



CONFERENCE ON PROTECTION OF **UNACCOMPANIED AND SEPARATED CHILDREN**

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I was just a young boy when the twenty-two-year civil war began that pitted Sudan's government against the Sudan People's Liberation Movement/Army. As a helpless human, I survived by trekking across many punishing landscapes while being bombed by Sudanese air forces, while dodging land mines, while being preyed upon by wild beasts and human killers. I fed on unknown fruits, vegetables, leaves and sometimes went with nothing for days. At many points, the difficulty was unbearable. I thought the whole world had turned blind eyes on the fate that was befalling me and the people of southern Sudan. Many of my friends, and thousands of my fellow countrymen, did not make it.

-Valentino Achak Deng, former "Lost Boy," in Dave Eggers's What is the What? (New York: Vintage, 2007)

Worldwide, more than five million children are separated from their parents or wholly unaccompanied. This number includes children trafficked for sex and labor, refugee children such as the "Lost Boys" whose families have been killed, potential asylum seekers and migrant children who flee violence or poverty and have been separated from their parents during chaotic journeys to a new country.

Around the world – in Thailand, Burundi, Colombia, and many other countries – it can take years to establish that a child is in fact unaccompanied or abandoned. Governments and international organizations often struggle to figure out how to help. Inadequate training of case workers in the field and lack of cooperation among donors hamper efforts to help unaccompanied minors.

At refugee camps or in cities, unaccompanied minors must often fend for themselves, or are forced to rely on adults who exploit them. Many migrants are vulnerable, but unaccompanied minors are especially prone to exploitation and abuse because they do not enjoy the protection of their parents or extended family. In addition, a recent UN High Commissioner for Refugees (UNHCR) report documented that minors in refugee camps often face serious discrimination.

Encouraging Better Practices Worldwide

Today, in cases when immigration officials, police officers and humanitarian workers identify an unaccompanied minor, they may make a "best interest determination," or BID. The determination is, ideally, the result of interviews by different officials and research into the minor's case. The different parties determine what should happen to the child - will she be sent home? Will he be placed in foster care? Making this determination can be time-consuming and tricky. In 2008, the State Department gave over \$500,000 to UNHCR to train government officials and advocates how to use this tool properly, and to make the BID part of the initial screening of all refugee minors.

The U.S. government also supports programs around the world to provide food, protection, and assistance to children. One such example is the program carried out by the International Organization for Migration (IOM), in West Africa to provide shelter and protection, as well as return and reintegration assistance, to children trafficked for begging. Since it started in 2006, the program assisted over 200 children.



*In this poster by a refugee orphan, the child's longing for the care of his family is clear.
Photo courtesy of UNHCR*

Inspired in part by the stories of “Lost Boys” like Deng, the U.S. Congress passed the Child Soldier Accountability Act in 2007, amending the federal criminal code to impose a fine and/or 20-year prison term for recruiting, enlisting, or conscripting a person under 15 years of age into an armed force or group. This law also makes any non-citizen who has recruited or used child soldiers inadmissible or subject to removal.

Protection of Unaccompanied Minors in the United States

-- U.S. Citizenship and Immigration Service (USCIS) at the Department of Homeland Security allows some unaccompanied minors to remain lawfully in the United States. The Special Immigrant Juvenile category allows minors or their representatives to petition USCIS for authorization to stay. The T and U non-immigrant categories allow eligible victims of human trafficking and certain victims of crimes to stay and work in the U.S. for up to 4 years with the possibility of adjusting to lawful permanent residence .

-- USCIS’s Asylum Division trains asylum officers in child-specific procedures and law. All asylum applications filed by minors receive special attention. The Asylum Division has conducted a pilot project to facilitate access to *pro bono* representation for unaccompanied minors.



*The United States government makes every effort to reunite lost minors with their parents. In this photo, an African child returns home.
Photo courtesy of IOM*

--The Office of Refugee Resettlement (ORR) at the Department of Health and Human Services is responsible for the care of unaccompanied minors who are resettled in the U.S. Through its Unaccompanied Refugee Minors program, ORR ensures that refugee minors in each state receive the services provided to foster children, e.g. housing, food, clothing and medical care. ORR provides additional money for preservation of the minor’s ethnic and religious heritage. Established in 1979, the URM program has provided integration assistance to over 13,000 refugee children who are resettled to the U.S. Every year ORR’s Division of Unaccompanied Children Services educates, monitors and provides health care to more than 8,000 unaccompanied minors , most of whom do not enjoy lawful immigration status. One example of the Division’s work has been training social service workers to recognize trauma in refugee children

--The Executive Office for Immigration Review (EOIR) at the Department of Justice conducts the immigration proceedings that determine whether an unaccompanied alien minor in removal proceedings may remain in the US. For the past 10 years EOIR has trained judges on children’s issues with the help of experts from other federal agencies and NGOs. In addition, EOIR has issued guidelines for immigration judges to create a child-friendly environment in the immigration court, including a special court dockets for children, child-friendly courtroom modifications, pre-hearing courtroom orientations, and child-sensitive questioning. Moreover, the EOIR Legal Orientation & Pro Bono Program together with Immigration Judges and other court staff have worked closely with the Office of Refugee Resettlement and NGOs to identify children in need of legal assistance and facilitate *pro bono* legal services. Thanks to these partnership efforts, the large majority of unaccompanied alien children in government custody have access to basic legal immigration programs.

For more information, see the following sites:

--Conference on Unaccompanied Minors and Separated Children: <http://childalone.gmu.edu>

--Department of State, Bureau of Population, Refugees and Migration: <http://state.gov/g/prm>

