

Fact Sheet: Unaccompanied Children Should Be Treated Like Children

June 2019

The Trump Administration announced its plan to open a child detention facility at Fort Sill, Oklahoma. We cannot allow the U.S. government to continue to imprison children and bypass the laws mandating the humane treatment of immigrant children by opening long-term prisons for children on military bases.

Main Takeaways

- Children and adults seeking refuge from extreme violence and starvation in their home countries should not be criminalized. There is a humanitarian approach to dealing with migration.
 - Criminalizing migration and imprisoning adults and children in tent cities and military bases under dehumanizing, deplorable conditions where death and disease become the norm needs to stop.
 - By jailing children in these military camps, the U.S. government will be perpetuating trauma in children in its custody. These harms inflict long-lasting toxic psychological and developmental damage on children, exacerbating any existing trauma.
 - Short-term “influx” facilities are preferable to detention in freezing cold, *hielera* or icebox holding cells run by U.S. Customs and Border Protection (CBP), but influx facilities should not serve as a long-term strategy to get around long-established child welfare standards and due process protections.
 - The federal government decision to prioritize policing and militarization over the comprehensive health and well-being of children is an extension of the white supremacist policy of criminalizing Black and Brown children and represents a total disregard of its legal obligations to children.
-

- **Fort Sill Military Base:** On June 11, 2019, the U.S. government announced plans to place up to 1,400 unaccompanied children in an “influx” shelter at Fort Sill Army Base in Oklahoma. This military base has a dark history. During WWII, Fort Sill imprisoned Japanese-American families in an internment camp. In 1894, Fort Sill imprisoned Native Americans of the Chiricahua Apache tribe, including Geronimo.
- **By jailing children in these military camps for extended periods of time, the U.S. government is perpetuating trauma in children in its custody. These harms inflict long-lasting toxic psychological, developmental damage on children, exacerbating existing trauma.**
 - **Unaccompanied Children:** Children who migrate to the U.S. without a parent or a guardian are designated by immigration agencies like CBP as “unaccompanied.”
 - Due to the many vulnerabilities of being an “unaccompanied” child, there are special protections for children to ensure that they are treated like children during their immigration proceedings and have an opportunity for due process.
 - These legal protections include the *Flores v. Reno* consent decree from 1997 and federal laws like the Trafficking Victims Protection Reauthorization Act (TVPRA).
 - “Unaccompanied children” can include toddlers to 17 year olds. In some cases, siblings flee their home country together because they are being abused and their country cannot protect them. In other instances, children flee forced gang recruitment, human traffickers, narco-traffickers, gender violence, starvation, or natural disasters.
 - In choosing to challenge the very root of the *Flores* consent decree, a settlement agreement that set national standards for the treatment and placement of

- minors and urged that children be treated as children, the U.S. government is choosing to value capital over humanity.
- The rhetoric surrounding the “crisis at the border” and the “emergency influx” of immigrants is designed to dehumanize people fleeing extreme violence – violence that in many cases was created in part by U.S. intervention and economic policies.
- **The Federal government is pursuing a ‘work around’ for treatment of immigrant children by opening up prisons in military bases.**
 - **Legal background:** *Flores v. Reno* is the 1997 settlement agreement that set national standards for the treatment and placement of minors in what was then Immigration and Naturalization Service (INS) custody.
 - **Under *Flores*, children are supposed to be treated like children, placed in facilities that operate under child welfare standards and are licensed by the child welfare agency in the state where the facility is located in.**
 - This is why the Office of Refugee and Resettlement (ORR) is tasked with overseeing the care and placement of unaccompanied minors. ORR is part of U.S. Health and Human Services Administration.
 - **The federal government now wants to undermine this settlement agreement to bypass the protections for children that *Flores* requires.** The government has done this by placing children in tent cities in Tornillo, Texas, and in Homestead, Florida. This has also been done via the cutting of educational, recreational and legal services at Homestead, all services that are **required** under *Flores*.
 - **In placing children on federal property, such as military bases, and stating that the government does not need to get a child welfare license from the state (e.g. Homestead, Florida), the government is seeking ways to undermine the *Flores* consent decree.**
 - **Homestead Detention Camp:** The child detention camp in Homestead, Florida, is on federal property bordering an Air Force base, but is run by a privately held, for-profit corporation called Caliburn International Corporation. As of May 2019, there were 3,728 children at this detention camp.
 - The corporation charges the government \$775 a day per child to run this detention camp. That is roughly \$1.2 million a day. If the government housed children in a facility that operated under child-welfare standards, *like they are legally obligated to under Flores*, then the costs would reportedly be about one-third to half of that cost.
 - The government does not – and should not – have to squander \$775 a day to a *private, for-profit company*.
 - The government could do the right thing by treating children like children, instead of spending exorbitant amounts of money to imprison children in military camps for children.
 - **Recommendations for a more just immigration system:**
 - ORR influx facilities *must* be required to meet higher minimum child protection requirements, especially when these facilities are operated for prolonged periods of time and are no longer functioning as “rapid response facilities.” Creating “influx” facilities for



extended periods of time on federal land serves to doubly insulate ORR from requirements to be licensed by a child welfare agency.

- We must also implement measures to safeguard families and other asylum seekers from arbitrary, unjust and costly incarceration by upholding the *Flores* limits on the length of time families and unaccompanied children can be detained.
- ***The criminal legal system reform and immigration enforcement do not exist in distinct silos.*** The same system that seeks to normalize the operation of prison camps for children fleeing violence is the same system that seeks to normalize the murder of Black and Brown youth by police. This policy shift is another face of white supremacy in America, tearing families of color apart, incarcerating entire generations of children on the basis of their immigration status, and consequently denying their access to education and legal services.