KIND
KIDS IN NEED OF DEFENSE

How the Administration's Enforcement Policies Are Separating Families and Harming Unaccompanied Children

Since its start nearly a year ago, the second Trump Administration has promulgated dozens of immigration measures that have generated broad fear and distress throughout immigrant families and communities. Each day, the Administration's multiplying efforts to compel millions of people to leave the United States assume deeper and more devastating impacts for children, echoing the cruelty and enduring trauma of the first Trump Administration's Zero Tolerance Policy. In addition to measures seeking to expand expedited removal, roll back prosecutorial discretion and other protections, and substantially increase enforcement personnel and resources, the Administration's enforcement efforts increasingly center the fear and devastation of separation as a strategy to advance deportations and to reduce immigration of children and families. In the process, the government is significantly compromising children's safety, best interests, and critical legal protections.

Misleadingly characterized as measures to protect U.S. families and communities, the Administration's harsh immigration enforcement tactics and policies run afoul of deeply held values and safeguards that prioritize child welfare and family unity to instead render children and their caregivers enforcement targets. From detention facilities and immigration offices to homes, neighborhoods, courts, and workplaces, the Administration's enforcement initiatives embrace a troubling tool. They leverage families' treasured bonds and relationships—among the most protective factors and fundamental rights for children—against them.

This policy brief provides an overview of the expanding ways that the Administration's policies and actions are tearing families apart and illustrates how the Administration is using government agencies, resources, and staffing to exploit, rather than mitigate, children's vulnerabilities. It documents how efforts prioritizing the removal of thousands of children from the United States are disregarding children's rights and safety, deepening trauma, and mounting new barriers to children's reunification with family and access to humanitarian protection. The brief calls for an urgent return to upholding core values and safeguards that protect family unity, center children's well-being and best interests, and ensure that children are never returned to trafficking and other harm.[1]

PHOTO CREDIT | A child cries after his father is detained by federal agents as they left a hearing in immigration court at the Jacob K. Javits Federal Building on August 26, 2025 in New York City. Photo by Michael M. Santiago/Getty Images

A Web of Harms: Family Separation at Every Stage

Since taking office in January 2025, the Administration has issued numerous executive orders aimed at fostering a whole-of-government approach to increasing immigration enforcement, accelerating and growing deportations, and reducing prosecutorial discretion and other protections from removal.[2] Relatedly, the Department of Homeland Security (DHS) has rescinded critical policies limiting immigration enforcement at locations where children gather and where people seek critical services, and rescinded or challenged various programs offering protections from removal, including Deferred Action for Childhood Arrivals (DACA) and deferred action for Special Immigrant Juveniles, in an effort to reach deportation goals. These changes, which recall and expand upon similar rollbacks implemented by the first Trump Administration, diverge dramatically from longstanding practices across administrations that historically devoted the attention and resources of immigration enforcement authorities to addressing national security and public safety threats as a top priority.[3] In sidelining prosecutorial discretion and consideration of individualized needs and vulnerabilities, the federal government exposes children and families to known and significant risk of caregiver-child separation and the resultant trauma. These impacts and threats are prevalent at U.S. borders, during children's time in federal immigration custody, in appearances in immigration courts and at U.S. immigration offices, and throughout communities as children and families go about their daily lives.

1. Ongoing Border Separations

Zero Tolerance Policy and Violations of the *Ms. L* Settlement

The first Trump Administration's Zero Tolerance Policy, first piloted in 2017 and then implemented in 2018 throughout border regions, forcibly separated more than 4,600 children from their families with devastating cruelty. The policy directed the criminal prosecution of parents and legal guardians entering the United States for immigration-related violations, foreseeably separating them from their children and rendering their children unaccompanied in the immigration system. Children as young as infants and toddlers were transferred to the Department of Health and Human Services' Office of Refugee Resettlement (ORR) custody and lost amid a system that wholly neglected to keep track of their information and family relationships or consider their reunification with loved ones. In many cases, government officers misrepresented what was happening to parents and children, in some cases telling parents they would be rejoined with their children immediately after proceedings only to separate them for weeks and months, often states and thousands of miles apart. In other cases, children were torn from their parents' arms. Hundreds of parents were coerced into abandoning their cases for asylum and other protection amid promises of reunification with their children yet were deported alone without them or any information about their well-being and whereabouts.[4] Deep and lasting trauma endures to this day for many families, some of whom remain separated.

Litigation in the case of *Ms. L v. ICE* challenged and ultimately halted the government's policy of separating families for purposes of migration deterrence and without legitimate child safety or security concerns and led to court orders directing the government to reunify separated families.

