoman for the Labor Department said that the White House had been aware of the rise in child labor because it was widely public. But Mr. Bates, the White House deputy press secretary, said officials there had not known of the increase in child labor until The Times’s February report.

‘At Least I’m Helping’



“What I want most for Antonio is for him to be able to go back to school,” said Pastor Abel Gomez, left, who leads the Spanish-language church that Antonio attends. Kirsten Luce for The New York Times

Even after Ms. Brandmiller’s warnings, the man who had sponsored Antonio, Juan Rivera, was allowed to receive another boy: He said he sponsored a 15-year-old and set him up with a job on a palm tree plantation.

Mr. Rivera said in an interview that he had done Antonio a favor by helping him come to the United States. He kept records of his expenses, including the cost of picking up Antonio after he left the shelter, food and clothes when he first arrived, and a twin-size mattress for his shared room. The debt had taken Antonio about a year to pay off.

He said he occasionally saw Antonio in the area and assumed that he was working hard and sending money home. “American kids just study, but our kids are poor and have to work,” he said. “One has to suffer to earn a little money here.”

This spring, Antonio’s landlord decided the house had become overcrowded. Antonio found a new home, but the rent was twice as high. He changed jobs again, picking up better-paying day labor shifts, and said he no longer hoped to attend night school. Instead, he is trying to save several thousand dollars to hire a lawyer who might help him secure a permit to work legally, in a less grueling job.

“I need to earn lot of money now,” Antonio said. “It’s gotten hard, but at least I’m helping.”

On Sundays, he attends a Spanish-language church with a vibrant youth group. The pastor, Abel Gomez, said Antonio sometimes sits with him after the service and cries about the pressure he feels.

“What I want most for Antonio is for him to be able to go back to school,” Mr. Gomez said. “But I know it’s complicated for him because there’s no one to support him.”

Mr. Gomez said he would like to help young congregants like Antonio more — even take them in. But it would be impossible. There are too many in the same situation, and more seem to arrive each week.

Ana Ley contributed reporting. Kitty Bennett contributed research.

Hannah Dreier is a reporter for The Times who covers laws and policies by telling the stories of the people they affect. She can be reached at hannah.dreier@nytimes.com.

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Migrant Children Worked As U.S. Ignored Warnings



GEORGIA NEWS

For migrant girls, new lives in U.S. bring risk of sexual abuse

Georgia is receiving more unaccompanied migrant children than ever before. Some are ending up in abusive situations.



Migrants at the border between San Diego and Tijuana keep warm using Mylar blankets at night. Some have been camped there for days waiting for Border Patrol agents to pick them up and take them to be processed. (Carolyn Cole/Los Angeles Times/TNS)

By Lautaro Grinspan

July 6, 2023



Leer en español

On May 7, 2021, a Border Patrol agent arrested 16-year-old Emilia near Yuma, Arizona, for illegally crossing into the U.S. from Mexico. She had walked through a gap in the border wall, which in that area runs along the Colorado River and takes the form of heavy steel slats.



Emilia needed to leave her hometown in Honduras. Her mother was struggling to provide for her there, and she feared for her safety after gang members kidnapped a cousin. According to documents from the Justice Department, Emilia told authorities at the border that she was going to live with a family friend in Marietta.

In a Spanish-language interview with The Atlanta Journal-Constitution, Emilia said she had last seen the Marietta family friend, a man, when she was eight years old, but she was hopeful that joining his household would raise her standard of living.

“Nothing went as I had hoped,” she said.

Emilia alleged she was sexually abused by the family friend, whom federal authorities had released her to in June 2021.

**Sign up for our daily
A.M. ATL newsletter**

Get the Latest Updates!

By signing up, I agree to the [Privacy Policy](#) and [Visitor Agreement](#)

She fled the home and her abuse was reported to Cobb County police, who confirmed her case is still under investigation. Now 18, Emilia is living in an area shelter for homeless youth.

Her story isn't unique.

Juana made the difficult decision to come to the U.S. by herself to escape the poverty she and her family experienced in Guatemala.

“I was happy with my family. We didn't have any money, but we smiled a lot,” she said. “But life isn't always about love.”



Their similar stories reflect layers of failure in the immigration system. Increasing numbers of unaccompanied minors have been arriving to the U.S., with many falling off the federal government's radar after they are processed and released to adult sponsors across the country.

When the host homes turn dangerous for the children, already overburdened foster-care systems are the first safety net.

Here in Georgia, the Department of Family and Children Services (DFCS) is responsible for helping, but undocumented youth are only eligible for services if they are under the age of 18, a rule that the agency recently tightened. Meanwhile, Georgia residents with legal status can remain in DFCS care for longer, until age 21.

After Emilia and Juana left their host homes, DFCS took them in and provided foster care for a time, but both were ousted from the system when they turned 18 earlier this year.

In the weeks leading up to the girls' birthdays, a Cobb County Juvenile Court Judge had warned the agency that "kicking [them] out of care ... would put [them] at immediate risk for sexual assault and victimization." An attorney has filed lawsuits on the teens' behalf to have DFCS take them back.

Without family or government support, both Emilia and Juana are now left to ponder an uncertain future, all while mourning a childhood cut short.

"I've been feeling very desperate — frustrated, stressed out," Emilia told the AJC. "So much has happened in so little time. I came here when I was 16, I was still a kid. I don't know. I feel like

5,000 unaccompanied minors arrived in 2022

Over the past two years, as the pandemic and its aftermath eroded economic progress across Latin America, border agents have come across record levels of children traveling without family.

In fiscal year 2022, nearly 130,000 unaccompanied minors were released from federal shelters into the homes of adult sponsors, up from roughly 30,000 in 2015, according to government data posted online by U.S. Department of Health and Human Services. Of last year’s nearly 130,000 releases, 5,200 wound up in Georgia. In 2015, by comparison, the state received just over 1,000 migrant children.

Unaccompanied children in Georgia

This chart shows the number of unaccompanied children released to sponsors from 2015-2023. Each "year" represents data from October of the preceding year to September of the cited year. The 2023 numbers include data through April 30.

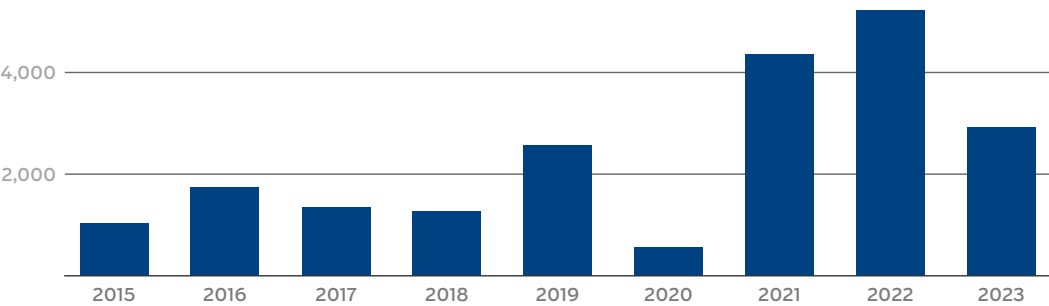


Chart: George Mathis • Source: U.S. Department of Health & Human Services

The Atlanta Journal-Constitution

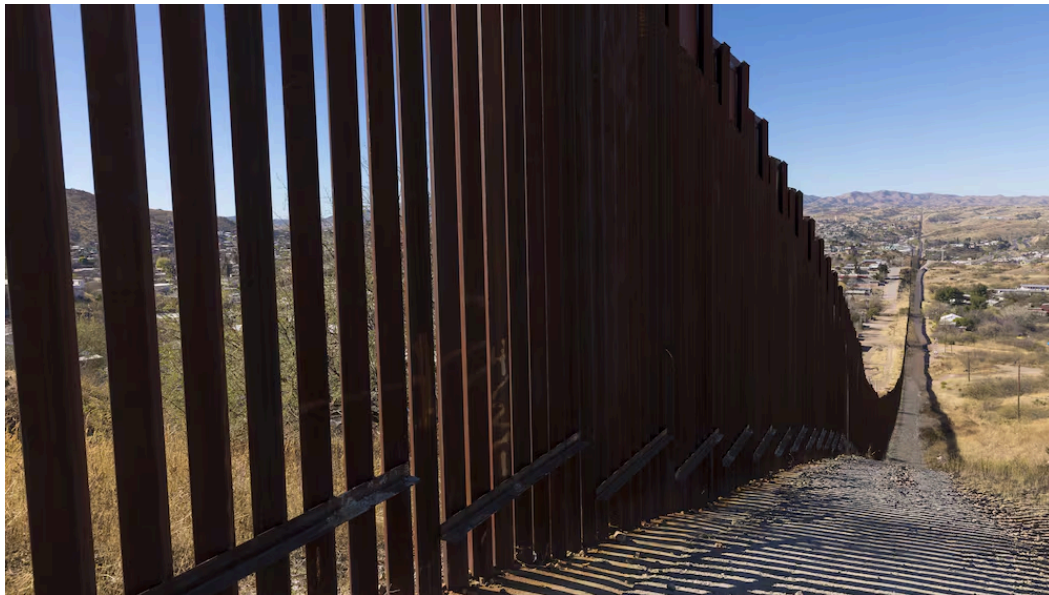
“We are just drowning,” said Andrea Landers, an immigration attorney with Atlanta Legal Aid who helps provide free legal representation to migrant children in the area.

It’s a vulnerable population: Unaccompanied migrant children lack legal status and have deportation orders to challenge. They often feel intense pressure to earn money, with relatives back home expecting support and as is often the case, smuggling debt to pay off. That puts them at greater risk of trafficking and exploitation, experts say.



A February [report by The New York Times](#) showed that the agency, which checks on all minors by calling them a month after they've moved in with their sponsors, lost immediate contact with more than 85,000 children over the last two years — roughly a third of all arrivals.

In an [audit report](#) published in June, HHS maintained that it is able to reach either the child, the sponsor or both in more than 80% of cases. A spokesman told the AJC in a statement that HHS “works diligently to make sure every placement decision is made in the best interest of the child.” The spokesman added that, although HHS collaborates with law enforcement and other partners when it learns that children’s safety is at risk, its “custodial responsibilities end when a child is released from” care.



Credit: JOHN BURCHAM

The border wall between Nogales, Mexico, left, and Nogales, Ariz., Jan. 19, 2018. The two Nogaleses — Ambos Nogales, as locals refer to them — may be the most quintessential of all U.S.-Mexico border cities. For some locals, it remains a single place, split in two by the wall. (John Burcham/The New York Times)

Unencumbered by formal follow-up from federal or local agencies, some sponsors who take in migrant children are putting them to work illegally in [hazardous jobs](#). According to the U.S. Department of Labor, the increase of children arrivals has coincided with a [spike in violations](#) of child labor laws.

Emilia’s story and allegation of sexual assault point to another alarming situation that can arise after children are placed in the care of adults they barely know, with no checks to guarantee



Emilia's living situation became untenable during the 2021 Christmas break, just over six months after she arrived in Marietta. According to court filings from DFCS, Emilia's sponsor allegedly assaulted her twice. At least one of the attacks reportedly took place while Emilia was unconscious after the sponsor had served her an alcoholic drink.

Emilia fled to the home of a friend from school, and police opened an investigation. Weeks later, she entered DFCS custody and became a charge of the state.

Limited follow-up

As stipulated in Bush-era human trafficking legislation, non-Mexican minors are allowed to live in the U.S. while their cases play out in immigration court. After they've crossed the border, they are transferred into the custody of HHS, which works to facilitate placements into the homes of adult sponsors who have been vetted by the agency.

"There is this pressure because [HHS] wants to make sure they're doing right by kids and getting them out of these federal custody situations as quickly as possible. But it's a delicate balance between getting them out and making sure ... that you're sending the kids to a safe home," said Jennifer Podkul, vice president for policy and advocacy at Kids in Need of Defense (KIND), an organization that provides legal services to unaccompanied minors.

The first choice of Emilia's family was for her to join an uncle who lives in the U.S., but he declined to be her caretaker. As an undocumented immigrant, he was wary of getting on immigration authorities' radar.

For Podkul, the biggest issue in HHS' handling of migrant children is that follow-up case management is far from universal, unlike in the foster care system. Last year, roughly 40% of unaccompanied minors received "post-release services," up from 20% in 2021, according to HHS' own [data](#). At a basic level, post-release services only help connect families and sponsors to community resources.

"As they expedite the reunifications on the front end, they got to up the back-end protections, and make sure there are people looking in on the kids," Podkul said. That would "make a world of difference for their safety."



In its June audit report, HHS says it is working to expand post-release services.

In Georgia, one of the nonprofits that works with HHS to provide case management for migrant children is Catholic Charities Atlanta. According to Vanessa Russell, the organization's CEO, finding enough caseworkers to keep up with the increase in migrant children arrivals isn't an easy task.

"I think in general we could say that it's unsafe for children to be making this kind of journey," she said. "The journey is unsafe. Then, what can happen to them when they get here is a huge question mark."

'I wanted to help my parents'

Like Emilia, Juana was also 16 when she set off to the U.S. from her home in Central America.

She lived in Nebaj, a town in the western Guatemalan highlands, where residents speak the Mayan Ixil language. It was a hardscrabble life: Juana shared a two-bedroom adobe house with her parents and six siblings. Her dad, a farmworker, had gotten injured and couldn't work. Her mom washed clothes. Money was tight and groceries not always something they could afford.

The family went into debt to pay a smuggler 48,000 quetzals, around \$6,000, to bring Juana to the border.

The journey north was brutal. It included travel through Mexico in the back of a tractor-trailer crowded with other migrants.

"It was hot, there was no air. We were all standing," Juana said. "I passed out several times, but I never gave up."

Juana crossed into the U.S. in October 2021. She says HHS released her into the care of a male cousin in Florida, whose name her family had provided. Instead of enrolling her in school, he found her a job at a plant nursery, working full-time.

"It was very tiring, but I wanted to get ahead so I didn't care," she said.



Roughly six months later, Juana came with a friend to metro Atlanta, where she moved into a house with at least three adult men. She wouldn't tell an AJC reporter what caused her to leave Florida, but a lawyer working on her behalf says the likeliest reason is she was sexually abused by her cousin.

Georgia child welfare authorities learned of Juana in August 2022, when she arrived by ambulance at Wellstar Kennestone Hospital in Cobb County, and it was determined that she had no parent or legal caretaker in the area. According to DFCS, Juana arrived at the hospital "for treatment of a sexually transmitted disease and/or other illness." By the end of the month, the agency had placed her in a group home for children and teens in Columbus.

A smaller safety net

In Georgia, most youth in the foster care system aren't ready to leave it when they reach legal age. On average, [around three quarters](#) of those newly turned 18 sign up for "extended" services, which are available up until their 21st birthday. Under state law, 18 is also the age immigrants become barred from receiving public benefits if they are living in the country without authorization.

As recently as two years ago, DFCS could make accommodations for migrant youth who were on track to get a green card, or permanent residency, even if they hadn't reached the end of that lengthy application process, according to Landers.

But a DFCS directive from October 2021 — weeks after [a leadership change](#) at the agency that oversees DFCS — eliminated that flexibility. Now, if children don't beat the odds and secure a green card before their 18th birthday, they are transitioned out of the foster care system.

Emilia and Juana's stories suggest DFCS is also falling short when it comes to helping vulnerable migrant youth in their custody move on to a stable living arrangement after leaving foster care.



Juana was less fortunate. Two days after her 18th birthday, she was back in the Marietta apartment where welfare authorities had taken her from just months prior, where at least three unrelated, unvetted adult men live. Cobb County Juvenile Court Judge Amber Patterson called that turn of events “absolutely outrageous,” according to court documents, adding, “the child was abandoned without a cent in her pocket.”

Judge Patterson has repeatedly ordered DFCS to continue providing services to Emilia and Juana, citing the agency’s failure to help start immigration processes while the girls were in its care. DFCS lawyers have fought the court’s ruling, saying because the girls are 18, the Cobb Juvenile Court no longer has jurisdiction and DFCS no longer has custody, an approach Salmon describes as running out the clock.

In a statement, DFCS spokesperson Kylie Winton said, “For all young people who exit DFCS care at age 18, DFCS makes efforts not only to educate the youth about his or her options, but also to connect the youth with available community resources and individuals in the community to whom the young person can go to for support.”

As Salmon continues to fight to get her clients enrolled in extended foster care, the attorney is especially worried about Juana, whom she says will likely drop out of school.

“She’s scared. What if [the men who have taken her in] stop feeding her? Maybe she’s scared of what she’s going to have to do to eat,” she said.

Juana acknowledges that the upside of school isn’t clear to her, though she would like to learn English.

“Miss Rebeca [Salmon] says that I need to study, but it’s becoming really difficult, because I don’t have any money.”

her reach the U.S.

“That’s something that worries me a lot. It makes me depressed. I wonder a lot about how I’m going to get that money, how I’m going to pay for my food and my rent. I don’t know. I am full of worries.”

Despite the challenges, she remains convinced there’s a better future to be had here than back home.

“I don’t regret coming.”

How we got this story:

In March, attorney and child welfare advocate Rebeca Salmon reached out to The Atlanta Journal-Constitution to let the newspaper know about Emilia and Juana’s stories. A reporter met and spoke with the teens in a waiting area inside the Cobb County Juvenile Court, on a day both were due for a hearing in their suits against DFCS. More details about the teens’ situation in the U.S. and back in Central America were gathered during ensuing phone interviews with Emilia and Juana, and by reviewing court records as well as documents from state and federal agencies.

