

PROMOTING THE RIGHTS OF IMMIGRANT CHILDREN THROUGH STATE AND LOCAL ACTION

Every child deserves to grow up supported by family, connected to community, and free from fear. Yet federal immigration policies systematically undermine these basic rights, subjecting immigrant children to family separation, detention in harmful settings, and isolation from community supports. These harms are the result of deliberate policy choices and demand urgent action and accountability.

This brief summarizes how recent federal immigration policies threaten children's well-being and outlines targeted state and local strategies to uphold legal rights and support children and families.

HARMFUL TRENDS IN FEDERAL IMMIGRATION POLICY

Though anti-immigrant agendas are not new, recent federal policies have been unprecedented in their speed, scope, and coordination. Since January 2025, attempts to dismantle protections for immigrant families have included:

- *Substantially increased funding for enforcement, detention, and deportation, enabling widespread surveillance of communities.*¹
- *Expanded use of expedited deportation procedures that curtail due process, limit access to counsel, and undermine family unity.*²
- *Challenges to core legal protections for children, including efforts to weaken the [Flores settlement's](#) safeguards against prolonged and harmful detention and to [cut funding for legal services programs](#).*
- *Changes to public benefits programs, such as restricted eligibility for Medicaid and nutrition assistance and expanded information-sharing with immigration offices.*³
- *Disincentives for state-level protective measures, such as threats of federal funding cuts or investigations of sanctuary locations.*⁴
- *Barriers to children's release to sponsors (most often relatives), resulting in prolonged detention.*⁵

Taken together, these policies deliberately expand surveillance and fear, weaken child-specific protections, and deprive families of stability and well-being.⁶ Advocates have responded through litigation, community organizing, direct support, and policy leadership, calling out harms and demanding change.

COMPREHENSIVE, JUST, AND HUMANE IMMIGRATION POLICY

—including legal pathways to citizenship for all undocumented people—remains essential. Until that vision is realized, this brief focuses on urgent, targeted actions state and local leaders can take now to protect children and families from preventable harm.

DATA SNAPSHOT: CHILDREN DETAINED BY THE U.S. FEDERAL GOVERNMENT

Federal immigration policies can result in children held in detention by the Department of Homeland Security (DHS) or Department of Health and Human Services (DHHS).⁷ Children and their families are increasingly being taken from communities and forced into prolonged stays characterized by persistent uncertainty, instability, and harsh, unsafe conditions.⁸ The figures below are what federal agencies have reported from June 2025 to September 2025, and the impacts are likely to worsen as these policies continue to unfold:

DHS Immigration and Customs Enforcement (ICE) Detention Facilities

NUMBER OF CHILDREN DETAINED FOR 3 DAYS OR LONGER

JUNE: 816	JULY: 614	AUGUST: 531	SEPTEMBER: 660
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TOTAL DAYS THESE CHILDREN SPENT IN DETENTION IN EACH MONTH

JUNE: 14,389	JULY: 8,625	AUGUST: 6,407	SEPTEMBER: 8,454
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DHHS Office of Refugee Resettlement (ORR) Detention Facilities

AVERAGE NUMBER OF CHILDREN IN CUSTODY

JUNE: 2,501	JULY: 2,198	AUGUST: 2,011	SEPTEMBER: 2,094
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AVERAGE DAYS DETAINED FOR CHILDREN WHO WERE DISCHARGED

JUNE: 154	JULY: 171	AUGUST: 182	SEPTEMBER: 186
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AVERAGE DAYS DETAINED FOR CHILDREN WHO REMAINED IN CUSTODY

JUNE: 174	JULY: 187	AUGUST: 179	SEPTEMBER: 166
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Note: ICE detention data obtained from Flores Juvenile Data Reports (June Report, [Dkt. 1664-3](#); July Report, [Dkt. 1664-4](#); August Report, [Dkt. 1693-5](#); September Report, [Dkt. 1693-8](#)); monthly data do not represent cumulative counts of trends over time. ORR detention data for the same time frame obtained from [Administration for Children and Families webpage](#) accessed October 2025.