A class action settlement reached in the case in December 2023 sets forth numerous provisions that aid the reunification of families separated under the policy, provide for streamlined consideration of their immigration cases and limited legal and behavioral health services to support reunification, and strictly limit future family separations.[5] Provisions barring the government from separating children from parents and legal guardians, except in limited circumstances, remain in effect through 2031.

The Administration recently was found in breach of the *Ms. L* settlement agreement as a result of its failure to provide critical legal and other services for separated families. As part of the remedy, the court ordered the government to notify attorneys within 24 hours of detaining any class member or qualifying family member under the settlement. Nevertheless, fears and word of separations and potential settlement violations have grown as the Administration implements an array of new border and interior enforcement initiatives and policies. Class counsel continues to battle the government in court over other alleged violations of the settlement agreement, including recent deportations of class member parents and children.

Family Separation During Border Enforcement

While the class action settlement reached in *Ms. L v ICE* in December 2023 strictly limits future family separations, reports of new separations have surfaced in varying contexts. In some cases, families reportedly have faced separation for declining to withdraw their requests for asylum and accept deportation to their country of origin.[6] The government has asserted that these instances are "interior separations" not subject to the provisions of the *Ms. L* settlement, raising concern that the government could seek to modify the custody, placement, or legal proceedings of family members after their reception at the border to circumvent safeguards intended to prevent forcible separations of children from parents and legal guardians with limited exceptions.

In other cases, children have been held in Customs and Border Protection (CBP) custody or transferred to a U.S. Immigration and Customs Enforcement (ICE) family detention facility with their parent or legal guardian, but subsequently separated from one or both parents. Some parents have reported threats of family separation, pressure, and financial incentives to "voluntarily depart," and poor conditions in ICE family detention, compelling some parents to request their children's release from custody to other family members' care to enable them to leave such conditions.[7] Other children may be rendered unaccompanied and referred to ORR custody while their parent is sent to adult ICE custody, deported, or referred for removal to a third country. Children also may be detained with one parent in CBP or ICE custody, but separated from the other parent, who may be prosecuted for migration-related offenses, detained in separate ICE custody, or removed or transferred by DHS. DHS also has separated some children and families on the basis of "national security" concerns. There is often little insight or oversight into the precise grounds upon which the federal government invokes these justifications. The government is required to report ongoing separations to *Ms. L* class counsel; at least some of these separations do not appear on those government-generated lists.

A confluence of restrictive measures and practices—from new limitations on asylum to militarization of border regions and limitations on access to CBP and ICE facilities by attorneys and civil society organizations—present significant barriers to oversight to ensure that the government complies with relevant policies and does not separate families in violation of children's and parents' rights. With the government increasingly moving to remove people within mere hours or days and with limited contact with family members or legal counsel, it is possible that separations and re-separations may be occurring more frequently than has been reported or known.

Intensified and targeted enforcement against children and families in the interior of the United States may reach children who were previously separated from parents and other family members under the first Trump Administration's Zero Tolerance Policy—a stark reminder of the cumulative, traumatic impacts and enduring risks that family separation poses for young people and their families.

2. Separations Through Interior Enforcement

Federal anti-trafficking law and other legal safeguards provide basic child welfare protections for children in federal immigration custody. Among these is a general policy favoring release of children from government custody to the care of a parent or legal guardian or other suitable sponsor while immigration proceedings are ongoing.[8] These protections are rooted in an understanding that long-term institutional care generally is not in the best interests of a child and that safe and loving family relationships can play an important role for a child's safety, well-being, and development. The Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) task ORR with identifying care placements for unaccompanied children and conducting suitability assessments of potential sponsors to whom a child may be released.[9] Congress intentionally parsed these child welfare duties from the enforcement functions of the newly created DHS.

ORR's release and reunification process is vital to protecting family unity and to fair and appropriate consideration of children's legal cases. Family members often provide important psychological support to children working through trauma, and in some cases, may have important context and documentation regarding the risks facing a child that are essential for preparation and adjudication of a child's claims for legal protection and the provision of necessary services. The TVPRA provides several additional procedural safeguards to help ensure fairness and due process for children and to prevent their return to human trafficking and other harm. These protections, among others, exempt unaccompanied children from expedited removal, provide for consideration of their asylum claims in a non-adversarial interview setting, and promote access to legal representation and independent child advocates.

Recently, however, new policies of the Administration have upended the reunification and release process—and the distinction between ORR's child welfare mission and DHS's enforcement functions—to target immigration enforcement against children and their sponsors and thwart or disrupt reunifications.