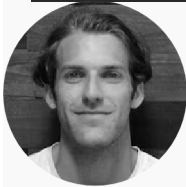
The Atlanta Journal-Constitution and Report for America are partnering to add more journalists to cover topics important to our community. Please help us fund this important work at ajc.com/give

Related

Number of Georgia asylum seekers likely broke records in May

Georgia took in a likely record-breaking number of migrants seeking asylum in May, joining other states such as New...

About the Author



Lautaro Grinspan



Lautaro Grinspan is an immigration reporter at The Atlanta-Journal Constitution.

More Stories

Keep Reading



Ossoff and Warnock push ICE on immigrant deaths in Georgia

DISPATCH

America's 'smallest church' is a bit of a big deal on Georgia coast

'We're going to wreck,' student says before Bartow bus driver's DUI arrest

The Latest

Metro Atlanta

Georgia News

Legislature

National & World News

Business



DISPATCH

America’s ‘smallest church’ is a bit of a big deal on Georgia coast

Ossoff and Warnock push ICE on immigrant deaths in Georgia

Proposed Athens hotel behind storied UGA ‘President’s House’ faces pushback

Featured



EXCLUSIVE

DEI programs cost Atlanta airport tens of millions in federal grants

Georgia's Fort Benning would become Fort Moore again under House bill

2026 World Cup mascots unveiled



- All AJC Podcasts
- AJC Events
- Download iOS App
- Download Android App

Subscription

- Digital Subscription
- Manage Subscription
- Group Subscriptions
- Subscription Terms & Conditions
- NIE/Newspapers in Education

Follow Us



The Atlanta Journal-Constitution

© 2025 The Atlanta Journal-Constitution. All Rights Reserved.

By using this website, you accept the terms of our [Online Services Terms of Use](#), [Privacy Policy](#), [CCPA](#), and understand your options regarding [Ad Choices](#).

[Learn about Careers at Cox Enterprises.](#)

**Examples of Bills (or Amendments Containing Text)
Designed to Fix the TVPRA UAC “Loophole”**

***The bill text varies but each version has a provision to remove the language that treats UACs who are Mexican and Canadian different from all other UACs who appear at the border.**

Year Filed	Bill or Amendment Number	Bill or Amendment Title/Purpose	Member Who Filed
2024	S. 2611	HUMANE Act	Cornyn
2021	S. 959	Secure and Protect Act of 2021	Graham
2021	S. 884	Stopping Border Surges Act	Lee
2019	S. 1303	HUMANE Act of 2019	Cornyn
2019	H.R. 2522	HUMANE Act of 2019	Cuellar
2019	S. 1494	Secure and Protect Act of 2019	Graham
2018	S. 3478	Fixing America's Marred Immigration Laws to Improve and Ensure Security” or the “FAMILIES Act”	Johnson
2018	SA 1959 (to Amend H.R. 2579), Sec. 1521	Protecting Children and America's Homeland Act of 2018	Grassley

Year Filed	Bill or Amendment Number	Bill or Amendment Title/Purpose	Member Who Filed
2017	S. 2192	Secure Act of 2017	Grassley
2017	S. 1757	Building America's Trust Act	Cornyn
2016	S. 2561	Protection of Children Act of 2016	Sessions
2015	S. 44	A bill to provide for the expedited processing of unaccompanied alien children illegally entering the United States, and for other purposes.	Vitter
2015	S. 129	Repeal Executive Amnesty Act of 2015	Johnson
2014	S. 2362	To provide for the expedited processing of unaccompanied alien children illegally entering the United States, and for other purposes	Vitter
2014	S. 2666	Protect Children and Families Through the Rule of Law Act	Cruz
2014	S. 2619	CREST Act	McCain
2014	S. 2773	Protecting Children and America's Home Act of 2014	Cornyn
2014	S. 2772	Making supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.	Flake



Statement for the Record of

Acacia Center for Justice

On

Senate Judiciary Committee

Border Security and Immigration Subcommittee

“Another Biden Blunder: Missing Unaccompanied Alien Children and
Criminal Sponsors”

September 17, 2025

Acacia Center for Justice thanks the Senate Judiciary Committee Border Security and Immigration Subcommittee for the opportunity to submit a statement for this hearing on unaccompanied children.

Acacia Center for Justice expands meaningful access to justice and freedom for immigrants at risk of detention or deportation, in partnership with an accountable and independent national network of immigration legal service providers and community partners. Acacia's reach and impact are unparalleled. As a national nonprofit, Acacia currently operates publicly funded programs and responsive collaborations through a network of over 130 legal service providers nationwide. With a strong foundation in research and data analysis, Acacia also produces original work aimed at improving public understanding of immigration systems and policy. Its research draws on publicly available data, deep expertise, and engagement with scholarly literature to generate rigorous, evidence-based insights. Through this work, Acacia provides thought leadership that bridges the gap between complex immigration systems and public awareness — contributing to academic knowledge and informing policy reform.

* * *

The amount of time unaccompanied children are kept in government custody has exploded under the current Trump administration. These are children referred by the Department of Homeland Security (DHS) to the Department of Health and Human Service's Office of Refugee Resettlement (ORR), which is required to place them "in the least restrictive setting that is in the best interests of the child" and to "release a child from its custody without unnecessary delay."ⁱ

When Congress charged ORR with the responsibility to place a child in the least restrictive setting in the child's best interests, it anticipated a policy framework that keeps children safe — but also one that does in fact lead to most children's placement in the home of a vetted sponsor. ORR's recent policy changes have made it nearly impossible for that to happen as Congress intended. Instead, they have systematically dismantled pathways to release, trapping children in prolonged custody that causes lasting harm. These changes have fostered a climate of fear and intimidation that discourages potential sponsors from coming forward, and those who do face increasingly elusive qualification standards.

Rising Lengths of Custody Reflect a Breakdown in ORR's System

Coming into 2025, children spent about one month in ORR facilities before their discharge from custody (see **Figure 1**). But that duration soon increased substantially, reaching over six months in April 2025. As of the last day of August 2025 — the most recent public data available — the approximately 2,000 children in ORR facilities had been there for an average of 179 days.

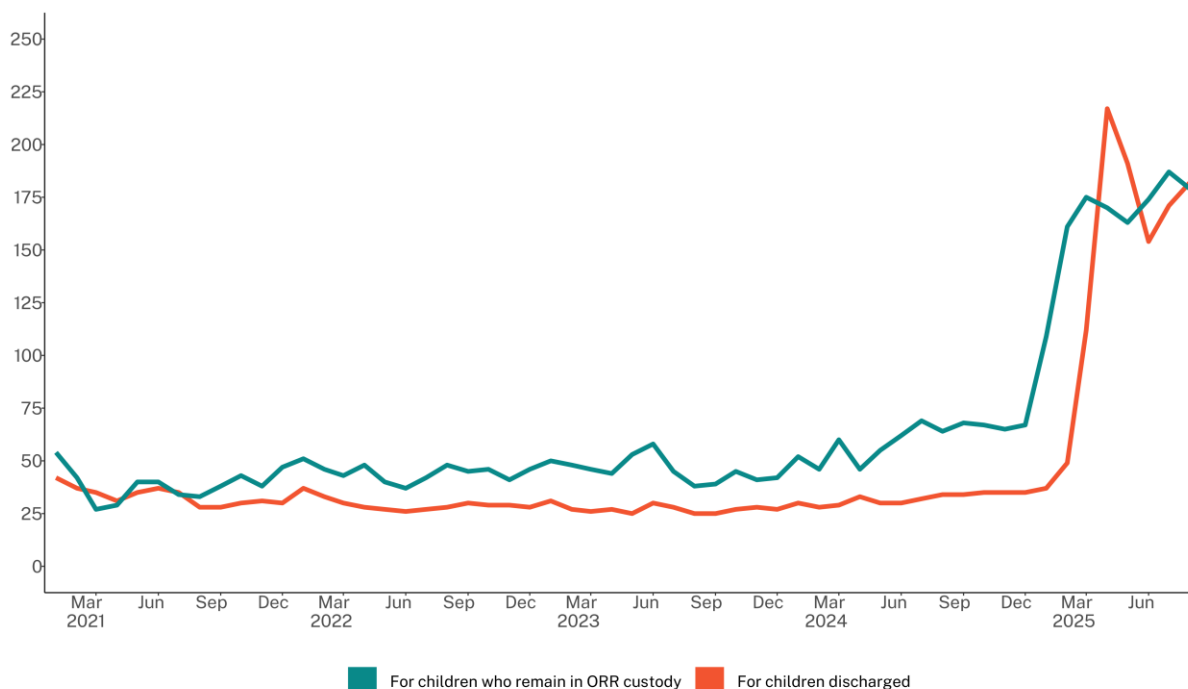
The sharp rise in children’s lengths of custody reflects a breakdown in ORR’s ability to place children in sponsors’ homes. Historically, ORR has discharged around 3 percent of the children in its custody on an average day (see **Figure 2**). However, this metric plummeted to 0.4% in April and has remained below 1 percent through August. Whereas it was previously common for between 100 and 200 children to be discharged from ORR’s facility network daily, that figure now rarely exceeds two dozen.

The precipitous drop in children leaving ORR custody was also accompanied by a marked shift in the manner of children’s discharge. Whereas around 95% of discharged children have traditionally been placed in a sponsor’s home, between April and August 2025 this was the case for only 45% of discharged children (see **Figure 2**). That is, over half of the children discharged since April left ORR custody without the protection of a vetted family member or other sponsor being able to welcome the child into their home and agree to care for them for the duration of their immigration proceedings. Instead, these children only left ORR custody because they turned 18 and “aged out” of ORR facilities, were deported or

Figure 1

Unaccompanied Children’s Lengths of Custody in ORR Facilities

Monthly average days in custody, January 2021 – August 2025



Notes: Length of custody “for children who remain in ORR custody” is the average time spent in ORR custody for all children who remain in custody as of the last day of each month. Length of custody “for children discharged” is the average time spent in ORR custody for all children discharged in a given month (for any reason).

Source: ORR Unaccompanied Alien Children Program data. Monthly data from the current fiscal year are available at acf.gov/orr/about/ucs/facts-and-data; data from prior years was posted previously and recorded by the authors.

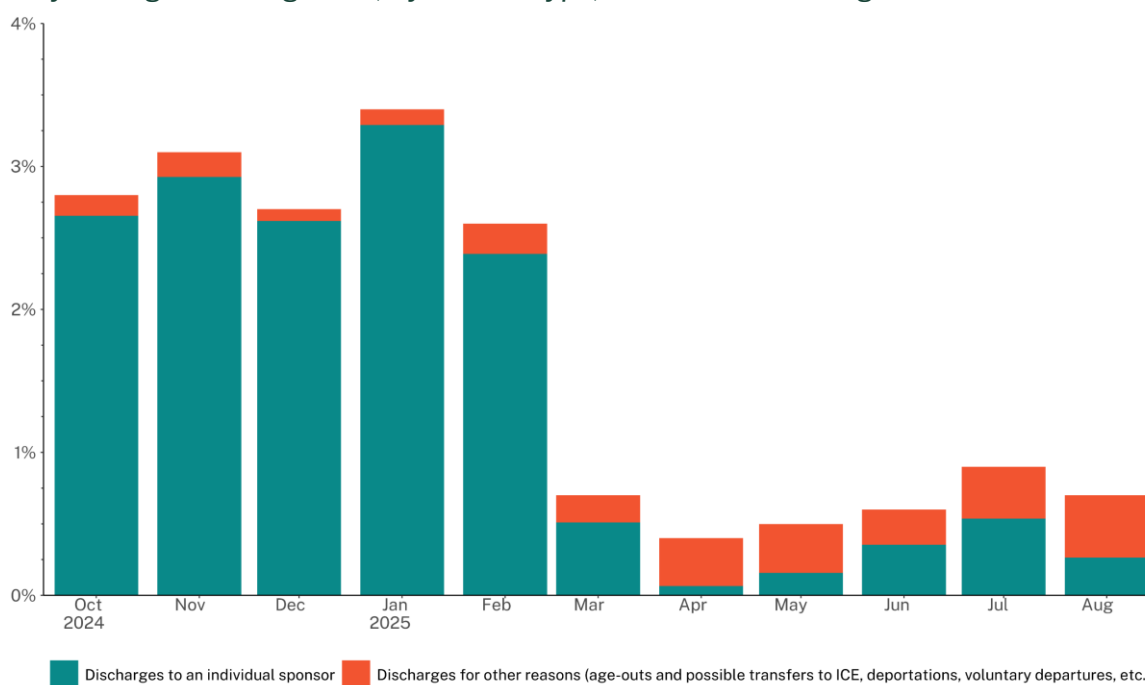
otherwise returned to their country of origin, or for other reasons not involving placement with a sponsor.

Such sudden, massive changes — nearly a six-fold increase in children’s lengths of custody, and nearly an 80% decline in ORR’s discharge rate, since January 2025 — stand in stark contrast to the prior stability of ORR’s system for placing children with vetted sponsors. Under the Biden administration, that stability was rooted in nuanced policies: Straightforward cases could be approved more expeditiously. For many children, it was possible to be discharged from ORR custody considerably more quickly than the one-month average, such as certain children determined not to be especially vulnerable, who had an identified parent residing in the United States, and for whom there were no safety concerns. In fact, a comparison of ORR’s program to state child welfare systems highlights the speed with which children removed from their homes can be placed with other family

Figure 2

Percentage of Children in ORR Facilities Who Are Discharged Each Day

Monthly average discharge rate, by release type, October 2024 – August 2025



Notes: Discharge rates reflect the number of children discharged as a proportion of the total number in custody. As such, they allow for comparisons of discharge processing across months with different overall numbers of children in custody. This figure disaggregates monthly average discharge rates by whether or not the discharge involved unification with a sponsor. Discharges for other reasons (not involving a sponsor) include but are not limited to age-outs from ORR custody; deportations; voluntary departures; immigration relief; run-aways; and discharges to Unaccompanied Refugee Minor programs, law enforcement, or ICE.

Source: ORR Unaccompanied Alien Children Program data. Monthly data from the current fiscal year are available at acf.gov/orr/about/ucs/facts-and-data. Monthly average discharge rates by release type are estimates derived from publicly available data.

members, concluding that “two to three weeks is a reasonable time for securing an immigrant child’s safe placement to family or to foster care.”ⁱⁱ

Policy Changes Prevent Discharges to Loving Homes

The sudden changes in children’s lengths of custody and ORR’s discharge rate coincide with a cascade of new policies that have created compounding barriers to children’s unification with a parent or other sponsor (see **Appendix**). Collectively, these policies represent a fundamental reorientation in how the government views potential sponsors: Those previously recognized as family members wishing to provide a loving home, clearly in a child’s best interests, are now targets of suspicion.

Potential sponsors — even a child’s parent — may be hesitant to come forward because they fear they or their loved ones will be subjected to immigration enforcement based on ORR’s new policies. For instance, sponsors are now required to verify their identification in person with ORR, at meetings where they may be arrested by Immigration and Customs Enforcement (ICE).ⁱⁱⁱ Moreover, ORR now requires fingerprinting from all of a sponsor’s adult household members, regardless of the relationship between sponsor and child, and regardless of whether safety concerns have been raised, which means household members may be required to risk being arrested due to status violations that are completely unrelated to child welfare concerns.^{iv} These requirements, combined with increased information-sharing between ORR and ICE, have generated well-founded anxiety about engaging with ORR’s sponsorship process.

For potential sponsors who do come forward, ORR’s new policies establish onerous requirements that are either impossible to meet or involve lengthy delays. Sponsors must now produce specific identification and income documents that many immigrants lack access to, effectively eliminating many who have strong family connections with the child and adequate housing. These new policies incorporate standards unrelated to their purported aim; for instance, sponsors may now only use foreign passports as proof of identity if they demonstrate legal residency or work authorization — neither of which are appropriate indicia of a sponsor’s ability to provide a safe, supportive home. Furthermore, ORR has imposed additional vetting requirements that have led to predictable processing bottlenecks, such as mandating DNA testing to confirm biological relationships without ensuring that children and sponsors are able to make timely appointments.

What makes these policy changes so devastating to the sponsor vetting process is that they create compounding barriers to a child’s release from custody. Even if a potential sponsor takes extraordinary steps to overcome one hurdle — such as by moving to a new residence without undocumented household members unwilling to provide their own personal information to the government — they will still have many more to climb. In some cases, ORR adds further unnecessary delay by addressing issues sequentially, such as by requiring a parent to complete all other aspects of their application before submitting a request for an exception to ORR’s new identification requirements, which can then add an additional month or more to the approval process.