IMPACT ON CHILDREN AND FAMILIES

Punitive immigration policies destabilize children, families, and entire communities. Children exposed to detention and deportation experience heightened stress, developmental delays, mental and physical health challenges, and educational setbacks.⁹ Parental detention and deportation trigger immediate material hardships for children, including food insecurity and residential instability, alongside profound emotional harm and disruption to daily routines.¹⁰ Day-to-day acts such as attending school, visiting a clinic, or applying for public assistance become life-altering risks when families are subject to surveillance and constant uncertainty. The fear and threat of detention and deportation causes families to withdraw from essential services and erodes children's sense of safety and trust in their communities.¹¹

History shows that punitive immigration policies routinely sacrifice family integrity. During the federal government's zero-tolerance policy era, over 4,000 children were taken from their parents; two years later, hundreds remained separated.¹² When parents are detained or deported, government officials can funnel children into the child welfare system—also referred to as the family policing system¹³—not because of safety concerns, but because policies permit few alternatives.¹⁴ Even a decade ago, an estimated 5,100 children in the foster system had parents who were deported or detained.¹⁵ Immigration policies that restrict access to public benefits also subject families to scrutiny by the family policing system, where material hardship is too often labeled neglect—risking more forced separations, state control over caregiving, and placement of children in harmful institutions.¹⁶

This harm is not inevitable. In countries with supportive and integrative immigration policy environments, children experience better health and mental health outcomes.¹⁷ Proven policies and community-based strategies that promote family unity, social inclusion, and access to essential services support children's safety and well-being.

STRATEGIES TO MITIGATE HARMS AND BUILD ROBUST PROTECTIONS

Addressing the overlapping harms of detention, deportation, and systemic scrutiny of family policing requires targeted and proactive measures. In the current federal landscape, state and local leaders play a decisive role in ensuring children's access to essential services, upholding meaningful legal protections, and supporting families.

1 PILLAR 1: **Protect children’s access to essential services and supports.**

Why this matters: Access to health care, education, and other basic support is foundational to child well-being and must not depend on immigration status or fear of enforcement. Federal policy has long excluded some families from public benefits based on immigration status. Recent policy changes exclude additional immigration statuses, and even more families avoid programs they are eligible for out of fear.¹⁸ State and local action is critical to keeping support accessible and mitigating fear.

KEY POLICY ACTIONS INCLUDE:

- **Ensure inclusive access to health and mental health coverage**, at minimum for children, pregnant people, and caregivers. [At least 14 states and D.C.](#) provide comprehensive state-funded health coverage for children, and two states cover pregnant people. These expansions improve health outcomes and reduce poverty.¹⁹
- **Designate child and family serving institutions as enforcement-free zones.** Prohibit collaboration with immigration agencies at schools, hospitals, clinics, social service agencies, child welfare visits, and foster placements with clear remedies for violations. Several states have codified or proposed these protections.²⁰ Even in high-enforcement states, [local school districts](#) have ensured uninterrupted access to education. These safeguards improve children’s social and emotional health, academic outcomes, and economic stability without increasing crime.²¹
- **Ensure enforcement-free policies work in practice.** Fund public outreach campaigns that keep families and communities informed about protections. Tailor public agency guidance to further reinforce protections. [CLASP’s guide for early childhood programs](#) offers a strong model.
- **Issue guidance from child protective services agencies** discouraging reports when families cannot access services due to immigration status. Enable service providers to link immigrant families directly with community resources.

2 PILLAR 2: **Proactively preserve and uphold legal protections.**

Why this matters: Every child deserves a fair chance to be heard and to stay connected to family. Despite the life-altering consequences, there is no guaranteed right to counsel in immigration courts. [Only 33%](#) of children facing deportation had legal representation last year. Expedited proceedings often overlook due process safeguards, rush procedures, and force families to make critical decisions without adequate guidance. States and local leaders should ensure families have access to legal resources.