1. Separations Following Initiatives Targeting Children and Sponsors

DHS has implemented several initiatives purporting to help combat trafficking and locate unaccompanied children whom it deems "missing" or "lost" by the prior Administration. One of the most recent is DHS's new "UAC Safety Verification Initiative" that engages state and local law enforcement working through 287(g) partnership agreements in DHS's efforts to conduct "wellness checks" on unaccompanied children.[10] This is the latest example of a measure articulated to protect unaccompanied children, but that in reality does the opposite. Broad immigration and law enforcement against children and their caregivers could exacerbate children's vulnerabilities and the particular risks facing them. In addition, state and local law enforcement entities whose resources and staff the federal government seeks to leverage may have limited or no experience working with unaccompanied children or understanding of the specific legal protections for them.

Similar concerns were raised about the targeted and unprecedented "wellness checks" at children's homes that started in early 2025 and were led by federal agents from ICE and Homeland Security Investigations (HSI). In reported instances, agents, who may have been armed and working with personnel on assignment from other law enforcement agencies, questioned children and their caregivers about how the child came to the country, whether they were attending school or working, and about the sponsor's relationship to the child. Following the visits, ICE may have issued children and their sponsors notices to appear for immigration removal proceedings, if they were not already in proceedings.[11] In some cases, they may have taken the sponsor or the child into custody.

The Administration often has sought to justify these measures through misleading characterizations of data about children who could not be reached by ORR during government phone calls after the child's release or who did not receive notices from ICE to appear for immigration removal proceedings. These alone, however, are not indicators of trafficking, and many children may be in contact with the government through other means and living in safe homes. Efforts to ensure the well-being of unaccompanied children released by ORR must be grounded in children's best interests and holistically address children's needs, including by ensuring access to post-release services, such as legal representation and psychosocial services, through which children can connect with trusted support. Diverging dramatically from best practices and principles of child protection, DHS's recent initiatives proceed almost exclusively from an immigration and law enforcement lens.

In November 2025, a news report citing review of federal data indicated that 3,000 people had been arrested in 2025 as part of DHS initiatives targeting parents, legal guardians, and caretakers of migrant children.[12] DHS has described the arrests as "primarily the result of human smuggling investigations where an [unaccompanied child] was encountered as part of the smuggling incident."[13] HSI reportedly has arrested more than 450 sponsors of unaccompanied children.[14] DHS has asserted that many of the caretakers arrested had committed crimes, although data reviewed by the media reveals that HSI also has arrested undocumented people with no criminal record.[15] Also in November 2025, DHS reportedly launched an operation aimed at arresting sponsors without lawful immigration status, sponsors who have used a smuggler, or sponsors with criminal history.[16]

Some 600 children—the highest number on record—also reportedly have been referred by ICE to ORR shelters this year,[17] as distinct from the typical pattern of CBP referrals of unaccompanied children who have arrived at U.S. borders. Media found that while ICE referred some 160 children for child welfare reasons for which the agency historically might have referred children to a shelter, in some 150 cases, these referrals followed traffic stops.[18] In a majority of cases, children were referred for reasons such as being present during immigration enforcement against others or being taken into custody after immigration court hearings and appointments.[19]

The expansion of government agencies conducting outreach to and enforcement against children and their families, without defined parameters and in ways that depart from traditional distinctions between immigration enforcement and child welfare roles, risk deepening confusion and fear among children and communities, deterring them from seeking help if they are facing trafficking and other harm, and undermining the work of child protection authorities. In the process, new efforts purporting to advance children's safety may instead yield the opposite and raise grave concerns about the potential for widespread family separations and traumatization, deprivations of due process and child welfare protections, and the return of children to potential harm in their countries of origin.

For its part, ORR has provided little public information about the circumstances under which children are transferred back into ORR care or about any specific follow-up support or referrals for assistance that have been provided to children identified as facing situations of trafficking or other harm. Nevertheless, recent efforts by the Administration to summarily remove unaccompanied children in ORR care without due process,[20] offer stipends to children who withdraw their protection claims and accept "voluntary departure,"[21] and delay or deny children's release to sponsors for matters unrelated to concerns about a caregiver's safety[22] raise concern that disruptions to children's reunification and family lives may be occurring predominantly to advance immigration enforcement, rather than child welfare.

In addition to retraumatizing children, immigration enforcement targeting children's caregivers and re-referrals of children to ORR custody, where not grounded in children's safety and best interests, risks separating children from parents and other family members and destabilizing critical support systems for children seeking protection and working through prior trauma. Many unaccompanied children previously spent weeks or months in federal immigration custody (first CBP and later, ORR) and experienced significant distress and uncertainty as they awaited reunification with loved ones and future steps in their immigration case. Removal from the physical and psychological support of family and return to an institutional care setting often renews and deepens children's trauma and despair, as they return to conditions of confinement they had left and face interruptions in goals, support, and opportunities they had been working toward.[23] Children may also feel that their search for protection or need for care was the impetus for enforcement against their family members, leading to significant distress.[24]