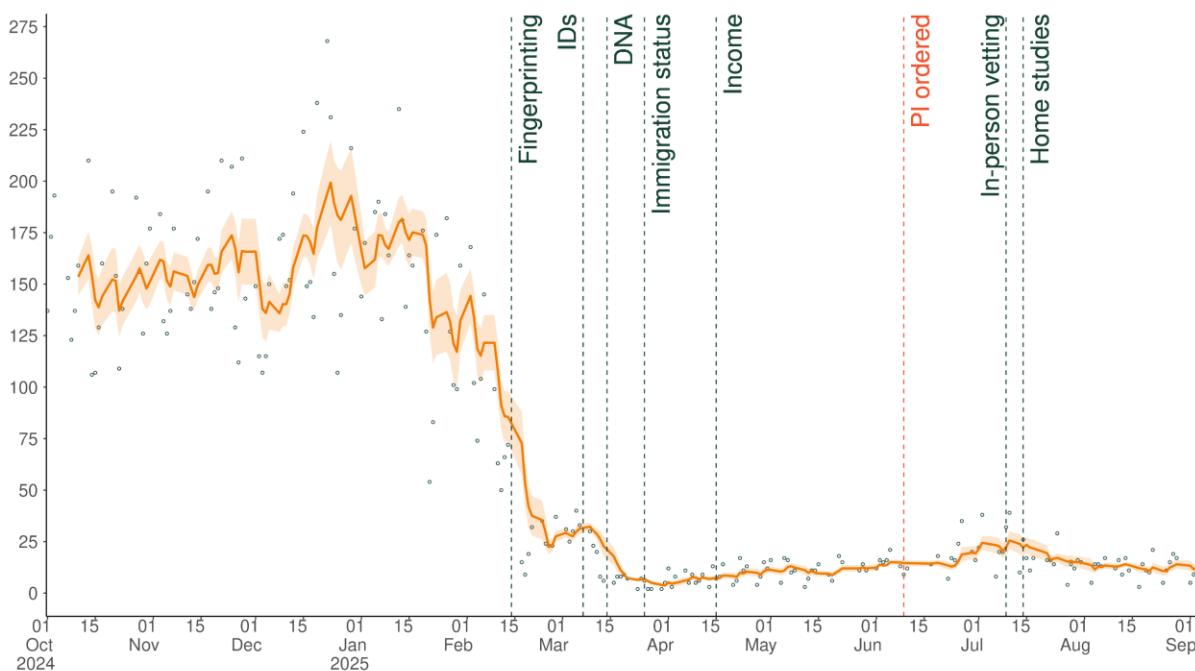
ORR's public data clearly demonstrates the cumulative effect of these policies. By the beginning of March 2025, the total number of children discharged from ORR custody had dropped to around 30 per day (see **Figure 3**). As new requirements relating to proof of identity and DNA testing were introduced later that month, daily discharges dropped further, to only about a dozen per day. While discharges did not drop even more when subsequent policies related to sponsor vetting were introduced, that is because discharges to sponsors were already at floor — as low as they could possibly be.¹

ORR's data also suggests that lifting these policies can make a difference, facilitating children's unifications with sponsors. Plaintiffs in the *Angelica S. v. HHS* litigation have protested ORR's new sponsor vetting policies as unnecessary and improperly constructed. On June 9, the judge in this case issued a preliminary injunction, ruling that the identification and income requirements would not apply to class members. Although the class was limited to only some children in ORR custody, soon after the injunction there was

Figure 3

Discharges from ORR Facilities and Policy Changes Impacting Sponsor Vetting

Daily number of children discharged, October 1, 2024 – September 1, 2025



Notes: Individual datapoints indicate total daily discharges from ORR custody, including both discharges to sponsors and for other reasons. The solid line indicates a 7-day moving average over these total daily discharge counts. The dashed vertical lines overlay key changes to policies impacting sponsor vetting.

Source: HHS Unaccompanied Alien Children Program data available at healthdata.gov.

¹ Daily discharge counts in Figure 3 include discharges of all types. As shown in Figure 2, there are discharges each day that do not involve release to a sponsor.

a small increase in discharges (see **Figure 3**). However, that increase was only temporary, as a few weeks later ORR not only issued its requirement for in-person sponsor vetting but also significantly expanded the circumstances in which a time-consuming home study would be required. After those new policies were established, total daily discharges returned to the extremely low levels they had been at prior to the injunction.

Harms to Children in ORR Custody Continue to Accrue

Each day an unaccompanied child spends in ORR custody increases the risk of lasting harm. Most have experienced trauma—in their countries of origin, during their migratory journeys, or even after entering the United States. This makes them particularly vulnerable and in need of child-centered, trauma-informed care.^v Although many ORR facility care providers strive to do their best for children in custody, even the best-run facilities are no replacement for a loving family home and community-based supports.

As the American Academy of Pediatrics has warned, immigration detention is no place for any child.^{vi} Children in ORR custody have often traveled great distances, fighting through incredible adversity, only to find themselves in a restrictive setting with unclear timelines for their discharge. As the days in custody go by, they can become hopeless. Not understanding the barriers to their release, they may also come to believe that a parent or family member residing in the United States does not want them. Some may even have already passed through ORR custody once, but found themselves swept up by immigration enforcement in the interior, ripped from their families, and returned to an ORR facility.^{vii} And many fear for the well-being of family members who remain in their countries of origin.

All these experiences can be devastating to a child's mental health, as well as their attachment with a parent or other caregiver, with potentially lifelong consequences.^{viii} Children in ORR custody are vulnerable to severe anxiety, depression, post-traumatic stress disorders, and other serious conditions. Moreover, none of these issues resolve spontaneously upon discharge. Rather, the harms accrued in ORR custody layer upon all the other challenges faced by children lucky enough to be released to a sponsor, as they seek to build their new lives.

Lengthier periods of custody also increase the administration's ability to force children into inappropriate or unlawful situations. ORR now allows ICE to interview children in ORR facilities without legal counsel present, and without guardrails to ensure children understand the interviews and are not misled as to their purpose.^{ix} This is particularly concerning in light of the administration's recent pushes for more children to be removed from the country through nonstandard means of dubious legality. First, Customs and Border Protection has begun asking unaccompanied children it encounters if they wish to elect voluntary departure, passing children who respond affirmatively directly to ICE for deportation.^x Such handoffs bypass the Trafficking Victims Protection Reauthorization Act's (TVPA) protections requiring removals for certain children to be considered by an immigration judge.^{xi} Second, the country witnessed the government's middle-of-night efforts over the Labor Day Weekend to remove Guatemalan children from ORR facilities

and repatriate plane loads of them,^{xii} in violation of statutory protections and children's rights to due process.^{xiii} The common thread here is that when unaccompanied children are in the government's custody they are under its coercive control — and that makes it easier for them to be mistreated and deprived of their rights.

Beyond these very real dangers, ORR's new sponsor-vetting policies have stolen from children something precious. The extra weeks and months spent languishing in ORR custody are a missed opportunity for children to begin healing, to reconnect with family, and to experience childhood as a time of joy and possibility. Whether or not a child ultimately wins permission to remain in the United States is a matter to be decided by USCIS or immigration court. But in the meantime, unaccompanied children deserve a chance to live in a loving home, to go to school, to be part of their communities, to work through the hardships they have endured, and to dream of a safe and rewarding future.

Conclusion and Recommendations

ORR's public data reveals a system that, while imperfect, once functioned effectively. We recommend two steps toward fixing this broken system.

First, ORR should re-center its policymaking on the proper balance between its obligations to vet sponsors and to avoid placing children in situations that are harmful. And it must recognize that immigration detention, including in ORR custody, hurts children. Policies governing children's unification with a sponsor should focus squarely on whether a potential sponsor is able to safely care for the child during the pendency of their immigration proceedings, and ORR should seek to minimize the time children spend in custody while necessary vetting occurs. A return to nuanced vetting, which does not apply the same blanket policies to all potential sponsors, and which recognizes a parent's or close family member's special interest in a child's well-being, is appropriate.

Second, ORR should commit to greater transparency on the effects of its policies. One area where additional sunlight would be particularly productive is for ORR to communicate to Congress and the American people what happens when children are discharged from its custody but not placed with an individual sponsor. ORR's ongoing data reporting should include counts of children discharged for each release type. That would improve third-party oversight of concerning situations, such as children who may be electing voluntary departure just to escape detention. This reporting should also clarify whether children aging out of ORR custody are being transferred directly to ICE custody, rather than being connected to services to assist their integration into the community as they participate in their immigration proceedings.

Appendix

Key Policy Changes Impacting Discharges to Sponsors			
Date	Figure 3 Label	Policy Change	Policy Change Name/Description
2/14/2025	Fingerprinting	Field Guidance 26	Fingerprint Background Checks and Acceptable Supporting Documentation for a <i>Family Reunification Application</i>
3/7/2025	IDs	UAC Policy Guide 2.2.4; and 2.7.4	Required Documents for Submission with the Sponsor Application for Release; Deny Release Request
3/14/2025	DNA	Field Guidance 27	DNA Testing Expansion
3/25/2025	Immigration status	Interim Final Rule	Striking 1201(b) of 45 CFR 410.1201, which prohibited disqualification of potential sponsors based on immigration status, the collection of information on immigration status for law or immigration enforcement purposes, and the sharing of immigration status information with law or immigration enforcement
4/15/2025	Income	UAC Policy Guide 2.2.4; and 2.4.1	Required Documents for Submission with the Sponsor Application for Release; Assessment Criteria
6/9/2025	PI Ordered	Preliminary Injunction in Angelica S. vs HHS litigation	Prohibition on identification (3/7) and income (4/15) requirements as to class members
7/9/2025	In-person vetting	Internal ORR directive ^{xiv}	Potential sponsors must appear for in-person interviews
7/14/2025	Home studies	UAC Policy Guide 2.4.2	Home Study Requirement

ⁱ 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1201(a).

ⁱⁱ Nagda, J. (2020, October). *Reimagining Children's Immigration Proceedings: A Roadmap for an Entirely New System Centered around Children*. Young Center for Immigrant Children's Rights. https://www.theyoungcenter.org/wp-content/uploads/2024/12/ReimaginingChildrensImmigrationProceedings_YoungCenterforImmigrantChildrensRights.pdf

ⁱⁱⁱ Gonzalez, V. (2025, September 2). *ICE is showing up to interview parents hoping to reunite with their children who entered US alone*. AP News. <https://apnews.com/article/immigration-children-parents-reunification-trump-81b20a1e3651337cec14b508f59cc52f>

^{iv} Administration for Children & Families, Office of Refugee Resettlement. (2025, February 14). *RE: Field Guidance #26 – Fingerprint Background Checks and Acceptable Supporting Documentation for a Family Reunification Application*. <https://acf.gov/sites/default/files/documents/orr/ORR-FG-26-Revised-Fingerprint-Requirements-for-Sponsors-and-HHM--02-14-2025-.pdf>

^v Beier, J., & Fredricks, K. (2023, April). *A Path to Meeting the Medical and Mental Health Needs of Unaccompanied Children in U.S. Communities*. Migration Policy Institute & American Academy of Pediatrics. <https://www.migrationpolicy.org/research/medical-mental-health-needs-unaccompanied-children>

^{vi} Linton, J. M., Griffin, M., Shapiro, A. J., Council On Community Pediatrics, Chilton, L. A., Flanagan, P. J., Dilley, K. J., Duffee, J. H., Green, A. E., Gutierrez, J. R., Keane, V. A., Krugman, S. D., McKelvey, C. D., & Nelson, J. L. (2017, May 1). Detention of Immigrant Children. *Pediatrics*, 139(5). <https://doi.org/10.1542/peds.2017-0483>

^{vii} Alvarez, P. (2025, June 4). *Trump administration takes hundreds of migrant children out of their homes, into government custody*. CNN. <https://www.cnn.com/2025/06/04/politics/migrant-children-families-government-custody>

^{viii} Matlow, R., Adamson, M., Desai, N., & Ford, J. (2021, November). *Guidance for Mental Health Professionals Serving Unaccompanied Children Released from Government Custody*. Stanford Early Life Stress and Resilience Program, National Center for Youth Law, & Center for Trauma Recovery and Juvenile Justice. https://youthlaw.org/sites/default/files/attachments/2022-03/2021_Guidance-for-Mental-Health-Professionals-Serving-Unaccompanied-Children-Released-from-Government-Custody.pdf

^{ix} Gonzalez, V. *ICE is showing up...*

^x Alvarez, P. (2025, July 23). *Trump administration moves to rapidly deport migrant children, asking teens if they want to leave*. CNN. <https://www.cnn.com/2025/07/23/politics/migrant-kids-self-deport>

^{xi} 8 U.S.C. § 1232 (a)(5)(D).

^{xii} Bower, A. (2025, September 9). *The Guatemalan Children's Case and the Judicial Learning Curve*. Lawfare. <https://www.lawfaremedia.org/article/the-judicial-learning-curve>

^{xiii} Plaintiffs' Reply in Support of Plaintiffs' Motion for a Preliminary Injunction at 40, L.G.M.L. v. Noem, Docket No. 1:25-cv-02942 (D.D.C. 2025).

^{xiv} Gonzalez, V. *ICE is showing up...*

September 16, 2025

The Honorable John Cornyn
Chair
U.S. Senate Committee on the Judiciary
Subcommittee on Border Security and
Administration
Washington, DC 20510

The Honorable Alex Padilla
Ranking Member
U.S. Senate Committee on the Judiciary
Subcommittee on Border Security and
Administration
Washington, DC 20510

Dear Chairman Cornyn and Ranking Member Padilla:

On Behalf of the Academic Pediatric Association, American Academy of Pediatrics, American Pediatric Society, Association of Medical School Pediatric Department Chairs, National Association of Pediatric Nurse Practitioners, Pediatric Policy Council, Society for Adolescent Health and Medicine, and Society for Pediatric Research, we write to express concern about the harm current immigration policies are having on the health, well-being, and stability of children in our country. As medical and mental health clinicians for children and families, we believe that separating families, prolonging the stay of children in U.S. custody, and resuming and expanding family detention are negatively impacting children and request you to utilize Congressional oversight and legislative mechanisms to ensure children's best interests are being upheld.

Family Separation

Immigration enforcement actions resulting in the deportation of parents, have physical, emotional, and developmental repercussions for millions of children across the country, including U.S. citizen children from mixed status families. An estimated 4.4 million U.S. citizen children have at least one parent or legal guardian who is not a U.S. citizen.ⁱ When parents or guardians are detained and/or deported, the impacts on children are profound. Families may lose their primary source of income, children may end up with other relatives not equipped to care for them, and some children will be placed in the child welfare system.

As medical professionals, we know that a child should never be separated from his or her parent unless there are concerns for the safety of the child at the hand of the parent and a competent family court makes that determination. Studies overwhelmingly demonstrate the irreparable harm caused by breaking up families.ⁱⁱ Prolonged exposure to highly stressful situations — known as toxic stress — can disrupt a child's brain architecture and affect his or her short- and long-term health. A parent or a known caregiver's role is to mitigate these dangers. When robbed of that buffer, children are susceptible to a variety of adverse health and developmental impacts. Separated children can face immediate health problems, including physical symptoms like headaches and stomach pain, changes in body functions like eating, sleeping, behavior problems like anger, irritability and aggression, and difficulty with learning and memory. In addition to health challenges, separated children can experience developmental delays like those in in gross and fine motor skills, as well as regression in behaviors like toileting and speech. In the long-term, children who have been separated may be

susceptible to chronic conditions such as depression, post-traumatic stress disorder, diabetes, and heart disease.

Prolonged Stays in ORR Custody

Children who arrive at the border unaccompanied by a parent or legal guardian are referred by DHS to the HHS Office of Refugee Resettlement's (ORR) Unaccompanied Children's (UC) program. Children referred to ORR are placed in shelters where they are provided essential services. The UC program is designed to provide temporary care for children while ORR finds and vets sponsors, typically family members, who can care for children in communities while their immigration cases proceed through the courts. Similar to the domestic child welfare system, congregate care shelters run by ORR are not designed for caring for children for long periods of time and child welfare best practices point towards unifying a child with a family is in the child's best interest. Children and adolescents need permanency, stability, and a sense of belonging in a family for optimal well-being. It has been well established that prolonged stays in congregate care settings are harmful to child health and development and that children should be reunified with their families as quickly as possible. The longer children remain in these congregate settings, the more likely they are to experience toxic stress which leads to adverse health outcomes, especially for their mental health. Qualitative reports about detained unaccompanied immigrant children in the United States found high rates of posttraumatic stress disorder, anxiety, depression, suicidal ideation, and other behavioral problems.ⁱⁱⁱ Young children who are detained may experience developmental delays and poor psychological adjustment, potentially affecting functioning in school.^{iv}

Unfortunately, ORR has recently implemented new policies that are not in accordance with child welfare best practices that are resulting in increasing lengths of care for unaccompanied children. In fact, the average length of care in the UC program has gone from 35 days in December 2024 to 171 days in July 2025. This increase is and will have negative health impacts on children and is the result of recent changes in ORR policy.

In March, ORR published the Interim Final Rule (IFR) which rescinded prohibitions on disqualifying sponsors based solely on immigration status, collecting sponsor immigration status information for enforcement purposes, and sharing sponsor immigration status information with enforcement agencies. This policy was adopted without justification or evidence that a sponsor's immigration status has any bearing on their ability to provide safe custody for children. These policy changes have prevented ORR from releasing children to their parents or close relatives despite a requirement in the Foundational Rule that ORR "release a child from its custody without necessary delay."^v As a result of these policy changes, children are experiencing prolonged delays in being reunified with sponsors and remaining in congregate care at great cost to both the government and their own health and well-being.

In acknowledgement of the harms prolonged stays in custody have on unaccompanied children, Congress passed the Trafficking Victims Protection Reauthorization Act (TVPRA) which requires unaccompanied children to be promptly placed in the least restrictive setting that is in the best interest of the child.^{vi} Additionally, in its 2019 report on the challenges of the Office of Refugee

Resettlement (ORR) care providers in addressing the mental health needs of children in HHS custody, the HHS Office of Inspector General (OIG) found that longer stays in ORR custody led to higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation. One of the six OIG recommendations in the report was that ORR should take all reasonable steps to minimize the time that children remain in ORR custody.

In addition to keeping immigrant children in congregate settings for prolonged periods, these recent policy changes are nullifying decades of established law protecting unaccompanied children. In May, the administration attempted to terminate the *Flores Settlement Agreement*, which establishes standards of care of unaccompanied children. In August, the administration attempted to deport 76 unaccompanied Guatemalan children, depriving children of the protections afforded by Congress by the TVPRA which requires that unaccompanied children who are not initially granted asylum resume their formal removal proceedings before an immigration judge, who may also hear their claims for asylum. Federal protections for immigrant children in U.S. custody granted by *Flores* and the TVPRA have been continuously upheld by federal courts.