KEY POLICY ACTIONS INCLUDE:

- **Fund legal representation programs for children in immigration proceedings.** The Vera SAFE Network documents how public programs can [scale funding effectively](#), while [generating increased tax revenue and job retention and promoting family stability](#).
- **Build attorney capacity through training and peer networks.** Strong model options include [Immigrant ARC's](#) legal defense coordination in New York; [Maine Immigrant and Refugee Services](#) leveraging private firm contracts; and counties integrating immigration expertise in their child legal services programs.
- **Support rapid response systems** that provide emergency legal aid and know-your-rights education. [Legal Aid Justice Center](#) and [CLINIC](#) offer implementation toolkits. Many states or localities have mobilized advocates to quickly prevent or respond to concerns.
- **Train public agency staff on confidentiality and families' rights.** Child welfare officials often lack immigration training.²² This leads to misreporting and unnecessary data-sharing that could trigger immigration agency involvement.

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PILLAR 3: Prioritize children remaining safely within families and communities.

Why this matters: Families should decide who cares for their children during a crisis, not governments. Yet when families are detained or deported, what happens to their children becomes a crisis decision made by the state. Too many children are forced to enter the foster system or government detention, resulting in placements with strangers and loss of connections with family. Child welfare laws were not designed for immigration crises. States and local leaders can prevent these separations by recognizing family autonomy and keeping children with trusted, known caregivers.



KEY POLICY ACTIONS INCLUDE:

- **Legally recognize and protect family preparedness plans.** Allow families to designate trusted caregivers through standby guardianship without surrendering custody. The [Immigration Legal Resource Center](#) and [New York Immigration Coalition](#) offer comprehensive models.
- **Prohibit immigration status from disqualifying relatives for child placement.** [California](#) allows placement with approved relatives, regardless of immigration status, and removed immigrant-specific barriers to background checks.²³
- **Exempt parental detention or deportation from termination of parental rights (TPR) timelines.** [New York](#) allows TPR exceptions for detained parents. [California](#) extends reunification timelines and services when parents are detained or deported.
- **Establish child welfare policies and procedures to support immigrant children's immigration needs,** such as requirements clearly designating responsibilities for special immigrant juvenile status applications in [New Jersey](#) and [Tennessee](#).

BUILDING ACCOUNTABILITY AND COMMUNITY

Real protection for children and families demands government accountability and community empowerment. Across all three pillars, state and local leaders can:

- **Increase transparency and public oversight.** Federal immigration agencies should publish regular, coordinated data on actions involving children and parents. Until they do, researchers and advocates must continue documenting impacts through community-based data collection and media reporting. Shared information makes harm visible and drives responsive action.
- **Foster community relationships.** Connection with trusted neighbors and local organizations protects families. States and localities should leverage community navigators, peer support groups, and family resource centers that build trust and provide culturally grounded support.
- **Build cross-sector infrastructure.** Child-serving systems should never operate in isolation. Legal, education, health, and social services sectors must coordinate to ensure families receive consistent support and policies are implemented effectively. [Children Thrive Action Network](#) and the [Protecting Immigrant Families Coalition](#) show how collective advocacy amplifies impact.

CALL TO ACTION

Promoting immigrant children’s rights requires investing in care, not surveillance and punishment. When families are justly supported, entire communities are stronger. The instability facing immigrant children and families today is not accidental. It is the result of policy choices. State and local leaders can chart a different course by rejecting systems of punishment and surveillance and prioritizing policies and investments that allow all children and families to thrive. That vision remains within reach if we act now.

ADDITIONAL RESOURCES

- **Direct Support for Children and Families**
 - [Find free or low-cost immigration legal services by zip code](#)
 - [Technical Resources for Families Facing Deportation and Separation](#)
 - [Deportation Preparation Manual for Immigrant Families](#)
 - [Know Your Rights: Five Things Parents Detained by ICE Should Know](#)
 - [Immigration Hotlines](#)
- **Federal Policy Resources**
 - [Immigration Policy Tracking Project](#)
 - [Immigration Litigation Tracker](#)
 - [Litigation Tracker: Legal Challenges to Trump Administration Actions](#)
 - [Civil Rights Clearinghouse Trackers](#)

Note: Children’s Rights is not affiliated with these organizations or resources and may not agree with all views or positions endorsed.

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