2. Separations Amid Community-Based or Worksite Immigrant Enforcement

In recent months, expansive immigration enforcement—including worksite enforcement actions, enforcement at traffic stops and checkpoints, military deployments to major cities, and apprehensions following immigration hearings, immigration interviews, and ICE check-ins—has led to the apprehension of thousands of people, including U.S. citizens, as they undertake daily activities. In many cases, children and family members who have no criminal history may be arrested and immediately detained or deported, with ICE and other enforcement authorities often providing little, if any, opportunity for people to make contact with family members or arrangements for children and others for whom they may serve as the primary caregiver.[25] This may especially be the case in large worksite enforcement actions or community raids, in which dozens or hundreds of people may be arrested at one time—exacerbating confusion, limiting access to and availability of service providers, and impacting communities at large.[26] Parents also have been arrested as they drop off children at school, and in some cases, children have been targeted within their schools. Many children are no longer attending school owing to intense and pervasive fear that they or their families will be detained or deported, or that they may not find their parents there when they return.[27] Some parents also reportedly have faced pressure to accept removal without their children after being told that they could face months in detention if they decide to have their children join them in their return.[28] With parents and other family members often swiftly relocated to detention centers potentially hundreds of miles away from their homes, children also may be left without knowledge of their parents' or caregivers' whereabouts and well-being and be unable to communicate with them. For impacted children, the trauma of separation is often compounded by financial distress, as loss of income from loved ones increases financial insecurity for families and puts basic necessities and other critical support out of reach.[29]

These impacts are among the many effects of the Administration's recent erosion of prosecutorial discretion and its weakening of ICE's Parental Interests Directive, a policy designed to help preserve family unity and uphold parental rights when immigration enforcement is considered. The Directive, which ICE modified in July 2025, and which currently covers parents and legal guardians, generally directs ICE to "remain cognizant of the impact enforcement actions may have on a minor child(ren)," and to accommodate a covered individual's efforts to make arrangements for minor children in the event of detention or deportation. It directs ICE, depending on operational feasibility and practicability, to provide a reasonable opportunity for a covered individual to consult with legal representatives, consulates, courts, family members, and others to make necessary preparations.[30] Far from mere technical violations, failure to consider family relationships or caregiving roles prior to commencing and during any immigration enforcement risks devastating trauma, separations, and other harm.

In several cases, unaccompanied children have been apprehended, sometimes together with their parents, caregivers, or other family members, and depending on their age, been referred to ICE or ORR custody. Children have also been transferred to state child welfare custody if their parent or sponsor is arrested and alternate care arrangements are not available for the child, or if their parent or caregiver is not permitted sufficient time or opportunity by ICE to make them. In other cases, children may learn of enforcement against their parent or sponsor only after their caregiver has been detained or deported.

Experts have documented persistent and toxic stress among children in immigrant families,[31] who often live with deep and abiding fear that they will become separated from parents, other loved ones, and friends amid expanding immigration

enforcement. Daily activities and childhood milestones are accompanied by fear that they could lead to a child's or family member's deportation and detention,[32] and to the child's being left behind or compelled to return suddenly to a country they may not know or may have fled. Mental health professionals warn of a mental health crisis among children and youth, with significant incidence of anxiety, depression, post-traumatic stress disorder, and myriad other effects of a harsh enforcement environment.[33] These risks increasingly touch the lives of unaccompanied children.

Despite the sweeping ramifications of these actions, immigration authorities often only secondarily consider children's well-being and family life, if at all. Thousands of children must navigate these dire impacts with little support. In many cases, parents who have been deported similarly may have scant, if any, access to assistance or resources to aid in learning about their children's whereabouts or to connect with government authorities who may be caring for them.

RODRIGO'S STORY

A 17-year-old client's mother was detained by ICE. Rodrigo* had to quickly find a new care arrangement - luckily a relative stepped in. The boy has two young half-siblings who are U.S. citizens who are now also being cared for by this relative. All the children miss their mother desperately and are struggling greatly without her. Their mother was recently deported.

**Name changed to protect identity*

3. Enforcement at Courthouses, Immigration Offices, and ICE Check-ins

Some children, parents, or family members have been apprehended by ICE after their asylum interviews, court proceedings, or at immigration check-ins,[34] including in some cases while their applications for humanitarian protection remain pending or future proceedings have been scheduled. These apprehensions often happen rapidly and without time to communicate with loved ones or counsel.