Family Detention

In March, the Department of Homeland Security resumed detaining families in ICE detention centers at Karnes and Dilley in Texas. Our organizations believe that immigrant children seeking safe haven in the United States should never be placed in ICE detention facilities, as there is no evidence that any amount of time in detention is safe for children and detention itself poses a threat to child health. Family detention facilities have historically been unable to provide medical and mental health care that meets generally recognized standards.^{vii} In March, our organizations [wrote](#) to President Trump and Secretary Noem raising serious concerns about the administration's decision to resume detaining families.

Detention of youth is associated with physical and mental health symptoms that appear to be caused and/or worsened by detention. A study of children ages 3 months to 17 years in a British immigration detention center revealed physical symptoms that may include somatic complaints (*e.g.*, headaches, abdominal pain), weight loss, inability to manage chronic medical problems, and missed follow-up health appointments including those for vaccinations, developmental and educational problems, and mental health symptoms including anxiety, depression, and reemergence of post-traumatic stress disorder.^{viii} The authors conclude that detention of immigrant children and youth is particularly detrimental to mental health and an example of trauma with cumulative impact.^{ix}

Even short periods of detention can cause psychological trauma and long-term mental health risks. Parents in detention centers have described regressive behavioral changes in their children, including decreased eating, sleep disturbances, clinginess, withdrawal, self-injurious behavior, and aggression.^x The effect of detention has been found to undermine parental authority and parents' capacity to meet their child's needs, causing strain in the parent-child relationship.^{xi} This difficulty is complicated by parental mental health problems, which include depression, anxiety, and a sense of hopelessness.^{xii}

Impact of Enforcement Actions on Communities

Family separation, prolonged stays in ORR custody, and the resumption of family detention have had a ‘chilling effect’ on immigrant children and families in our communities. In January, the administration revoked a policy that limited federal immigration enforcement in protected spaces such as schools, hospitals, and places of worship.^{xiii} Afraid of being separated, parents have instructed their children to stay home and not go outside to play or even attend school.^{xiv}

Clinicians are reporting increases in no-show or cancellation for routine health care appointments, including well child visits for infants. These visits are essential to monitoring children’s physical and mental development and providing preventive care. Clinicians are also seeing an increase in children and families delaying medical care for children due to fear of immigration enforcement. Delayed treatment leads to worse health outcomes including poor maternal and infant health, which require more intensive, costly interventions to mitigate and can lead to lifelong adverse impacts as children grow. Delayed medical care also causes strain on hospital emergency departments, and ultimately, to state systems and taxpayers.

Call to Action

Independent oversight of locations in which children are temporarily housed, detained, or sheltered is critical. In March, the Department of Homeland Security ordered a reduction in force for the Office of Civil Rights and Civil Liberties, the Office of Immigration Detention Ombudsman and the Office of the Citizenship and Immigration Services Ombudsman, which investigated complaints about the immigration system including detention conditions and the care of migrant children. In the absence of interdepartmental oversight, Congress remains the only institution responsible for providing oversight over the health and well-being of children in U.S. custody.

All children, regardless of where they were born, deserve to live safely with their families and in their community. As clinicians with extensive expertise in the medical and mental health care of children and for the reasons stated above, we urge you to conduct bipartisan oversight:

- Conduct a thorough, independent investigation of the government’s detention practices.
- Understand how longer stays in ORR custody are impacting children’s health and well-being and ensure that needs of children are met by qualified and trained providers.
- Monitor and ensure that ORR is pursuing placements in smaller shelters or long-term foster care and deprioritizing or closing large, congregate care sites which are often unlicensed.
- Appoint an independent team comprised of pediatricians, pediatric mental health providers, child welfare experts and others to conduct unannounced visits to federal facilities including ICE family detention centers and ORR shelters to assess their conditions for children and capacity to respond to medical emergencies involving a child. These experts need unfettered access to sites where children are held in federal custody to ensure that they receive suitable care while there.

Thank you for the opportunity to share our clinical knowledge with you. If you have any questions regarding this letter or if we can be of assistance, please contact Mandy Slutsker in AAP's Washington Office at msslutsker@aap.org.

Sincerely,

Academic Pediatric Association
American Academy of Pediatrics
American Pediatric Society
Association of Medical School Pediatric Department Chairs
National Association of Pediatric Nurse Practitioners
Pediatric Policy Council
Society for Adolescent Health and Medicine
Society for Pediatric Research

ⁱ Pillai D, Pillai A, Artiga S. Children of Immigrants: Key Facts on Health Coverage and Care. *Kaiser Family Foundation*. Updated April 10, 2025. Available at: <https://www.kff.org/racial-equity-and-health-policy/issue-brief/children-of-immigrants-key-facts-on-health-coverage-and-care/>

ⁱⁱ Bouza A, Camacho-Thompson DE, Carlo G, et al. The Science Is Clear: Separating Families Has Long-Term Damaging Psychological and Health Consequences for Children, Families, and Communities. *Society for Research in Child Development*. June 2018. Available at <https://www.srkd.org/policy-media/statements-evidence/separating-families>

ⁱⁱⁱ Ibid.

^{iv} Linton JM, Griffin M, Shapiro AJ. Detention of Immigrant Children. *Pediatrics*. 2017;139(5). Available at <https://publications.aap.org/pediatrics/article/139/5/e20170483/38727/Detention-of-Immigrant-Children>.

^v <https://www.federalregister.gov/documents/2024/04/30/2024-08329/unaccompanied-children-program-foundational-rule>

^{vi} §§235(a)-235(d) of TVPRA; 8 U.S.C. §1232(c)(2).

^{vii} Linton JM, Griffin M, Shapiro AJ. Detention of Immigrant Children. *Pediatrics*. 2017;139(5). Available at <https://publications.aap.org/pediatrics/article/139/5/e20170483/38727/Detention-of-Immigrant-Children>

^{viii} Lorek A, Ehntholt K, Nesbitt A, et al. The Mental and Physical Health Difficulties of Children Held within A British Immigration Detention Center: A Pilot Study. *Child Abuse Negl*. 2009;33(9):573-85.

^{ix} Ibid.

^x Linton JM, Griffin M, Shapiro AJ. Detention of Immigrant Children. *Pediatrics*. 2017;139(5). Available at <https://publications.aap.org/pediatrics/article/139/5/e20170483/38727/Detention-of-Immigrant-Children>.

^{xi} Shapiro A. Declaration of Dr. Alan Shapiro, MD, dkt no. 187-7, case no. 2:85-cv-04544-DMG-AGR. Available at: www.humanrightsfirst.org/sites/default/files/HREFFloresAmicusBrief.pdf

^{xii} Kronick R, Rousseau C, Cleveland, J. Asylum-seeking children's experiences of detention in Canada: a qualitative study. *American Journal of Orthopsychiatry*. 2015;85(3):287-294.

^{xiii} Bustillo X, Martinez-Beltran S. Trump administration strips schools, churches, or immigration enforcement protections. *NPR*. January 21, 2025. Available at <https://www.npr.org/2025/01/21/nx-s1-5269899/trump-immigration-enforcement-schools-churches>

^{xiv} Goldstein D, Sanchez IC. Immigration Raids Add to Absence Crisis for Schools. *New York Times*. June 16, 2025. Available at <https://www.nytimes.com/2025/06/16/us/immigration-raids-school-absences-deportation-fears.html>



AMERICAN
PSYCHOLOGICAL
ASSOCIATION
Services, Inc.

September 16, 2025

The Honorable Senator Alex Padilla
United States Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
331 Hart Building
Washington, DC 20510

Dear Senator Padilla:

As the Ranking Member of the United States Senate Committee on the Judiciary, Subcommittee on Border Security and Immigration, please accept the following documents for consideration during the hearing and to be entered into the record on behalf of the American Psychological Association Services (APA Services), for the Senate Committee on the Judiciary, Subcommittee on Border Security and Immigration hearing to be held on September 17, titled “Another Biden Blunder: Missing Unaccompanied Alien Children and Criminal Sponsors.”

The documents in the links below explain that psychological science suggests that immigration policies that include family separation can be harmful to children, and the longer parents and children are separated, the greater the reported symptoms of anxiety and depression are for children. Youth are especially susceptible to negative mental health effects of not only being separated from their families, but also of being afraid that they will be separated. More specifically, family separation, or fear of separation, may result in children’s stress or distress, depression anxiety, behavioral and emotional issues, or sleep disturbances.

Furthermore, decades of psychological research also show that children separated from their parents can suffer severe psychological distress, resulting in anxiety, loss of appetite, sleep disturbances, withdrawal, aggressive behavior and decline in educational achievement. Not all immigrants are exposed to traumatic events, and not all will experience ill health. Still, the published literature indicates that refugees, asylum seekers and undocumented immigrants, among other groups, experience particular vulnerability to traumatic events and health risks.

APA.ORG
APASERVICES.ORG

Advocating for APA members and psychology

750 First Street, NE
Washington, DC 20002-4242
202.336.5800
202.336.6123 TDD

We ask that you include the following APA Services documents in the hearing record:

- What Psychological Science Says about Immigration and Immigrant Health
https://d3dkdvqff0zqx.cloudfront.net/groups/apaadvocacy/attachments/Advocacy-Factsheet-Immigration_V4.pdf
- APA Policy Statement on Immigrant Health
<https://www.apa.org/about/policy/statement-immigrant-health.pdf>
- APA Report on Immigration
<https://www.apa.org/pubs/reports/psychological-science-immigration-today.pdf>

APA Services is the companion organization of the American Psychological Association (APA), which is the nation's largest scientific and professional nonprofit organization representing the discipline and profession of psychology, as well as over 173,000 members and affiliates who are clinicians, researchers, educators, consultants, and students in psychological science. Our organization's mission is to promote the advancement, communication, and application of psychological science and knowledge to benefit society and improve lives. APA Services emphasizes the importance of keeping families together and strengthening the mental health of immigrants and all children and families.

As you consider policies that are in the best interest of children, we ask the Subcommittee to consider the decades of research which show that separating families is deeply detrimental for any child's mental health. The longer a child is held, the more their anxiety and depression increase.

If we can be of further help for this hearing or for future hearings, please do not hesitate to contact Serena Dávila, Senior Director of Congressional and Federal Relations at sdavila@apa.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katherine B. McGuire', with a stylized, flowing script.

Katherine B. McGuire
Chief Advocacy Officer

September 16, 2025

Sent via electronic mail

Honorable John Cornyn, Chair
Subcommittee on Border Security and
Immigration
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Alex Padilla, Ranking Member
Subcommittee on Border Security and
Immigration
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Protected Whistleblower Disclosure Regarding Violations of Laws, Rules and Regulations and Safety Risks to Children Facing Repatriation to Guatemala

Dear Chairman Cornyn and Ranking Member Padilla,

Government Accountability Project represents whistleblowers who reasonably believe representations made by Acting Director of the Office of Refugee Resettlement, Angie Salazar, to U.S. District Judge Timothy J. Kelly on September 6, 2025 in *L.G.M.L v. Noem*, a lawsuit filed to halt planned flights to return hundreds of children to Guatemala, were inaccurate.

Specifically, Salazar stated that 327 children identified for return to Guatemala had been screened according to a list of criteria that ensured, among other things, the children would not be subject to child abuse and neglect, including human trafficking, torture and other forms of violence, upon return to Guatemala.¹ These whistleblowers reasonably believe, based on information available in ORR's database for tracking unaccompanied children, that at least 30 and possibly more children who were deemed eligible for imminent return to Guatemala, have indicators of being a victim of child abuse, including death threats, gang violence, human trafficking and/or have expressed fear of return to Guatemala, including in some cases concern for harm and threats from their parents. Additionally, because the information upon which whistleblowers base their reasonable belief is from ORR's database, the whistleblowers reasonably believe Acting Director Salazar knew or should have known of the inaccuracies in her declaration.

In her declaration, Acting Director Salazar stated that ORR employed a "best interests framework in determining what constitutes an 'appropriate case' for repatriation within the meaning of 6 U.S.C. § 279(b)(1)(H),"² which gives authority to ORR to "reunite unaccompanied alien children with a parent abroad in appropriate cases."³ Ms. Salazar outlined the criteria

¹ *L.G.M.L v. NOEM*, 1:25-cv-02942, (D.D.C. Sep 06, 2025) ECF No. 35, pp. 4-5.

² *L.G.M.L v. NOEM*, 1:25-cv-02942, (D.D.C. Sep 06, 2025) ECF No. 35, Declaration of Angie Salazar in Support of Defendants' Memorandum in Opposition to Motion for Preliminary Injunction, <https://www.courtlistener.com/docket/71240524/35/1/lgml-v-noem/>.

³ 6 U.S.C. § 279(b)(1)(H).

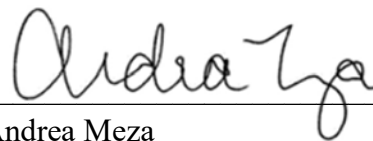
considered in the framework to determine whether it is indeed in the best interest of the child to be repatriated, which include, in pertinent part: the child does not have a credible fear claim or a pending asylum case; that ORR is assured the child will not be trafficked upon their return; that the child does not have indications of being a victim of trafficking; and that the child does not have indications of child abuse/neglect perpetrated by a parent/legal guardian.⁴

The whistleblowers obtained information they reasonably believe demonstrates that many children identified for repatriation do not in fact meet the eligibility criteria based on ORR's data; if confirmed, this would render this evidence provided to the court inaccurate. By September 5, 2025, the day before Ms. Salazar's declaration, at least thirty total, including 20% of a sample size of approximately fifty cases reviewed, had indicators of being ineligible for repatriation based on the excluding criteria. This data was noted and present in ORR's database at the time of Ms. Salazar's declaration.

These whistleblowers' disclosures evidence violations of law, rules and regulations, abuse of authority and substantial and specific danger to public health and safety on a matter of urgent, and potentially life and death, importance. While the whistleblowers choose to remain anonymous for fear of retaliation, they urge Congress to engage in immediate oversight to ensure that children are not repatriated to situations where they face trafficking, abuse, neglect, persecution, or torture.



Dana L. Gold
Government Accountability Project
1612 K Street, NW, Suite 808
Washington, D.C. 20006



Andrea Meza
Government Accountability Project
1612 K Street, NW, Suite 808
Washington, D.C. 20006

Attorneys for Whistleblowers

⁴ L.G.M.L v. NOEM, 1:25-cv-02942, (D.D.C. Sep 06, 2025) ECF No. 35, pp. 4-5.



Statement for the Record by Kids in Need of Defense (KIND)
“Another Biden Blunder: Missing Unaccompanied Alien Children and Criminal Sponsors”
Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
September 17, 2025

Kids in Need of Defense (KIND) is the leading U.S.-based organization dedicated to the protection of unaccompanied children. KIND was founded by the Microsoft Corporation and the United Nations Refugee Agency (UNHCR) Special Envoy Angelina Jolie. We have provided legal representation to more than 16,000 children in U.S. immigration proceedings, provided legal rights education to more than 75,000 children in the United States, and formed pro bono partnerships with over 800 corporations, law firms, law schools, and bar associations to provide children with pro bono representation. KIND’s social services program facilitates the coordinated provision to unaccompanied children of counseling, educational support, medical care, and other services. KIND also helps children who are returning to their countries of origin to do so safely and to reintegrate into their home communities. KIND’s programs in Mexico and Central America work to address the root causes of forced migration and help protect the safety and well-being of migrant children at every phase of their migration journey. Through its European Initiative, KIND and partners in Belgium, France, Greece, Ireland and the United Kingdom work to ensure access to high quality pro bono legal assistance for unaccompanied children in Europe.

Each year, thousands of unaccompanied children arrive to the United States, having fled extreme violence, sexual abuse, human trafficking, and other dangers in their countries of origin. Many of these children come from countries across Central America, and increasingly, from throughout the Western Hemisphere, as global displacement has reached historic levels due to war, political unrest, natural disasters, and other threats in many parts of the world. Unable to find safety in their countries of origin, children are often forced to undertake dangerous journeys, and once in the United States, face complex immigration proceedings. These children, many of whom have experienced severe trauma, confront numerous obstacles after arrival, including limited resources, language barriers, and the need to navigate the complex U.S. immigration system, often on their own.

Recognizing the unique vulnerability of unaccompanied children, Congress created fundamental procedural protections designed to help these children fairly access protection and navigate immigration proceedings to prevent their return to harm or exploitation. These safeguards, enacted on a broad bipartisan basis through the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), build

upon foundational child welfare safeguards for all children in federal immigration custody that are embodied within the *Flores* Settlement Agreement, signed by the federal government in 1997.

KIND submits this statement for the record at a time of deep concern regarding the Trump Administration's treatment of unaccompanied children. Recent administration actions have contravened the TVPRA, threatened children's return to trafficking and other dangers without meaningful opportunity to seek protection in the United States, kept children apart from their families, and needlessly left them in prolonged government custody at grave expense to their well-being. We encourage Congress to exercise vigorous oversight of these troubling actions, defend the TVPRA's longstanding safeguards, and ensure that unaccompanied children receive legal and other services vital to protecting their welfare.

Rather than ensuring unaccompanied children's placement with safe sponsors, the Trump Administration has taken actions that often prevent placement with sponsors at all, including by illegally seeking to remove children from the sponsorship process in the United States and instead summarily return them to the same countries and dangers they fled.

A whole-of-government approach is necessary to safeguard unaccompanied children, and ensuring these children's placement with safe sponsors in the United States while their legal cases transpire is a crucial element of that approach. Unfortunately, this Administration's actions serve to prevent children from being placed with the sponsors most likely to meet their best interests and often have prevented children from being placed with sponsors at all, leaving them separated from loved ones and without a safe home.

Mass summary returns of Guatemalan unaccompanied children: An illegal circumvention of the sponsorship process.

The Trump Administration recently sought to summarily return over 600 Guatemalan unaccompanied children who are in ORR custody, even though many of those children feared returning to their country of origin, many had already applied for humanitarian protection in the United States and others were in the process of preparing applications, and many were pending sponsor placements in the United States. This attempted mass return violated statutory protections that provide these children the opportunity to have their claims for legal relief in the United States considered prior to their return, and it threatened return of children to dangerous situations that they had fled without concern for their safety post-return. In addition, in advance of these attempted returns, ORR prohibited sponsor placements of many Guatemalan children in its custody, regardless of whether those placements were safe and served children's best interests. Reporting indicated that "the administration directed federal field specialists, who serve as regional liaisons to care providers and stakeholders, to cease all releases of Guatemalan children into the custody of certain sponsors, like relatives. They were also told to halt approvals of sponsors for Guatemalan children who are in government custody and don't have a parent in the United States, according to guidance reviewed by CNN."¹

¹ Priscilla Alvarez, *Exclusive: Trump administration plans to send hundreds of Guatemalan children in government custody back to home country*, CNN, Aug. 29, 2025, available at: <https://www.cnn.com/2025/08/29/politics/migrant-kids-guatemala-immigration>.

The Department of Justice (DOJ) initially represented to the federal court that all of these children's parents in Guatemala had requested their return. But a report from the Guatemalan government came to light revealing that only a fraction of these parents had been contacted regarding the prospect of their children's return and that many had rejected this possibility, including due to safety concerns. DOJ later retracted its claim, acknowledged that it had lacked any factual basis. Indeed, one of the impacted Guatemalan children stated in a sworn declaration that her mother in Guatemala had died, and that her father and other surviving family members there had abused her. The Trump Administration therefore not only sought to deny children safe sponsor placements in the United States; it intended to return children to situations in Guatemala where they would face the risk of further abuse and other harm.

Other recent actions/changes that have deprived unaccompanied children of safe sponsor options include:

- **Information sharing for immigration enforcement purposes:** The Administration has consistently taken actions to broaden the sharing of ORR information with the Department of Homeland Security (DHS) in ways that undermine ORR's mission to provide for unaccompanied children's welfare. First in an executive order² and later in an interim final rule,³ the Administration encouraged information sharing and eliminated existing restrictions on ORR's collection and sharing of immigration status information—restrictions that existed for purposes of maintaining ORR's role as distinct from immigration enforcement and focused on upholding children's well-being. Reporting brought to light that ORR permitted ICE personnel to access its Unaccompanied Children's Portal, a database containing a wide array of sensitive and confidential information about children and their potential sponsors.⁴ Such actions threaten to deter sponsorship of unaccompanied children and compel many children to remain in federal government care indefinitely.
- **Deliberately restrictive sponsorship requirements:** ORR has created a new requirement that all potential sponsors, adult members of their households, and alternate caregivers listed in an unaccompanied child's proposed care plan present original, unexpired documents when attending fingerprint appointments and provide ORR with color copies of original, unexpired documents to confirm their identity.⁵ The new requirements pose significant delays in release for children, as potential sponsors and others in the care plan may lack access to unexpired documents if, for example, their foreign passports have expired, or may decline to engage with ORR due to fear of increased enforcement. Further, ORR modified its policies to significantly narrow the kinds of documentation that potential sponsors of unaccompanied children may

² Executive Order 14159, *Protecting the American People Against Invasion*, Jan. 20, 2025, available at: <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02006.pdf>.

³ *Unaccompanied Children Program Foundational Rule; Update to Accord with Statutory Requirements*, 90 Fed. Reg. 56, Mar. 25, 2025.

⁴ Ximena Bustillo, *ICE officers granted access to unaccompanied minors database*, NPR, Feb. 14, 2025, available at: <https://www.npr.org/2025/02/14/g-s1-48979/ice-unaccompanied-minors-database>.

⁵ Office of Refugee Resettlement, Field Guidance #26, *Fingerprint Background Checks and Acceptable Supporting Documentation for a Family Reunification Application*, Feb. 14, 2025, available at: <https://acf.gov/sites/default/files/documents/orr/ORR-FG-26-Revised-Fingerprint-Requirements-for-Sponsors-and-HHM--02-14-2025-.pdf>.

provide to prove their identity, address, and relationship to the child, and to require that sponsors provide proof of income, including through the presentation of U.S. tax filings, pay stubs from the last 60 days, or a letter from their employer verifying their salary and employment.⁶ The agency also issued field guidance requiring DNA testing of all potential sponsors claiming a biological relationship with an unaccompanied child.⁷

- ***Targeting unaccompanied children and their sponsors for immigration enforcement:*** Subsequent to issuance of an ICE memorandum on establishing an “operational initiative to locate unaccompanied children,”⁸ agents from ICE and Homeland Security Investigations (HSI)—and in some cases federal personnel from other agencies such as the Federal Bureau of Investigations (FBI), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and Drug Enforcement Administration (DEA) —began conducting “wellness checks” on unaccompanied children throughout the country, typically at children’s homes, based on prepared target lists. During checks, agents may be armed and in tactical gear, surround the child’s home, and request to speak with the child and their sponsor. Reporting indicates that nearly 500 children have been returned to ORR custody following “wellness checks,” in some cases due to immigration enforcement against their sponsors.⁹

As a consequence of these often overly restrictive policies and the chilling effect created by sweeping enforcement against sponsors, the duration of unaccompanied children’s government detention has soared. From October 2024 to July 2025, the average length of care of children who are in ORR custody grew from 67 to 187 days.¹⁰ That’s half a year that the average unaccompanied child is now spending detained and apart from their loved ones. These prolonged stays in government custody lead to children experiencing depression, anxiety, and hopelessness and disserve children’s best interests.

At the same time that the Trump Administration has amplified the inaccurate “missing children” narrative, it has carried out a host of actions that have rendered unaccompanied children substantially more vulnerable to trafficking, exploitation, and abuse – not less.

The unfounded narrative around “lost” or “missing” children under the Biden Administration originated with a misleading claim that nearly 85,000 unaccompanied children had gone “missing” after release from Office of Refugee Resettlement (ORR) custody. The reference to 85,000 children was first included in a 2023 N.Y. Times article addressing the concerning prevalence of labor exploitation of unaccompanied

⁶ ORR Unaccompanied Alien Children Bureau Policy Guide, Section 2.2.4, *Required Documents for Submission with the Sponsor Application for Release*, available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2.4>.

⁷ Office of Refugee Resettlement, Field Guidance #27, *DNA Testing Expansion*, May 15, 2025, available at: <https://acf.gov/sites/default/files/documents/orr/FG-27 - DNA Testing Expansion.pdf>.

⁸ U.S. Immigration and Customs Enforcement, *Unaccompanied Alien Children Joint Initiative Field Implementation*, available at: <https://ninpnlg.org/sites/default/files/2025-04/2025-ICFO-22246-001.pdf>.

⁹ Priscilla Alvarez, Trump administration takes hundreds of migrant children out of their homes, into government custody, CNN, Jun. 4, 2025, available at: <https://www.cnn.com/2025/06/04/politics/migrant-children-families-government-custody>.

¹⁰ Office of Refugee Resettlement, Data, <https://acf.gov/orr/about/ucs/facts-and-data>.

children in the United States.¹¹ The figure is based on ORR data from the prior two years indicating the number of children who ORR was unable to reach during follow-up calls within the month after their release.

Following an August 2024 report by the DHS Office of Inspector General stating that DHS had not filed Notices to Appear (NTAs) in immigration court for hundreds of thousands of unaccompanied children, the narrative evolved into one centered on over 300,000 children “lost” by DHS.¹² The OIG report states that “ICE reported more than 32,000 UCs failed to appear for their immigration court hearings from FYs 2019 to 2023.”¹³ It further states, “As of May 2024, ICE had not served NTAs on more than 291,000 UCs who therefore do not yet have an immigration court date.”¹⁴

While efforts to ensure children’s safety are paramount at all times, data regarding whether a child or sponsor accepted an ORR call or whether DHS filed an NTA are not reliable indicators of a child’s safety or trafficking risk. For example, there are many reasons why a child or family may not have responded to ORR’s calls, including not being home, having changed phone numbers, or avoidance of calls from an unrecognized number. Moreover, claims that children are missing based on ICE having not filed NTAs for immigration court proceedings mischaracterize protections for unaccompanied children in the U.S. immigration system. Filed NTAs indicate the commencement of immigration court proceedings. They reflect a procedural step by the federal government, but do not themselves offer meaningful information about a child’s safety. In reality, many of the unaccompanied children referred to as “missing” reside in safe homes with loving sponsors. Many have consistently updated their address with DHS, applied for asylum or other relief before USCIS, and maintain contact with ORR’s network of legal and social service providers.

While the “missing” children narrative is inaccurate, what is accurate is that unaccompanied children are particularly vulnerable to risks of trafficking or exploitation, both in their countries of origin and in the United States. This is precisely why Congress passed the TVPRA, which provides safeguards to help prevent and mitigate such mistreatment. That is also why it is imperative that the executive branch take responsible, robust, and comprehensive measures to keep these children safe. Tragically, Trump Administration actions have rendered these children substantially *more* vulnerable to trafficking, exploitation, and abuse – not *less*. These actions include:

- **Termination of funding for legal representation of over 26,000 unaccompanied children.** Unaccompanied children’s attorneys often serve as their chief line of defense against traffickers and other bad actors. In fact, an attorney may be the sole adult in an unaccompanied children’s

¹¹ Hannah Drier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, The New York Times, Feb. 25, 2023, available at: <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

¹² See generally DHS Office of Inspector General, Management Alert - ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody (Aug. 19, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-46-Aug24.pdf>.

¹³ *Id.* at 3.

¹⁴ *Id.* at 4.

life in whom that child feels safe confiding information about mistreatment. The attorney can then address immediate safety needs, help the child pursue legal protection, and promote the child's cooperation with law enforcement in the investigation and prosecution of perpetrators. Yet the Trump Administration sought to eliminate funding for what in many cases are these children's only defenders against harm. A federal district court enjoined this termination, finding that, among things, it violated the TVPRA's requirement that the U.S. government ensure counsel for unaccompanied children "to the greatest extent practicable."¹⁵ The government's appeal of this injunction is pending and the future of legal representation for these tens of thousands of children remains uncertain.

- **"Wellness checks" by armed ICE agents, combined with other ICE enforcement actions, that risk leaving children afraid of engaging with any U.S. authorities at all – or even of attending school.** These checks, described above, have been carried out not by child welfare professionals, but by armed immigration enforcement personnel who often arrived unannounced at unaccompanied children's residences. The fear and panic sown by these visits among children and families throughout the country deter many children from engaging with any U.S. authorities for fear of immigration enforcement consequences, driving them deeper into the shadows where there are at heightened risk of trafficking and exploitation. Some children have become afraid of attending their immigration court hearings and even of going to school.
- **Rescission of the deferred action policy for Special Immigrant Juveniles.** Special Immigrant Juveniles are certain immigrant youth who qualified for humanitarian protection in the United States on account of parental abuse, abandonment, or similar mistreatment. Previously, these youth were considered for "deferred action," which helped protect them from, among other things, the threat of deportation to the same places they were abused or abandoned. The Trump Administration eliminated this deferred action policy for those granted Special Immigrant Juvenile Status moving forward, leaving many of these youth at risk of deportation to the very abusers they fled.¹⁶
- **Elimination of the Central American Minors Program (CAM).** CAM allowed children who were facing danger in northern Central America and who have parents with immigration status in the United States to apply to reunite with those parents in the United States as refugees through an application process that transpired while the children remained in Central America. In doing so, the program helped children avoid a dangerous trek to the U.S. border associated with heightened trafficking risks. Yet the Trump Administration eliminated CAM, stripping away a safe

¹⁵ *Community Legal Services in E. Palo Alto v. HHS*, No. 25-cv-02847-AMO (D.D.C. Apr. 29, 2025) (order granting preliminary injunction).

¹⁶ U.S. Citizenship and Immigration Services, *Policy Alert, Special Immigrant Juvenile Classification and Deferred Action*, Jun. 6, 2025, <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf>.

and orderly protection avenue for children who may now have no choice but to undertake a dangerous journey in pursuit of humanitarian protection.¹⁷

- **Requiring that unaccompanied children pay thousands of dollars in fees just to have a chance to seek legal protection in the United States.** Pursuant to passage of the “One Big Beautiful Bill Act” (H.R. 1),¹⁸ the Trump Administration is imposing novel and onerous fees on unaccompanied children that they will often be unable to afford. In many cases, an unaccompanied child seeking protection at the U.S. border may have to pay more than \$6,000 merely for an opportunity to seek safety. These developments create openings for traffickers to exploit the fee structure as a means of pressing children into long-term debt bondage.
- **So-called “self-deportation” of unaccompanied children – separate and apart from the attempted returns of Guatemalan children in ORR custody.** Press accounts indicate that the Trump Administration has construed H.R. 1 to enable DHS to summarily return unaccompanied children ages 14-17 who are at the U.S. border or in the interior of the country if those children “consent” to the return and don’t present indicators of trafficking or other protection concerns, thereby bypassing proceedings before an immigration judge.¹⁹ Yet it is unclear whether DHS is so much as screening these children for trafficking indicators, and in many cases children may lack capacity to provide such consent. These “self-deportations” could result in DHS removing children from safety in from their long-term communities and returning them to trafficking and other dangers.

Safeguarding Unaccompanied Children Moving Forward

KIND welcomes Congress’ continued commitment to the wellbeing of unaccompanied children. In service of that commitment, we urge Congress to perform vitally needed oversight of Trump Administration actions that undermine unaccompanied children’s safety, working to ensure that all federal agencies uphold critical anti-trafficking protections created by the TVPRA and other vital safeguards for this vulnerable population.

To protect unaccompanied children from trafficking, exploitation, and other harm – and to ensure continuing touchpoints between unaccompanied children and U.S. government authorities – there is no more important measure that the Trump Administration can take, and Congress can support, than maximizing the provision to these children of legal services. As part of this effort, Congress should ensure that the Fiscal Year 2026 appropriations package provides ORR with robust funding for these services and directs ORR to continue implementing those services fully and without interruption.

Attorneys can work with unaccompanied children to screen for any legal protections for which the child is eligible, provide the child with information about child labor laws and other legal rights, refer the child

¹⁷ Executive Order 14163, *Realigning the United States Refugee Admissions Program*, Jan. 20, 2025, <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02011.pdf>.

¹⁸ Public Law No. 119-2, 139 Stat. 72 (2025).

¹⁹ Priscilla Alvarez, *Exclusive: Trump administration moves to rapidly deport migrant children, asking teens if they want to leave*, CNN, Jul. 23, 2025, <https://www.cnn.com/2025/07/23/politics/migrant-kids-self-deport>.

to trusted community organizations and other professionals for social and other services, and work with the child to assist them, where appropriate, in reporting concerns to child welfare or law enforcement authorities. In many cases in which children have served as victim-witnesses, attorneys have guided those children's cooperation with law enforcement agencies to advance the investigation and prosecution of human traffickers and other bad actors. Legal assistance may also include helping eligible children to apply for a Child Eligibility Letter or interim assistance with the Department of Health and Human Services' Office on Trafficking in Persons (OTIP). Without an attorney, however, child survivors of trafficking may remain unaware of protections for them and could become vulnerable to re-trafficking and other exploitation. For many children, legal assistance can make a lifesaving difference—facilitating access to humanitarian protection so the child will not be deported to harm and helping children find safety from situations of violence, abuse, trafficking, and exploitation they may confront in the United States.

With the proper support, the U.S. government can reduce children's vulnerability to harm, help children secure lasting safety, and nourish children's resilience to grow and make valuable contributions to their communities across the United States.

ALEX PADILLA

U.S. SENATOR for CALIFORNIA

(https://www.padilla.senate.gov)

Newsroom (/newsroom/) • Press Releases (/newsroom/press-releases/)

 SEPTEMBER 17, 2025

Padilla, Durbin Call for Oversight Hearings After Whistleblower Report Alleges Trump Admin Lied About Safety of Unaccompanied Guatemalan Children to Deport Them

Call comes ahead of a Subcommittee hearing on Biden's management of unaccompanied children, despite the Trump Administration's ongoing flagrant disregard for unaccompanied child safety

WASHINGTON, D.C. — After a **WHISTLEBLOWER DISCLOSURE**

([HTTPS://WWW.PADILLA.SENATE.GOV/WP-CONTENT/UPLOADS/09-16-2025-WHISTLEBLOWER-DISCLOSURE-TO-CONGRESS-RE-GUATEMALAN-UC-REPATRIATION-SN.PDF](https://www.padilla.senate.gov/wp-content/uploads/09-16-2025-whistleblower-disclosure-to-congress-re-guatemalan-uc-repatriation-sn.pdf)) alleged that the Trump

Administration concealed information about the safety of dozens of unaccompanied Guatemalan children they tried to deport in the dead of night, U.S. Senator Alex Padilla (D-Calif.), Ranking Member of the Senate Judiciary Immigration Subcommittee, and Senate Democratic Whip Dick Durbin (D-Ill.), Ranking Member of the Senate Judiciary Committee, are requesting an oversight hearing on the Office of Refugee Resettlement's (ORR) mass child deportation efforts and apparent lies under oath.