Arrests and the presence of ICE agents at courthouses and asylum offices nationwide pose grave barriers to due process and exacerbate the fear and trauma of children and others who may be required to recount prior persecution and harm underlying their requests for humanitarian protection only to find themselves in detention, deported, or witnessing harsh enforcement actions against others, including family separations, shortly after. In one widely reported example, an ICE officer was recently disciplined after he pushed a mother experiencing distress to the ground outside of a New York City immigration courtroom with her children nearby as she sought to communicate with the officer about her husband, who had been apprehended.[35]

Recently, many unaccompanied children who were previously released by ORR to the care of family members and other sponsors have been required to attend ICE "check-ins," particularly children who have turned 18. Young people may be instructed to attend these appointments with their parent or sponsor, to whom ICE may issue a notice to appear initiating removal proceedings, and in some cases, may take the child or their sponsor into custody. Shortly before or after detaining them, DHS has terminated deferred action and work authorization for a growing number of unaccompanied children who have Special Immigrant Juvenile Status (SIJS), increasing the risk that they may deported, despite their known protection needs and findings by state courts that return to their country of origin is not in the child's best interests. Enforcement against unaccompanied children generally, and SIJS recipients specifically, threatens to separate children and youth who have survived abuse, abandonment, and other harm, including at the hands of a parent in their country of origin, from their remaining parent and other caregivers who provide them vital safety and care—upending stability for the child and undermining Congress's intent through the TVPRA to enable these children and youth to access permanency and safety.

The Administration's decision to end the SIJ deferred action policy and attempts to detain and remove SIJS beneficiaries are the subject of ongoing litigation in the case of *A.C.R. v. Noem*. In late November, a federal court stayed the rescission of the 2022 SIJS Deferred Action Policy and directed USCIS to follow its 2022 Policy Alert.[36] However, in a January 2026 order, the court stated that USCIS need not follow the SIJS Deferred Action guidance in its pre-rescission Policy Manual, except in a limited set of cases.[37] Fear of enforcement actions against unaccompanied children and SIJS beneficiaries more generally remains.

Referrals of children back into ORR or ICE custody due to immigration enforcement pose destabilizing and harmful effects for children. Abruptly removing children from homes, schools, and communities in which they have developed relationships and support often exacerbates children's vulnerability, reactivates prior trauma, and sows fear and uncertainty just as children are working to open up about the threats they fled as part of their immigration cases.[38]

Separations also often operate at cross-purposes with post-release services designed to support family preservation and reunification for unaccompanied children with family members from whom they may have been apart for some time or with whom they are newly living.

Immigration enforcement often exposes children who previously may have spent months in federal immigration custody to renewed and prolonged detention in ORR facilities. Recently, broad information sharing between ICE and ORR for immigration enforcement purposes and new and restrictive ORR documentation, income, and interview requirements make it increasingly challenging for potential sponsors, including parents and legal guardians, to be approved to care for unaccompanied children. If their parent or other sponsor is detained or deported following immigration enforcement, unaccompanied children returning to ORR care may not have other family members or potential sponsors to care for them. Consequently, they may face extended time in custody and potentially face heightened risk of exploitation, if ultimately released to unknown or less suitable sponsors.[39] Increasingly, DHS has sought to detain unaccompanied children who have turned 18 in adult ICE detention facilities, notwithstanding the TVPRA's requirement that DHS consider the "least restrictive setting" and alternatives to detention for children who turned 18, after taking into account danger to self, the community, and risk of flight.[40]

Collectively wielding the TVPRA's safeguards and the principle of family unity *against* children, these actions increase the likelihood that children facing fading options for release and humanitarian protection or seeking to reunify with caregivers who have been deported may abandon their cases for legal protection, despite grave threats facing them in their countries of origin.

JAIME'S STORY

Jaime* was 12 years old when he came alone to the United States in 2020 to flee harm in his country of origin. He spent a short time in ORR custody before being released to the care of one of his parents. Since then, Jaime has been going to school, received Special Immigrant Juvenile Status for children who were abused, abandoned, or neglected, was granted deferred action, and approved for a work permit.

In the summer of 2025, he was in a car with a sibling that was pulled over by police. The police asked for ID; Jaime presented his documents and the police left. About 20 minutes later, Jaime and his sibling were pulled over by the same police officers, who had called ICE in the interim. Jaime and his sibling were taken into ICE custody and questioned.

ICE officers documented several of Jaime's responses inaccurately, and he was compelled to sign a document providing for his "voluntary return," despite his ongoing need for U.S. protection and his desire to remain in the United States. Jaime's attorney was able to rectify the mistake, but Jaime's sibling was ultimately removed from the United States, despite also having been approved for SIJS and having deferred action.

Jaime was transferred from ICE to ORR custody, where he was held until the end of December 2025, when he was released as a result of a habeas petition challenging the legality of his detention filed on his behalf.