The urgent call for a hearing comes after the disclosure alleged that at least 30 of 327 unaccompanied Guatemalan children the Administration attempted to deport without due process “have indicators of being a victim of child abuse, including death threats, gang violence, human trafficking and/or have expressed fear of return to Guatemala.” The disclosure contradicts Acting ORR Director Angie Salazar's

SWORN STATEMENT

([HTTPS://STORAGE.COURTLISTENER.COM/RECAP/GOV.USCOURTS.DCD.284360/GOV.USCOURTS.DCD.284360.35](https://storage.courtlistener.com/recap/gov.uscourts.dcd.284360/gov.uscourts.dcd.284360.35)

under penalty of perjury that these children had been screened for removal to ensure they would not face child abuse or human trafficking in Guatemala. ORR's criteria for removal, according to Salazar, explicitly specify that children do not “have indications of child abuse/neglect perpetrated by a parent/legal guardian” or “indications of being a victim of trafficking.” The data on these children was present in ORR's database at the time of Salazar's statement.

Over Labor Day weekend, the Trump Administration attempted to **UNLAWFULLY REMOVE**

([HTTPS://WWW.CNN.COM/2025/08/29/POLITICS/MIGRANT-KIDS-GUATEMALA-IMMIGRATION](https://www.cnn.com/2025/08/29/politics/migrant-kids-guatemala-immigration)) dozens of unaccompanied Guatemalan children from the United States in the middle of the night. After a September 10 hearing, U.S. District Court Judge Timothy J. Kelly **EXTENDED A TEMPORARY RESTRAINING ORDER** ([HTTPS://APNEWS.COM/ARTICLE/IMMIGRATION-CHILDREN-TRUMP-DEPORTATIONS-GUATEMALA-HONDURAS-13A19377260A6F5D6218DCFC6B82CFAE](https://apnews.com/article/immigration-children-trump-deportations-guatemala-honduras-13a19377260a6f5d6218dcfc6b82cfae)) to block the Administration from removing the children until September 16. The injunction is in place until 11:59 p.m. on Thursday, September 18.

“The allegations in the whistleblower complaint are shocking. If the Administration indeed misled the courts to justify deporting unaccompanied children who, by their own standards, should never have been on that list in the first place, that is inexcusable,” said **Senator Padilla**. “Sending children back into danger is a betrayal of our moral and legal obligations. We're going to hold those responsible accountable for endangering children, starting by putting them on the record in the Senate.”

"I am deeply disturbed by the whistleblower allegations that the Trump Administration misled the courts to justify deporting unaccompanied children at risk of trafficking and abuse. Protecting children should be a bipartisan issue. When I was Chair of this Committee, I held a hearing with Biden Administration officials who oversaw unaccompanied children," **said Senator Durbin**. "I call on Chairs Grassley and Cornyn to do the same and hold an oversight hearing with Administration officials so that we can get to the bottom of this issue in a bipartisan fashion."

Under the *Trafficking Victims Protection Reauthorization Act* (TVPA), unaccompanied children are generally afforded the opportunity to appear before an immigration judge before they can be removed. However, the Guatemalan children the Trump Administration suddenly targeted did not have this opportunity — likely violating the *TVPA* — and the Administration failed to explain to them why their immigration court cases were taken off the docket.

Many of these children and their families strongly objected to their return to Guatemala. In fact, a majority of Guatemalan families contacted explicitly expressed that they did not request their children's return, according to a recent report by a Guatemalan attorney general's office. This report was then later substantiated by a Department of Justice attorney representing the government at a September 10 hearing, withdrawing the government's previous statements in court claiming parents had requested that their children be returned. However, as the whistleblower disclosure alleges, the Administration continued to lie about whether they properly screened children for removal.

On Monday, Padilla, Durbin, and Representatives Jamie Raskin (D-Md.-08) and Pramila Jayapal (D-Wash.-07) **DEMANDED ANSWERS ([HTTPS://WWW.PADILLA.SENATE.GOV/NEWSROOM/PRESS-RELEASES/PADILLA-DURBIN-RASKIN-JAYAPAL-DEMAND-ANSWERS-ON-TRUMP-ADMINISTRATIONS-UNLAWFUL-ATTEMPT-TO-DEPORT-UNACCOMPANIED-GUATEMALAN-CHILDREN/](https://www.padilla.senate.gov/newsroom/press-releases/padilla-durbin-raskin-jayapal-demand-answers-on-trump-administrations-unlawful-attempt-to-deport-unaccompanied-guatemalan-children/))** from senior Administration officials on this cruel effort, including information on their compliance with due process and confidentiality obligations under asylum law, the *TVPA*, and other statutory protections afforded to unaccompanied children by law.

Earlier this year, Senator Padilla **LED SEVEN SENATORS ([HTTPS://WWW.PADILLA.SENATE.GOV/NEWSROOM/PRESS-RELEASES/PADILLA-LEADS-PUSH-TO-STOP-SHARING-OF-SENSITIVE-DATA-ON-UNACCOMPANIED-CHILDREN-FOR-IMMIGRATION-ENFORCEMENT/](https://www.padilla.senate.gov/newsroom/press-releases/padilla-leads-push-to-stop-sharing-of-sensitive-data-on-unaccompanied-children-for-immigration-enforcement/))** in sounding the alarm on troubling reports that ORR unlawfully granted expanded access to sensitive data on unaccompanied children and their sponsors to DHS' Immigration and Customs Enforcement (ICE). The Senators raised serious concerns that ICE could misuse this confidential information to enact mass deportations and detain immigrant families and **DEMANDED ([HTTPS://WWW.PADILLA.SENATE.GOV/WP-CONTENT/UPLOADS/DHS-AND-ORR-INFORMATION-SHARING-LETTER-TO-SECS.-NOEM-AND-KENNEDY_4.8.25.PDF](https://www.padilla.senate.gov/wp-content/uploads/dhs-and-orr-information-sharing-letter-to-secs.-noem-and-kennedy_4.8.25.pdf))** DHS Secretary Noem and HHS Secretary Kennedy immediately cease this misguided practice. In March, Padilla **BLASTED ([HTTPS://WWW.PADILLA.SENATE.GOV/NEWSROOM/PRESS-RELEASES/PADILLA-COLLEAGUES-TO-TRUMP-ADMINISTRATION-ENSURE-LEGAL-REPRESENTATION-FOR-CHILDREN-IN-IMMIGRATION-SYSTEM/](https://www.padilla.senate.gov/newsroom/press-releases/padilla-colleagues-to-trump-administration-ensure-legal-representation-for-children-in-immigration-system/))** the Trump Administration's **STOP WORK ORDER ([HTTPS://WWW.NBCNEWS.COM/POLITICS/NATIONAL-SECURITY/LEGAL-ORGANIZATIONS-TOLD-STOP-FEDERALLY-FUNDED-WORK-UNACCOMPANIED-MIGR-RCNA192828](https://www.nbcnews.com/politics/national-security/legal-organizations-told-stop-federally-funded-work-unaccompanied-migr-rcna192828))** to organizations that provide legal services for unaccompanied children and demanded they protect Congressionally mandated legal representation for these children in the immigration system.

Full text of the whistleblower disclosure is available **HERE ([HTTPS://WWW.PADILLA.SENATE.GOV/WP-CONTENT/UPLOADS/09-16-2025-WHISTLEBLOWER-DISCLOSURE-TO-CONGRESS-RE-GUATEMALAN-UC-REPATRIATION-SN.PDF](https://www.padilla.senate.gov/wp-content/uploads/09-16-2025-whistleblower-disclosure-to-congress-re-guatemalan-uc-repatriation-sn.pdf))**.

###

Related Issues

IMMIGRATION ([HTTPS://WWW.PADILLA.SENATE.GOV/ABOUT/ISSUES/IMMIGRATION/](https://www.padilla.senate.gov/about/issues/immigration/))

Special Report: U.S. Immigration Policy and the Mental Health of Children and Families

Lisa Fortuna, M.D., M.P.H., M.Div., Kevin Gutierrez, M.D., M.S., Paula Mendoza, M.D., Omar Abbas, M.D., Austin Nguy, M.D., and Natan J. Vega-Potler, M.D.



Immigration policy in the United States is a source of chronic fear, instability, and trauma for millions of immigrants, with the expansion of enforcement mechanisms transforming daily life for families and children. Psychiatry cannot remain on the periphery.

Psych News 2025; 60

<https://doi.org/10.1176/appi.pn.2025.08.8.19>

Immigration policy in the United States is a source of chronic fear, instability, and trauma for millions of immigrants, with the expansion of enforcement mechanisms transforming daily life for families and children. Psychiatry cannot remain on the periphery.

Psych News 2025; 60

<https://doi.org/10.1176/appi.pn.2025.08.8.19>



Getty Images/iStock/wildpixel

We are living in a time of heightened sociopolitical tension, when immigration policy in the United States has become not only a matter of legal regulation but a source of chronic fear, instability, and trauma for millions. The expansion of enforcement mechanisms—including worksite raids, prolonged and indefinite detention, and the erosion of protections in previously designated safe spaces—has transformed the landscape of daily life for immigrant families. For children and adolescents, these realities shape developmental trajectories, family systems, and mental health in profound ways. This includes not only children who are themselves immigrants but also the millions of U.S.-born children living in mixed-status households—children who, despite being citizens, are deeply affected by the precarious legal status and systemic exclusion faced by their caregivers.

Psychiatry, as both a clinical discipline and a social institution, cannot remain on the periphery. The current moment calls for a reexamination of how structural and intergenerational trauma are diagnosed, understood, and treated.

This article examines the mental health consequences of contemporary U.S. immigration enforcement on immigrant children and families, drawing from clinical vignettes, epidemiological data, and community-based research. We explore how trauma is transmitted across generations, how symptoms are shaped by sociopolitical forces, and how novel, culturally responsive models of care—including systems of care and community-partnered approaches—can provide more effective and ethical responses.

SCOPE OF PROBLEM

Children in immigrant families—whether they are immigrants themselves or born in the United States to immigrant parents—face a constellation of mental health risks shaped by the migration experience and the sociopolitical conditions of resettlement. Many of these risks are rooted in disruptions to caregiving relationships that occur both pre-migration and post-migration and are exacerbated by structural stressors such as economic hardship, discrimination, and immigration enforcement.

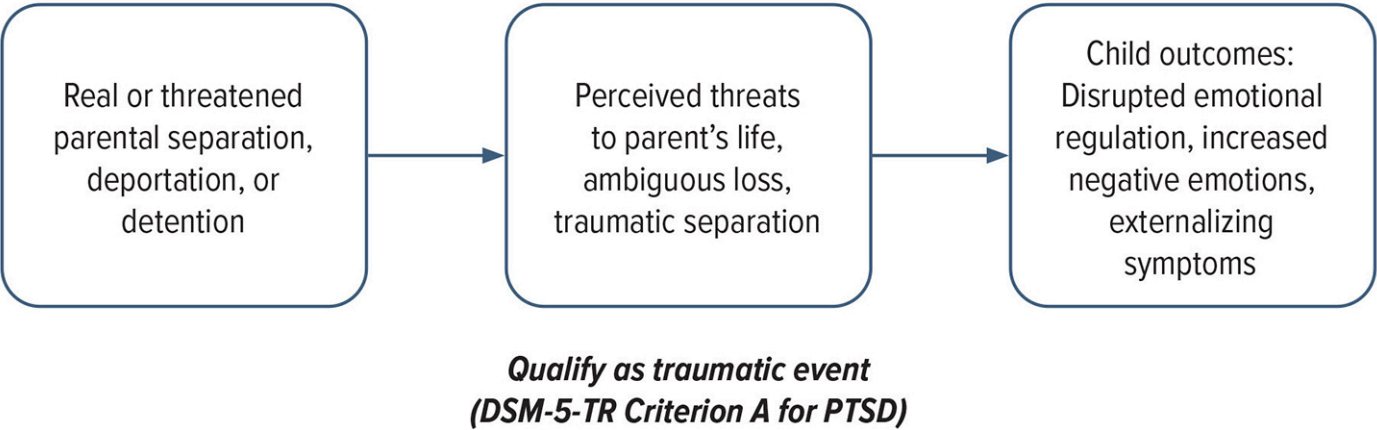
Pre-migration, it is common for parents to migrate ahead of their children, leaving them in the care of extended family, often for months or years. While intended to secure future safety and economic stability, these prolonged separations during sensitive developmental periods can undermine attachment security and increase

children’s vulnerability to anxiety, depression, and behavioral problems (Suárez-Orozco, 2002). These risks are heightened when compounded by prior exposure to violence, poverty, and family loss in countries of origin—stressors shown to elevate the risk of posttraumatic stress disorder (PTSD) and other mental health problems (Eisenman, et al., 2003; Blackmore, et al., 2020).

Post-migration, families often face chronic stress related to legal uncertainty, limited access to services, and fear of immigration enforcement. These stressors can affect both children and caregivers. Parents and caregivers living under the constant threat of detention or deportation frequently experience symptoms of depression, anxiety, and trauma, which can impair their emotional availability and disrupt the parent-child relationship (Concepción Zayas, et al., 2019). As noted by Fortuna, et al. (2019), Latina immigrant women are especially vulnerable due to intersecting stressors involving immigration status, trauma, and reproductive health, all of which can compromise maternal mental health and infant-caregiver bonding.

Forced family separations, particularly those resulting from immigration enforcement (e.g., detention, deportation), introduce acute psychological risks. A national study of 547 U.S.-born adolescents ages 11 to 16 found that having a detained or deported family member was associated with elevated risk for suicidal ideation, externalizing behaviors, and alcohol use (Roche, et al., 2020). In young children, abrupt caregiver loss has been linked to sleep and appetite disturbances, emotional dysregulation, and developmental regression (MacLean, et al., 2019). Forcible separation from a caregiver is recognized as an adverse childhood experience (ACE) that contributes to toxic stress, ambiguous loss, and long-term risk for psychiatric disorders (Roberts, et al., 2014; Lu, et al., 2020).

Figure 1. Deportation and detention experience: emotional and psychological trauma on a child.



SOURCE: Lu, et al., 2020

Even the threat of separation can generate profound emotional harm. Children in mixed-status families often live with chronic anticipatory anxiety that a loved one could be detained or deported. These fears have been shown to lead to school absenteeism, academic disengagement, and heightened emotional distress (Ramos-Sánchez & Llamas, 2024).

In sum, both voluntary pre-migration separations and involuntary post-migration disruptions—as well as the persistent threat of separation—have significant implications for child and family mental health. These experiences weaken attachment bonds, erode emotional security, and interfere with healthy development.

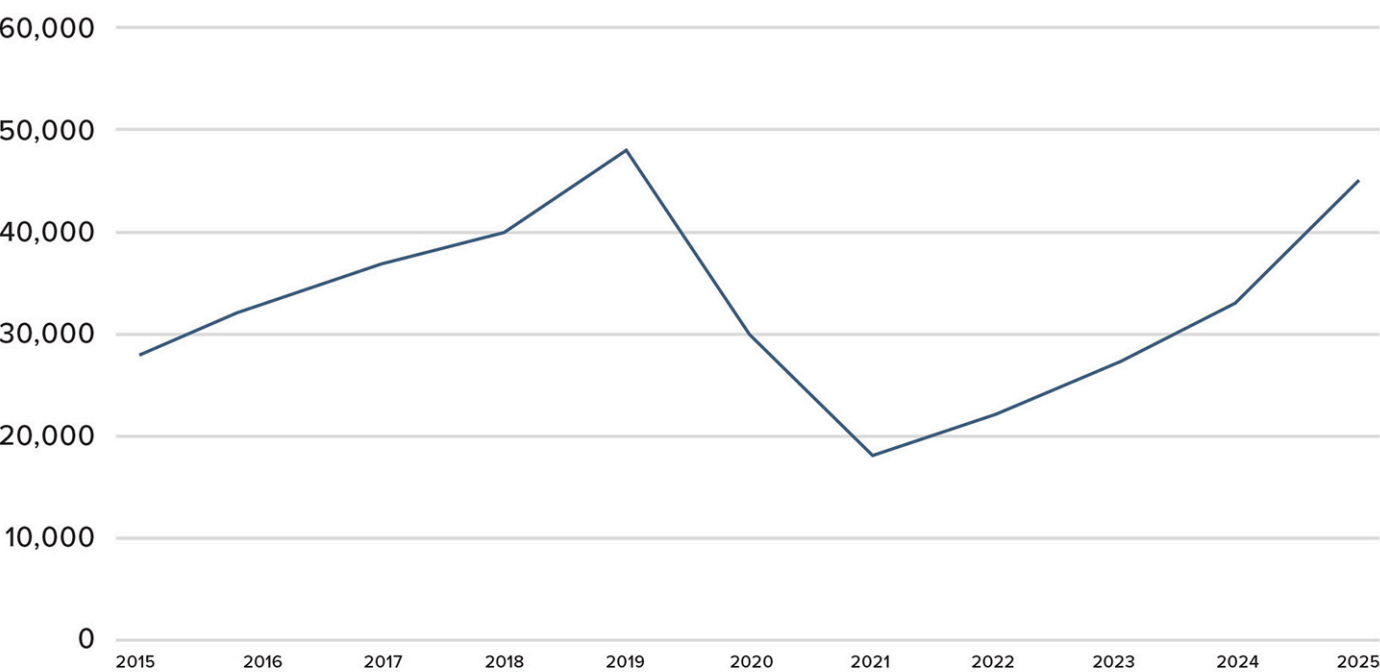
These dynamics underscore that immigration policy does not operate solely as a legal system—it functions as a structural determinant of health. Figure 1 illustrates the emotional and psychological impact of immigration

enforcement—particularly detention and deportation—on children, highlighting how both real and threatened separations can undermine attachment, derail developmental processes, and contribute to persistent traumatic stress. This figure serves as a visual summary of how immigration enforcement becomes a formative, often traumatic, force in children’s lives.

EXPANSION OF IMMIGRATION ENFORCEMENT

Over the past decade, U.S. immigration policy has become increasingly stringent and enforcement-driven (Human Rights Watch, 2024). Although the average daily number of individuals deported in 2025 has decreased by 10.9% compared with fiscal year 2024 (TRAC, 2025), the average daily number of individuals held in immigration detention has risen markedly (see Figure 2). This shift reflects a concerning trend: While deportations may be declining, more individuals are being subjected to prolonged and often indefinite detention. Further compounding the issue is the expanding legal ambiguity around who may be targeted for enforcement—including U.S. citizens, lawful permanent residents, non-immigrant visa holders, and undocumented individuals (Das, 2024). Enforcement actions are often applied inconsistently, and the lack of transparency has intensified fear and uncertainty within immigrant communities.

Figure 2. ICE average daily detained population, 2015-2025.*



*Data from fiscal year 2025 through April 5, 2025
SOURCE: Chishti & Bush-Joseph, 2025

It is important to note that these data reflect trends only through midyear 2025, and the policy landscape remains highly volatile. With pending federal proposals and political shifts, future enforcement actions—including deportations, detentions, and workplace raids—may escalate further. Indeed, as this article was being finalized, President Donald Trump signed into law the so-called “One Big Beautiful Bill,” which included \$150 billion for immigration enforcement and border security. For clinicians, educators, and policymakers, this

uncertainty underscores the urgent need to understand how these evolving practices shape the daily realities and mental health of immigrant families.

Stable attachment to a caregiver is foundational to a child's mental health. Today, the ripple effects of immigration enforcement extend into everyday environments once considered safe—such as schools, health care facilities, and community centers. As enforcement intensifies in these spaces, children in mixed-status families increasingly live with the fear that a routine day could result in detention or deportation of a loved one, which is associated with increased PTSD and internalizing symptoms (Rojas-Flores, et al., 2017). This chronic anxiety has led many children and adolescents to avoid school or withdraw from public life.

These behavioral changes are not merely reactions to isolated incidents but reflect the constant threat of family separation and systemic instability. Missed school days often translate into academic decline, social isolation, and missed opportunities for developmental support, including access to trusted adults and school-based mental health services. In this context, emotional distress becomes both an understandable and adaptive response to a life shaped by surveillance and exclusion. A clinical vignette—a composite case informed by real clinical encounters—illustrates how these ongoing structural stressors affect the mental health of youth living in mixed-status families (see “CASE STUDY: Ana, 17”). It highlights how immigration enforcement policies and pervasive legal uncertainty shape emotional functioning and daily life, underscoring the need for clinical approaches that recognize these broader social conditions.

TRAUMA-INFORMED, RELATIONAL, AND SYSTEMIC CARE APPROACHES FOR IMMIGRANT YOUTH

Psychiatrists caring for immigrant children and adolescents affected by the trauma of detention, deportation, and structural exclusion must adapt their treatment models to expand beyond symptom reduction toward healing within context. The psychological toll of immigration enforcement is not only acute but chronic, layered, and developmental. It directly affects the brain and body, as well as the social networks and relational environments that children depend on for safety and identity formation.

CASE STUDY: ANA, 17

Ana, a 17-year-old U.S.-born high school student, is referred to adolescent psychiatry following episodes of panic, insomnia, and self-injury. She lives in a mixed-status household: Her parents, undocumented immigrants from El Salvador, work in low-wage sectors and avoid public services due to fear of detention. Recently, Ana's father witnessed an Immigration and Customs Enforcement (ICE) raid at his workplace. Since that incident, Ana has developed heightened anxiety, recurring nightmares, and growing disengagement from school. Although protected by birthright citizenship, Ana lives with the persistent fear that her family could be separated at any moment.

During the clinical evaluation, Ana discloses a deep sense of guilt and emotional responsibility for her parents' well-being, particularly their vulnerability to legal consequences. She also describes a more diffuse sorrow—something heavy and hard to name. Over time, she reveals that her grandmother fled political violence during El Salvador's civil war and that the trauma of that period has remained largely unspoken within the family. Her mother was raised in the aftermath of that conflict, in an environment shaped by silence, vigilance, and unresolved grief. Ana's symptoms reflect not only the acute stress of life under contemporary immigration policy but also the emotional legacy of intergenerational trauma, displacement, and familial silence.

Her psychiatrist approaches Ana's case through the lens of sociogenic trauma—a form of trauma rooted in social structures and historical conditions rather than isolated or discrete events. Rather than interpreting Ana's symptoms as psychopathology in isolation, they are understood as adaptive signals of

broader systems of harm: chronic instability, racialized surveillance, precarious legal status, and the invisibilization of immigrant histories within dominant cultural narratives.

Ana's experience highlights how immigration enforcement policies can precipitate or exacerbate trauma-related symptoms in children and adolescents, even when those youth have not directly experienced a life-threatening event. For example, under *DSM-5-TR* Criterion A, trauma exposure includes not only direct threats to life or physical safety but also witnessing traumatic events or learning of trauma affecting close family members. Ana's exposure to her father's workplace raid, combined with chronic anticipatory fear of family separation, meets this threshold.

Moreover, Ana's symptoms strongly reflect Criterion B: intrusion symptoms, such as nightmares, persistent fear, and distress triggered by reminders of potential immigration enforcement. These symptoms are reinforced by repeated environmental cues—such as hearing news of deportations, witnessing law enforcement in the community, or avoiding public spaces out of fear. The ongoing and unpredictable nature of immigration policy, often marked by inconsistent enforcement and legal ambiguity, compounds the psychological toll. Children in similar circumstances may exhibit PTSD symptoms not from a single traumatic event but from a constellation of persistent stressors that blur the lines between past trauma, present fear, and anticipated loss.

Ana's case underscores the importance of a developmentally informed, trauma-responsive, and contextually grounded psychiatric evaluation—one that acknowledges both the internal and external realities shaping immigrant child and adolescent mental health. Her story is not unique, but emblematic of a broader pattern of structural harm, in which mental health is shaped not only by events but by histories, policies, and the social conditions of belonging or exclusion. Table A expands on *DSM5-TR* criteria for posttraumatic disorders and relevance to immigration stressors, children, and families.

Research in developmental neuroscience has shown that chronic, early-life stress—particularly when it involves attachment disruption, exposure to violence, or institutional betrayal—can dysregulate the hypothalamic-pituitary-adrenal (HPA) axis and elevate cortisol levels over time. This, in turn, is associated with long-term impairments in emotional regulation, memory, impulse control, and cognitive development (Shonkoff, et al., 2012; Teicher & Samson, 2016), but trauma also disrupts developmental scaffolding—the relationships, routines, and educational supports that help children make meaning of their experiences and build resilience.

For immigrant children and citizen children in mixed-status families, these disruptions are often ongoing, with symptoms of PTSD, anxiety, and depression emerging in the context of persistent structural instability. Standard treatments such as selective serotonin reuptake inhibitors (SSRIs) and alpha agonists may help reduce emotional reactivity and physiological distress. Likewise, trauma-focused cognitive behavioral therapy (TF-CBT) provides a robust framework for processing trauma narratives and building coping skills. However, these interventions must be embedded within a broader ecosystem of care—one that attends the child's relational, cultural, spiritual, and sociopolitical context (Fortuna, et al., 2023).

COMPONENTS OF A HOLISTIC, TRAUMA-INFORMED PSYCHIATRIC RESPONSE

Relational and family-based care: The child does not heal in isolation. Engagement with caregivers is essential, particularly in immigrant families where trauma may be intergenerational. Psychiatrists can facilitate developmentally tailored sessions in which children and caregivers explore inherited narratives of migration, violence, and survival. Psychoeducation on trauma's multigenerational effects can empower families to reframe symptoms as understandable responses to adversity, reducing stigma and shame.

TABLE 1. DSM5-TR PTSD CRITERIA AND RELEVANCE TO IMMIGRANT CHILDREN AND FAMILIES.

<i>DSM-5-TR</i> Criterion	Description	Relevance to Immigrant Children and Families
Criterion A: Exposure to trauma	Direct exposure, witnessing, learning of a trauma to close family/friends	• Child witnesses ICE raids, family detention, or deportation • Sudden separation from caregiver • Exposure to violence during migration journey or in home country
Criterion B: Intrusion symptoms	Recurrent memories, nightmares, flashbacks, psychological distress	• Nightmares about separation or border violence • Flashbacks of traumatic migration events • Heightened fear during community or school raids—younger children showing repetitive trauma play
Criterion C: Avoidance	Avoidance of distressing memories, thoughts, reminders	• Avoiding schools, clinics, or legal institutions for fear of deportation • Emotional numbing related to separation or loss
Criterion D: Negative alterations in cognition and mood	Dissociation, negative beliefs, guilt, blame, loss of interest, detachment	• Persistent guilt about family suffering • Beliefs such as “I am not safe anywhere” • Loss of trust in systems (government, legal, medical)
Criterion E: Arousal and reactivity	Hypervigilance, startle response, sleep disturbance, irritability, headaches, stomach upset, crying	• Easily startled by police or authority figures • Insomnia due to fear of nighttime immigration raids • Irritability or aggression in school or home

Narrative and culturally grounded therapies: Immigrant children often carry unspoken or fragmented stories of loss, dislocation, and identity. Therapies that use storytelling, art, music, and movement—especially those grounded in the child’s cultural and spiritual heritage—offer powerful tools for restoring voice and meaning. Narrative exposure therapy, cuento (“stories”) therapy, and expressive arts practices can foster healing through connection to culture, ancestry, and collective awareness of sociogenic determinants of mental health (Costantino, et al., 2009; Neuner, et al., 2008).

Community and legal partnerships: Collaboration with community-based organizations (CBOs) can extend care beyond the clinic. CBOs provide families with access to immigration legal aid, parent-child support groups, and culturally meaningful healing practices (e.g., spiritual rituals, community circles). Psychiatric teams can develop trusted referral pathways and co-located services, reduce barriers, and integrate care into familiar, stigma-free settings.

School-based collaboration: Schools are critical sites for early identification and support—but they are also places where immigrant youth may experience trauma-related avoidance, disengagement, or behavioral challenges. Psychiatrists can advocate for trauma-informed school practices, help reduce reliance on punitive discipline, and ensure that students’ mental health needs are met with sensitivity to immigration-related stress.

Workforce development and policy advocacy: Addressing immigrant child trauma requires a linguistically and culturally responsive workforce, equipped with knowledge of structural trauma, migration histories, and family systems. Psychiatrists and mental health leaders can contribute to training programs, participate in community-based participatory research (CBPR)–informed initiatives, and advocate for policies that protect immigrant families from enforcement in sensitive locations such as schools and clinics.

Table 2 outlines how these types of interventions and approaches can be implemented across three interrelated levels—individual, interpersonal/community, and policy/societal—that together create a framework for addressing both clinical symptoms and the broader structural determinants of mental health. These interventions range from trauma-informed, language-concordant psychiatric care to community-rooted healing circles, promotor-led psychoeducation, mutual aid networks, and international rights–based policy frameworks. Multilevel, integrated strategies are therefore critical to restoring wellness, strengthening families, and advancing justice for immigrant children and adolescents.

TABLE 2. ECOLOGICAL LEVELS OF INTERVENTION FOR SUPPORTING IMMIGRANT CHILD AND FAMILIES.

Socioecological Level	Intervention	Description
Individual	Culturally responsive care	Tailoring psychiatric care to align with individual cultural values, beliefs, and identities
	Language concordant care	Ensuring mental health care is done in the preferred patient language by either a provider who is fluent in their language or a trained interpreter
	Trauma-focused care	Tailoring psychiatric care to assess for potentially traumatic events and adverse childhood experiences
	Healing through music and art	Individual therapeutic engagement through creative expression
Interpersonal/Community	Healing circles	Healing is rooted in community traditions and mutual support
	Psychoeducation through promotoras	Educating individuals using culturally competent, peer-based approaches to mental health care
	“Know your rights” or legal counsel education through promotoras	Empowering individuals (especially youth) with knowledge of legal and health rights using peer and promotora model and youth advocacy councils
	Community-based participatory research (CBPR) and programming	Collaborative research and program development that includes community voices
	Mutual aid networks	Informal community-driven systems of care and resources
Policy/Societal	Integration of psychiatry, pediatrics, legal advocacy, and CBPR	Intersectional and institutional collaboration across sectors to provide holistic care
	Community-based models	Institutionalized structures that support integrated service delivery at the community level with promotoras and community groups
	United Nations Rights of the Child	Guiding framework for rights-based mental health services for children, adolescents, and their families

Healing for immigrant children and families arises not only from clinical intervention but from the restoration and reinforcement of the protective relationships, cultural traditions, and communal ties that support resilience. Reconnection—with caregivers, extended family, cultural identity, and community networks—is foundational to recovery and long-term mental health. For immigrant youth, especially those navigating fear, displacement, or separation, healing also involves reclaiming safety, voice, and belonging in environments that may feel unpredictable or hostile.

Psychiatrists and mental health professionals occupy a critical position—not only as clinicians treating individual symptoms, but as informed witnesses to the broader harms of immigration policy and structural inequality. Their role must extend to advocating for reforms that reduce psychological harm, such as upholding protections for sensitive locations like schools and clinics, improving access to culturally and linguistically appropriate mental health care, and embedding trauma-informed practices across education, legal, and child welfare systems.

By naming and addressing trauma as a consequence of systemic and sociopolitical forces—not merely a private psychological experience—psychiatry can help reframe trauma as both a public health priority and a human rights issue. This shift allows for a deeper reckoning with the ways that chronic instability, racialized enforcement, and ambiguous loss affect child development and mental well-being. Mental health professionals can advance structural change by contributing clinical insights to interdisciplinary coalitions, supporting research on the emotional consequences of immigration enforcement, and engaging in community-based participatory approaches that reflect the lived realities of immigrant families. These collaborative efforts are essential to shaping policies and systems that affirm the dignity, developmental needs, and safety of children and families impacted by migration.

Ultimately, this work requires psychiatry to embrace a dual framework: one that is clinically precise and structurally aware—capable of addressing the psychological symptoms children present with, while also responding to the social, economic, and political forces that underlie those symptoms. Through systems-level collaboration, sustained advocacy, and culturally grounded care, psychiatry can contribute not only to the treatment of trauma but to the transformation of the conditions that produce it.

CONCLUSION

Immigrant children and families face layered forms of trauma that are not merely psychological but deeply embedded in structural and historical forces. The clinical consequences—ranging from PTSD and depression to somatic distress and suicidality—demand an approach that moves beyond symptom management to address the root causes of suffering. This includes recognizing the intergenerational impact of displacement, the toll of enforcement-driven immigration policy, and the daily stressors of life in a hostile sociopolitical environment. Effective care must be trauma-informed, culturally grounded, relationally centered, and community-partnered.

Psychiatrists and mental health professionals play a critical role—not only as clinicians but also as advocates, collaborators, and cultural interpreters—working across systems to promote healing, family integrity, and structural justice. The mental health of immigrant children is inseparable from the conditions in which they live, grow, and imagine their futures. ■

REFERENCES

Suárez-Orozco C, Todorova IL, Louie J: [Making up for lost time: the experience of separation and reunification among immigrant families](#). *Fam Process* 2002; 41(4):625–643.

Eisenman DP, Gelberg L, Liu H, et al.: [Mental health and health-related quality of life among adult Latino primary care patients living in the United States with previous exposure to political violence](#). *JAMA* 2003; 290(5):627-634.

Blackmore R, Gray KM, Boyle JA, et al.: [Systematic review and meta-analysis: the prevalence of mental illness in child and adolescent refugees and asylum seekers](#). *J Am Acad Child Adolesc Psychiatry* 2020; 59(6):705-714.

Concepción Zayas MT, Fortuna LR, Cullins LM: [Depression in Latino and immigrant refugee youth: clinical opportunities and considerations](#). *Child Adolesc Psychiatr Clin N Am* 2019; 28(3):483-495.

Fortuna LR, Noroña CR, Porche MV, et al.: [Trauma, immigration, and sexual health among Latina women: implications for maternal–child well-being and reproductive justice](#). *Infant Ment Health J* 2019; 40(5):640-658.

Roche KM, White RM, Lambert SF, et al.: [Association of family member detention or deportation with Latino or Latina adolescents' later risks of suicidal ideation, alcohol use, and externalizing problems](#). *JAMA Pediatr* 2020; 174(5):478-486.

MacLean SA, Agyeman PO, Walther J, et al.: [Mental health of children held at a United States immigration detention center](#). *Soc Sci Med* 2020; 230:303-308.

Roberts YH, Snyder FJ, Kaufman JS, et al.: [Children exposed to the arrest of a family member: associations with mental health](#). *J Child Fam Stud* 2014; 23:214-224.

Lu Y, He Q, Brooks-Gunn J: [Diverse experience of immigrant children: how do separation and reunification shape their development?](#) *Child Dev* 2020; 91(1):e146-e163.

Ramos-Sánchez L, Llamas JD: [Immigration policy and Latinx/é children from mixed-status families: mental health consequences and recommendations for mental health providers](#). *Children (Basel)* 2024; 11(11):1357.

Rojas-Flores L, Clements ML, Hwang Koo J, et al.: [Trauma and psychological distress in Latino citizen children following parental detention and deportation](#). *Psychol Trauma* 2017; 9(3):352-361.

Human Rights Watch: [“We need to take away children”: zero accountability six years after “zero tolerance.”](#) New York (NY): HRW; 2024.

TRAC Immigration: [Trump immigrant removals now 10 percent below Biden's record](#). Syracuse (NY): Transactional Records Access Clearinghouse; 2025 March 25.

Das A: [The law and lawlessness of US immigration detention](#). *Harv Law Rev* 2024; 138:1186.

Chishti M, Bush-Joseph K: [In first 100 days, Trump 2.0 has dramatically reshaped the U.S. immigration system, but is not meeting mass deportation aims](#). *Migration Information Source* 2025 April 24.