**Name changed to protect identity*

4. ORR Policies Hindering Reunification and Prolonging Family Separation

In recent months, ORR has pursued numerous policy changes purporting to strengthen policies for vetting potential sponsors of unaccompanied children to prevent against trafficking, exploitation, and other harm to children. In reality, these policies decimate vital firewalls between DHS's enforcement functions and ORR's child welfare mission and undermine protections in the Homeland Security Act of 2002 (HSA), TVPRA, *Flores* Settlement Agreement, and related regulations that aim to address children's particular vulnerability in the federal immigration system and support family unity.[41] They also undermine community trust in and may frustrate the work of HSI officers who historically have relied on collaboration with communities in efforts to investigate and combat human trafficking.

Most recently, in early January 2026, ORR published additional changes to its Policy Guide that appear to permit ORR broader discretion to delay release or deny sponsor applications where a potential sponsor is "under investigation" for certain crimes.[42] These changes could hinder releases more broadly, as DHS and ORR share information for enforcement purposes and in light of prior DHS initiatives targeting unaccompanied children and outlining potential criminal violations pertaining to sponsors for consideration by HSI.[43]

Releases of children from ORR shelters recently slowed dramatically throughout the country, with approvals of sponsors occurring seldomly and with reports that ORR leadership in November 2025 verbally ordered staff to halt releases until further notification.[44] A news outlet reported that during October 2025, ORR released approximately four children daily, or slightly more than 100 children that month, to sponsors, but in the month and a half after, ORR released only four children overall to sponsors.[45]

JORGE'S STORY

KIND serves a boy who was forcibly separated from his father at the age of 12 in 2019. His inclusion in the *Ms. L* class remained uncertain for years, during which time he remained separated from his father, who had been deported to their country of origin. KIND successfully pursued Special Immigrant Juvenile Status and deferred action on behalf of Jorge*, and through time, support, and persistence, and against great odds, he began to build a life on his own in the United States. In the fall of 2025, he was detained by ICE after pulling over to the side of the road for a routine traffic stop. The government terminated his deferred action and placed him in removal proceedings, despite his vulnerability and protection needs.

**Name changed to protect identity*

Since early 2025, ORR has implemented sweeping changes to the family reunification process and other policies, including by:

- **expanding fingerprinting and background check requirements** to all sponsors, adult household members, and alternate caregivers;
- **directing DNA testing** to prove biological relationships and providing for enhanced vetting of sponsors who decline;
- **narrowing permissible forms of identification** that potential sponsors may present to establish their identity, address, and relationship to the child to those largely available only to people with lawful immigration status;
- **imposing new requirements** for proving sponsors' income;
- **rescinding regulatory safeguards barring collection and sharing of sponsors' immigration status** for law or immigration enforcement purposes and prohibiting ORR from disqualifying sponsors based on immigration status; and
- **permitting immigration and law enforcement interviews** of children and sponsors.[46]

These measures have been accompanied by the federal government's attempts to forcibly or summarily remove children in ORR custody to their countries of origin and to offer financial stipends to children in ORR custody who voluntarily depart the United States.[47]

Taken together, these restrictive and mounting actions have blocked the ability of many parents and family members who can provide safe and loving care from serving as sponsors and have led to children remaining in custody for weeks or months—indefinitely separated from loved ones—even in cases presenting no safety or other concerns.[48] The average length of care for unaccompanied children discharged from ORR has risen dramatically from 35 days in October 2024 to 185 days in November 2025.[49] Many sponsors have undertaken significant efforts to comply with ORR's shifting and emerging policies and requirements, in some cases undergoing DNA tests, requesting additional documentation from authorities, applying for a driver's license, moving to another home, and seeking to identify alternate caregivers. Notwithstanding these efforts, significant delays in release and denials in sponsorship may follow, including where no specific child safety concerns have been identified. DHS also may conduct immigration or law enforcement against sponsors, potentially acting on information shared by ORR from its family reunification process or on information obtained by ICE or HSI during "wellness checks" or law enforcement interviews with children in ORR care and sponsors attending required in-person ID checks with ORR.

In some cases, ORR reportedly has urged sponsors to withdraw their application to care for a child so that the child, who may have been in ORR custody for months while their prospective caregiver made efforts to comply with ORR's new and changing requirements, can be transferred to a less restrictive care placement such as long-term foster care. Such instances effectively pit ORR's dual obligations to place a child in the least restrictive setting in their best interests and to make continuous efforts toward release and family reunification of the child against each other[50]—to child's detriment—when the child must be assured both of these critical safeguards.

New requirements and administrative actions also have contributed to a chilling effect on sponsorship of unaccompanied children more broadly, as parents and others may fear that caring for children in ORR may expose them or others in their homes or communities to immigration enforcement, and children themselves may fear a parent's exposure to enforcement if seeking to care for them.[51] Transforming the sponsor suitability and family reunification process into an opportunity for immigration deterrence and enforcement, recent policy changes heighten, rather than reduce, risks to children and families.