Shonkoff JP, Garner AS, Siegel BS, et al.: [The lifelong effects of early childhood adversity and toxic stress](#). *Pediatrics* 2012; 129(1):e232-e246.

Teicher MH, Samson JA: [Annual research review: enduring neurobiological effects of childhood abuse and neglect](#). *J Child Psychol Psychiatry* 2016; 57(3):241-266.

Fortuna LR, Martinez W, Porche MV: [Integrating spirituality and religious beliefs in a mindfulness based cognitive behavioral therapy for PTSD with Latinx unaccompanied immigrant children](#). *J Child Adolesc Trauma* 2023; 16(3):481-494.

Costantino G, Malgady RG, Rogler LH: [Cuento therapy: a culturally sensitive modality for Puerto Rican children](#). *J Consult Clin Psychol* 1986; 54(5):639-645.

Neuner F, Schauer M, Klaschik C, et al.: [A comparison of narrative exposure therapy, supportive counseling, and psychoeducation for treating posttraumatic stress disorder in an African refugee settlement](#). *J Consult Clin*

Psychol 2004; 72(4):579.

Immigration

Trump's mass deportations bring a new wave of family separations

As ICE officers ramp up arrests, hundreds of migrant children are being sent to federal shelters. Some parents are given a choice: Deport with their children or face separation.

Updated September 17, 2025



By Maria Sacchetti

METAIRIE, La. — Sulma Martinez had just left the dentist's office with her 14-year-old twin daughters when an unmarked U.S. Immigration and Customs Enforcement vehicle pulled up behind her and flashed its blue lights. The officers asked for her papers.

Martinez, a 35-year-old originally from Honduras, had a work permit, a pending asylum claim and a pathway to a visa for crime victims. But none of that mattered, she said the officers told her.

They gave her a choice: She could head to a hotel and be deported with her daughters, or she could contest her removal and try to stay in the United States. If she chose the latter, she'd be arrested and the twins would be sent to a shelter for child immigrants.

"We were crying. We were scared," Martinez said. "I didn't want them to separate me from my girls."

As President Donald Trump's mass deportation campaign ramps up, ICE has sharply increased the number of migrant children it is sending to federal shelters for unaccompanied minors. Officers have referred more than 400 children nationwide to shelters run by the Office of Refugee Resettlement since Trump took office, according to two people who have reviewed internal records. While some allegedly were removed from dangerous situations, many were separated from parents, relatives or government-vetted sponsors as part of immigration enforcement actions.

ICE officials disputed that information and said its referrals are not that high. But the agency and ORR did not provide the data.

The separations recall the “zero tolerance” policy Trump implemented along the southern border during his first term, which led to the forced separation of more than 4,000 newly arrived children from their parents without a plan to reunite them. A federal judge called the episode “one of the most shameful chapters” in U.S. history and approved a court settlement that barred such separations for several years. But that agreement does not apply to families apprehended beyond the border, in U.S. cities and towns where many of the children and teens have lived for years.

In July, the Trump administration withdrew a Biden administration policy urging that parents be detained only in “limited circumstances.” As a result, immigrant advocates and lawyers say, ICE officers are arresting growing numbers of people with children to meet the president’s mass deportation goals and, in some cases, using the threat of separation to push them to abandon their immigration cases and leave the country.

“What we are seeing now is a reckless attempt to deport as many people as possible without regard at all to family unity or family relationships,” said Efrén Olivares, an attorney with the National Immigration Law Center who has filed a lawsuit to stop the rapid removal of unaccompanied minors in federal custody. “And it’s happening in darkness without any kind of oversight or accountability for what this process means for families.”

U.S. Customs and Border Protection has historically been, and continues to be, the primary agency that sends migrant children to federal shelters. Most of those cases involve unaccompanied minors who crossed the border illegally in hopes of reuniting with a parent or relative in the United States. ICE officers enforcing immigration laws beyond the border have typically sent children to shelters only when a minor had run away, been arrested or been abused.

But today, lawyers are hearing reports of separations happening during immigration court hearings, workplace raids and elsewhere as enforcement ramps up.

Help us report on family separations

The Washington Post wants to hear from anyone affected by or with knowledge of the Trump administration’s efforts to deport parents and migrant children. You can reach our reporters by email or Signal encrypted message:

Maria Sacchetti: maria.sacchetti@washpost.com or mariapost.45 on Signal.

[Read more about how to use Signal and other ways to securely contact The Post.](#)

Neha Desai, a lawyer with the National Center for Youth Law, whose team represents immigrant children in federal immigration custody, said she is aware of more than 50 children and teens who were taken into custody during situations as minor as traffic stops.

DHS Assistant Secretary Tricia McLaughlin said the agency is not splitting up families. ICE gives parents the option of having their children removed with them or being placed with “a safe person the parent designates,” she said in a statement. ORR, which oversees shelters for unaccompanied minors, did not respond to questions about the number of children apprehended and placed in the agency’s care.

As the officers put her in shackles that July morning, all Martinez could think about was her daughters. Their father had been killed in an apparent robbery less than two years earlier. They could not lose their mother, too.

‘Look at Sulma’

Martinez said she and the twins had never intended to leave Honduras. Her husband, the girls’ father, Melvin Rodriguez Manueles, had come to the United States illegally years earlier with a plan to work in construction, save money and return home. He sent them money to cover their expenses, and Martinez said she and the girls were “doing well.” But in 2019, Martinez said, she fled with her daughters to the U.S. border after gang members assaulted her father and torched his house. She feared they would come for her and the girls next.

Border agents released Martinez and the girls after they crossed the southern border illegally and surrendered, seeking asylum. But ICE never filed charges against them in court. They settled in Louisiana, and Martinez hired an immigration lawyer in 2022 and submitted an asylum claim.

On Nov. 5, 2023, Rodriguez was fatally shot in what prosecutors believe was an attempted robbery in front of the family’s house in New Orleans.

Martinez remembers waking to the sound of gunfire and rushing outside to find her husband in a pool of blood. She recalls trying to shake him awake and shouting at the twins to stay inside. Rodriguez’s wallet was never found. But Martinez found an iPhone and turned it over to the police, who say it led to the arrest of Jose Gamboa Escobar. He has pleaded not guilty to charges of second-degree murder.

The Orleans Parish District Attorney’s office has certified that Martinez is a crime victim, clearing the way for her to apply for a U visa for victims who help with an investigation. Prosecutors said she may be needed to testify at the trial.

“Our office takes seriously its responsibility to prosecute crime and protect all victims, regardless of their immigration status,” District Attorney Jason Williams said in a statement. “When victims and witnesses are afraid to come forward, violent perpetrators go free, police are placed in greater danger, and our entire community is less safe.”

Yolani and Loany, Martinez's daughters, had just begun emerging from the shock of losing their father. He had doted on the girls and took them on camping trips. The girls, poised to start their first year of high school, dreamed of becoming flight attendants. Yolani flirted with the idea of being a fashion influencer. Loany is more low-key and hides her braces when she smiles.

Martinez worked as a cook at a pizzeria, chopping vegetables and other toppings, and became a deacon at the small congregation outside New Orleans that has become an extended family. Everyone was looking forward to the twins' double quinceañera party in December.

"Look at Sulma," Eunice Alvarado, the youth minister at the Ministerio Pentecostal Restauracion y Poder, and other churchgoers would say when they fell on hard times. She had lost so much and remained strong.

A choice or coercion?

ICE records show that Martinez has no criminal history and was not the person the officers had been searching for that day. She just happened to drive by them after taking Loany to have her braces adjusted, and officers followed her.

Almost as soon as she agreed to voluntarily deport to Honduras, she said, she began to regret her decision. She was a single mother responsible for protecting her daughters. Gang members had warned her family not to report them to authorities in Honduras or they would attack them again, she said, but her family did anyway.

After the officers drove them home to pack, Martinez told them she wanted to stay.

By nightfall, she was in an ICE detention center in Basile, Louisiana, and the twins were in a government shelter in San Antonio, hundreds of miles away.

ICE said in a statement that officers separated Martinez from her daughters because she "changed her mind last minute and chose not to voluntarily depart the United States." The agency said officials informed her that she would be placed in immigration proceedings "rather than on her way to her home country with her kids."

ICE has reopened a family detention center in Texas that was closed during the Biden administration. But it held fewer than 400 people in August, well below its stated capacity of 2,400 beds, federal records show. The agency did not answer questions about why the family and others could not be held together there instead.

American Civil Liberties Union attorney Lee Gelernt, who led the legal effort to reunite families separated during Trump's first term, said the ACLU is investigating the legality of the new separations inside the United States.

In some cases, he said, parents are being told their children will be taken away unless they give up their right to a hearing and return home. In other cases, children who arrived as unaccompanied minors are being sent back to government shelters for months after they had already been released to vetted sponsors.

Mishan Wroe, also with National Center for Youth Law, said she represents a teen from Latin America who arrived at the U.S.-Mexico border alone in February 2023 and was released to his sister in Georgia after a few weeks in a federal shelter. He enrolled in high school and played for the soccer team, but he ended up back in ORR custody in March after a traffic stop. He was later released to a short-term shelter shortly before turning 18.

Jonathan Ryan, a lawyer and CEO of Advokato, a nonprofit legal service provider in San Antonio, said he represents a pair of underage siblings from Afghanistan who were separated from their mother in May after they tried to cross into Canada. The family had been living in Texas for about two years.

“I fear that what we are seeing is only the beginning,” Gelernt said. “Although I had hoped for the best, it doesn’t surprise me that we are seeing new separation tactics given that the Trump administration has never acknowledged its original policy, much less its cruelty.”

‘Your daughters are yours’

From detention, Martinez cannot shake the fear that she could lose the girls forever.

Her anchor is the Ministerio Pentecostal Restauracion y Poder, a red-brick church outside New Orleans, where churchgoers say the sudden absence of Martinez and the girls has left a hole. The church is where Martinez and Rodriguez had the formal wedding ceremony she had always wanted, with a white gown, a frosted cake and matching dresses for the girls. It’s also where Rodriguez’s funeral was held.

Alvarado, the youth minister, said the girls were teacher’s aides at Sunday school and entertained children with a yearly puppet show. The church canceled the show this year.

“They really made a home here,” she said.

People in the neighborhood where Martinez was stopped said ICE arrests have rattled the community and taken away people who paid rent on time and construction workers who fixed hurricane-damaged roofs free. One neighbor said ICE had arrested the mother of a little girl in the neighborhood. Since then, he said, he has seen the girl on walks with her father, crying for “Mama.”

In phone calls with their mother, the twins have said they are doing fine in the shelter. They went on a field trip to a restaurant in San Antonio and attend school in the shelter, though the girls said their math class is below their grade level. But they are also scared. They recounted how immigration officers recently visited the shelter at night and picked up a child for deportation. They are worried that could happen to them, too.

“They tell me they are worried, and I can hear it in their voices,” Alvarado said.

ICE said in a statement that Martinez’s daughters are “being cared for by professionals and will remain in ORR custody until her immigration proceedings are complete.” Alvarado and her parents, meanwhile, are trying to reassure Martinez that she will be reunited with her twins.

“Your daughters are yours,” Veronica Salazar, Alvarado’s mother, said on a recent phone call with Martinez from detention.

Republicans and Democrats clashed over the treatment of immigrant children in the United States at a Senate hearing on Wednesday.

Republicans accused the Biden administration of allowing tens of thousands of children into the country and then releasing some to abusive or dangerous conditions. Democrats countered that Trump officials have tried to strip minors of legal aid, attempted to expel dozens of Guatemalan children without warning, and separated families like Martinez’s.

“Don’t lecture me about kids and then refuse to speak out when we hear parents are being forced to decide whether to be deported with their children, or let them be sent to ORR shelters,” Sen. Alex Padilla (California), ranking Democrat on the Senate Judiciary Committee’s subcommittee on border security and immigration, said at the hearing. He called the Martinez case “heartbreaking.”

Martinez’s final deportation hearing is scheduled for Oct. 10 in the detention center in Louisiana where she is being held. Her daughters have been scheduled for a hearing before a judge in Texas one week later.

Arelis R. Hernández contributed to this report.

Help us report on immigration

The Washington Post wants to hear from people who work in immigration enforcement or have been affected by the Trump administration’s mass deportation campaign. We will respect any wishes to share information confidentially.

If you currently or previously worked for the Department of Homeland Security, including Immigration and Customs Enforcement as well as Customs and Border Protection (or, more specifically, Border Patrol), contact Maria Sacchetti at maria.sacchetti@washpost.com or mariapost.45 on Signal or Marianne LeVine at marianne.levine@washpost.com or mariannelevine.35 on Signal.

If you are a current or former officer with any of these agencies, contact Robert Klemko at robert.klemko@washpost.com or Klemko.84 on Signal.

If you are a current or former employee of a contractor at an ICE detention facility, contact Doug MacMillan at douglas.macmillan@washpost.com or 415-269-6352 on Signal.

If you are an attorney or individual with a specific case that you think warrants our attention, contact Arelis R. Hernández at arelis.hernandez@washpost.com or arehernandez.19 on Signal.

What readers are saying

The comments reflect a polarized view on the impact of family separations during immigration enforcement. Some express empathy for families affected, criticizing the perceived cruelty and inhumanity of the policy, and questioning its alignment with American values. Others argue... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

Whistle-Blower Account Contradicts Government's Claims on Guatemalan Children

A report filed to Congress on Tuesday alleges the Trump administration concealed data showing that dozens of children it sought to deport faced serious harm back in Guatemala.



Listen to this article · 5:22 min [Learn more](#)



By Zach Montague

Reporting from Washington

Sept. 16, 2025

More than two dozen children from Guatemala whom the Trump administration sought to deport earlier this month had been flagged as vulnerable to child abuse and human trafficking in a Health and Human Services Department database that tracks unaccompanied children, according to a whistle-blower complaint filed to Congress on Tuesday.

The report, based on accounts of several unidentified federal employees familiar with the data, appeared to contradict a sworn statement made in a lawsuit over the children's fate by Angie Salazar, a senior health official. She said the children had been properly screened and cleared for repatriation. It also came less than a week after the judge presiding over the case, Timothy J. Kelly, challenged lawyers from the Justice Department about the veracity of another of their central claims in the dispute: that the children's parents had requested their return.

Filed to Congress by the Government Accountability Project, a whistle-blower protection group, the report said at least 30 of the 327 children the government cleared for imminent removal had "indicators of being a victim of child abuse" in Guatemala, based on the government's own findings.



The children, who came to the United States as unaccompanied minors in recent years and have been living in shelters or foster care under government supervision, were hastily targeted by the Trump administration over the Labor Day weekend. Upon learning that the children were being loaded onto flights to be sent back, lawyers from the National Immigration Law Center sued to block the removals and a federal judge ordered the government to halt until the case could be argued.

The Trump administration has said it was exercising an authority to reunify unaccompanied children with their parents abroad, claiming that it was acting at the behest of the children's families and with the children's well-being in mind.

But the report on Tuesday was the second time that notion had been called into question.

Ms. Salazar filed the declaration in her capacity as the acting director of the Office of Refugee Resettlement, a division of the Department of Health and Human Services that maintains custody over minors who enter the United States alone.

It stated that her office had reviewed the cases of all 327 children using a "best interests framework" that included considerations such as whether her office was "assured the child will not be trafficked upon their return" or whether the children had been known to have faced abuse in the past. It added that the government had completed the review and deemed all the children eligible to be sent back to Guatemala, where most or all have parents residing.

But the whistle-blower report countered that the available data about the children made it clear that around 10 percent of them, and possibly more, should not have been eligible under the government's criteria.

The report stated that as recently as Sept. 5 — the day before the government filed Ms. Salazar's declaration in federal court — analyses run by her office had returned results showing that many of the children faced dangers in Guatemala or had expressed fear of being sent there. It added that Ms. Salazar "knew or should have known of the inaccuracies in her declaration," based on the data on hand.

“These whistle-blowers’ disclosures evidence violations of law, rules and regulations, abuse of authority and substantial and specific danger to public health and safety on a matter of urgent, and potentially life and death, importance,” it said.

Our Coverage of U.S. Immigration



Trump’s \$100,000 Visa Fee Knocks Down Bridge Between India and the U.S.



Trump’s \$100,000 Visa Fee Spurs Confusion and Chaos



What Is the H-1B Visa Program, and How Is Trump Changing It?



Lawyers for the Government Accountability Project sent the report on Tuesday to Senators John Cornyn of Texas and Alex Padilla of California, the top Republican and Democrat on the Senate Border Security and Immigration subcommittee.

“The allegations in the whistle-blower complaint are shocking,” Mr. Padilla said in a statement.

“Sending children back into danger is a betrayal of our moral and legal obligations,” Mr. Padilla’s statement said. “And we’re going to hold them accountable for endangering children.”

A spokesman for the Department of Health and Human Services did not immediately respond to requests for comment.

After the children were nearly flown out over the Labor Day weekend, a judge intervened on an emergency basis, halting the government's effort. The case was then transferred to Judge Kelly to manage the rest of the proceedings, and he extended the order blocking the government from making further attempts to remove the children until 11:59 p.m. on Tuesday.

During a hearing last week to determine how to proceed, Judge Kelly grew skeptical about the government's position, pressing for details about its claim that the children's parents had asked for their return.

He homed in on a memo prepared by the Guatemalan government, which was filed as evidence in the case, in which officials tried to contact and survey the children's parents. Of those they were able to track down, none had asked for their children's return, with more than half explicitly refusing to authorize any attempt to have their children forced out of the United States.

Asked by Judge Kelly to reconcile the competing claims, a lawyer from the Justice Department conceded that the government had no reason to believe that the parents had asked to have their children returned.

Zach Montague is a Times reporter covering the federal courts, including the legal disputes over the Trump administration's agenda.