Recommendations

- **Children's best interests and needs must be a foremost consideration at all times and guide agency decision-making any time immigration enforcement is considered.** Federal agencies must prioritize and protect family unity and family reunification, as provided for in basic child welfare practice and domestic and international law, absent indicators of abuse, neglect, or other danger to the child. Prosecutorial discretion should be exercised as necessary to ensure children's well-being.
- **DHS should strengthen and ensure compliance with ICE's Detained Parents Directive, restoring safeguards provided for by the prior Parental Interests Directive and ensuring training of all state, local, and federal entities and partners participating in DHS's immigration enforcement efforts to promote adherence to these safeguards.** This includes giving due consideration to family unity and the rights of children, parents, and caregivers before commencing any enforcement and ensuring the ability of those encountered to communicate with family, make alternate care arrangements and other decisions, and access legal counsel, in recognition of the important implications enforcement poses for families, including potentially children's custody and legal cases for protection. Congress should similarly take steps to codify these protections.
- **The federal government should respect and restore ORR's independence from DHS's immigration enforcement mission and initiatives to ensure ORR's ability to fulfill its child welfare mission and uphold legal requirements pertaining to unaccompanied children's care, placement, and family reunification.** To this end, ORR and DHS should discontinue the sharing of information about their children and sponsors, including as provided during the family reunification process, for immigration enforcement purposes.
- **DHS should ensure that all new and existing personnel receive routine and ongoing training in the legal protections for and procedures applicable to unaccompanied children,** as provided for by the *Flores* Settlement Agreement, the Trafficking Victims Protection Reauthorization Act of 2008, and related regulations, among other authorities.
- **DHS should provide information regarding ways that parents and caregivers who may have been deported without an opportunity to communicate with or make arrangements for their child** can communicate with relevant agencies to learn of their children's whereabouts, make relevant decisions, and pursue reunification as desired and appropriate, absent evidence of child safety concerns.
- **DHS should implement robust systems for tracking compliance with the Detained Parents Directive as well as any separations that occur through interior and border immigration enforcement.** This should include documentation of any time a child is referred to ORR, state child welfare custody, or left in the care of an alternate caregiver during immigration enforcement. Monthly reporting to Congress should be required to ensure robust oversight to address unnecessary separations and other breaches of family unity.
- **The federal government must ensure compliance with the *Ms. L v. ICE* settlement and all related court orders to prevent further harm to, detention, or re-separations of families impacted by the Zero Tolerance Policy.** This includes return of deported class members, notifying plaintiffs' counsel within 24 hours of detaining any class member as currently provided for by a temporary injunction, and exercising prosecutorial discretion to ensure class members may access the settlement's protections.
- **DHS should restore the Protected Areas Policy and discontinue all enforcement actions in or near immigration courts, asylum offices, schools, childcare centers, health care facilities, and other sensitive locations.** Children and others should be permitted to attend hearings and proceedings without interference. DHS should never threaten removal or family separation or seek termination or dismissal of proceedings for purposes of immigration enforcement and migration deterrence or in any way that impedes due process and access to protection. Congress should similarly codify these protections as provided for in the Protecting Sensitive Locations Act.

Endnotes

1 Of note, this brief reflects information known to date amid a context that is rapidly evolving and in which children, families, and communities are being impacted profoundly by a range of restrictive measures. Although this brief discusses specific contexts in which immigration enforcement is occurring, it recognizes that the Administration's policies are often experienced collectively or in myriad, intersecting ways by children and their family members. On-the-ground practices may depart significantly from official policy pronouncements or vary by area or agency, stoking even greater fear and confusion. These realities only underscore the need for a systemic and swift shift in course to make certain that policies designed to protect children's safety truly realize their intentions. This begins with placing children's individualized needs, well-being, and protection--rather than generalized enforcement priorities--at the core.

2 *See, e.g.*, Executive Order 14159, Protecting the American People Against Invasion (Jan. 20, 2025); DHS, Notice, Designating Aliens for Expedited Removal, 90 Fed. Reg. 8139 (Jan. 24, 2025); DHS, ICE Directive 11064.4: Detention and Removal of Alien Parents and Legal Guardians of Minor Children (July 2, 2025), https://www.ice.gov/doclib/foia/policy/11064.4.pdf; USCIS, Policy Alert, Special Immigrant Juvenile Classification and Deferred Action (June 6, 2025), https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606-SIJDeferredAction.pdf.

3 *See, e.g.*, American Immigration Council, *The End of Immigration Enforcement Priorities Under the Trump Administration - American Immigration Council* (2018) (discussing past use of prosecutorial discretion), https://www.americanimmigrationcouncil.org/fact-sheet/immigration-enforcement-priorities-under-trump-administration/.

4 *See generally* KIND, Family Separation: One Year Later (2019), https://supportkind.org/wp-content/uploads/2019/11/Family-Separation-One-Year-Later-6.pdf; KIND, Family Separation: Two Years Later, the Crisis Continues (2020), https://supportkind.org/wp-content/uploads/2020/07/Family-Separation-Report-2020-FINAL-2.pdf.

5 *Ms. L v. ICE*, Case No. 18-cv-00428, Settlement Agreement (Dec. 1, 2023), https://www.aclu.org/documents/ms-l-amended-settlement.

6 Jess Bidgood & Hamed Aleaziz, *The Return of Family Separation*, N.Y. Times (Aug. 6, 2025), https://www.nytimes.com/2025/08/06/us/politics/trump-immigration-family-separation.html.

7 Priscilla Alvarez & Michael Williams, *Exclusive: Migrant families paint grim picture of life in Texas ICE detention facility, new court documents show*, CNN (Dec. 9, 2025), https://www.cnn.com/2025/12/09/politics/migrant-families-ice-detention-facility-texas.

8 *See Flores* Stipulated Settlement Agreement, Flores v. Reno, No. CV 85–4544–RJK (Px) (C.D. Cal. 1997), amended Dec. 7, 2001; ORR UC Program Foundational Rule, 89 Fed. Reg. 34384 (Apr. 30, 2024).

9 *See* Homeland Security Act of 2002, Pub. L. 107–296 (Nov. 25, 2002) (codified at 6 U.S.C. § 279); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457 (Dec. 23, 2008), at Sec. 235 (codified at 8 U.S.C. § 1232).

10 *See* DHS, *ICE and State, Local Law Enforcement 287(g) Partners Launch Initiative to Protect Vulnerable Children the Biden Administration Allowed to be Placed with Unvetted Sponsors*, Nov. 14, 2025, https://www.dhs.gov/news/2025/11/14/ice-and-state-local-law-enforcement-287g-partners-launch-initiative-protect. *See also* Mica Rosenberg, *ICE Sent 600 Immigrant Kids to Detention in Federal Shelters This Year. It's a New Record*, ProPublica, Nov. 24, 2025, https://www.propublica.org/article/ice-detentions-immigrant-kids-family-separations [hereinafter "ProPublica"] (discussing collaboration between state and local law enforcement and the federal government on immigration enforcement).

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12 Priscilla Alvarez & Adam Cancryn, Exclusive: *Thousands of parents, guardians of migrant kids arrested in Trump administration crackdown*, CNN, Nov. 14, 2025, https://www.cnn.com/2025/11/14/politics/parents-arrested-migrant-children-ice.

13 *Id.*

14 *Id.*

15 *Id.*

16 Priscilla Alvarez & Adam Cancryn, *Exclusive: Thousands of parents, guardians of migrant kids arrested in Trump administration crackdown*, CNN, Nov. 14, 2025, https://www.cnn.com/2025/11/14/politics/parents-arrested-migrant-children-ice.

17 *See* ProPublica, *supra* note 10.

18 *Id.*

19 *Id.*

20 *See* Ted Hesson & Emily Green, *US judge extends block on deportations of unaccompanied Guatemalan migrant children*, Reuters, Sept. 15, 2025, https://www.reuters.com/world/us/us-judge-extends-block-deportations-guatemala-unaccompanied-migrant-children-2025-09-13/.

21 *See* Camilo Montoya-Galvez, *U.S. to offer migrant teens $2,500 if they agree to voluntarily leave the country*, CBS News, Oct. 3, 2025 (updated), https://www.cbsnews.com/news/us-immigration-migrant-teens-2500-self-deportation/.

22 *See, e.g.*, Acacia Center for Justice (Jonathan Beier Ruben Ortiz Kofi Forkuo-Sekyere), *Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention*, Sept. 2025, at 4, https://acaciajustice.org/wp-content/uploads/2025/09/Acacia-Dismantling-Protections-2025-09.pdf.

23 Nat'l Center for Youth Law (Neha Desai, Melissa Adamson, and Dr. Ryan Matlow), The Unraveling of ORR: A Quick and Calculated Undoing of a System Intended to Protect Children, at 19, https://youthlaw.org/wp-content/uploads/ncyl_the-unraveling-of-orr_sept2025_final.pdf.
24 *Id.* at 18. As clinical child psychologist and professor Dr. Ryan Matlow explains, children also "are likely to feel culpable for any risk posed to the safety and security of their sponsors and family members, when in actuality this risk comes from external systems, policies, and practices. The resulting internal conflict is likely to manifest and contribute to psychological distress for children, to include anxiety, fear, sadness, hopelessness, and guilt or self-blame." *Id.*
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