



Finding homes for immigrant kids is hard. Trump's making it harder — by arresting their relatives.

The federal government has a record 12,800 immigrant kids in custody — but ICE has started arresting parents who step up to take them.

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While some immigrants are able to reunite with their families in the US, unauthorized-immigrant relatives seeking custody of children who arrived in the US unaccompanied risk identification, arrest, and possibly deportation. | Mario Tama/Getty Images

The federal government is officially using children who arrive in the US unaccompanied as a means to identify — and sometimes arrest — their unauthorized-immigrant relatives who step forward to take custody of them.

A high-ranking Immigration and Customs Enforcement official told a Senate committee Tuesday that between June and September, ICE agents had arrested 41 unauthorized immigrants who had agreed to serve as “sponsors” of unaccompanied children in the custody of the Department of Health and Human Services.

In the hearing, ICE’s Matt Albence said a “large chunk” of those arrested were criminals. But a **follow-up inquiry from CNN’s Tal Kopan** revealed that 70 percent had been

arrested for “simple immigration violations” — in other words, for being unauthorized immigrants.

The news confirms fears that immigration advocates have had for months — and will almost certainly make the already difficult task of placing children with sponsors even harder. HHS is already facing heavy criticism from Democrats for holding a record 12,800 immigrant children in custody instead of releasing them to sponsors. At the same time, it's being blamed for not vetting sponsors carefully enough and for “losing track” of children.

The best-case scenario from the government's perspective has been to place a child who comes to the US alone with a parent who already lives here. But it won't have that option as frequently, now that those parents — overwhelmingly unauthorized immigrants — have a very good reason to hide.

The arrests were made possible by a **new policy, implemented in June**, that requires the government to check both the criminal history and immigration status of any would-be sponsor — and of all other adults in the household. (Previously, only criminal history checks were required of all sponsors.)

Immigration advocates worried that the new policy would create a chilling effect that would prevent parents and other relatives from coming forward to take custody of their children, out of fear they'd be outing themselves to ICE. Some Trump administration officials were dismissive of those concerns; Scott Lloyd, the head of the HHS office that oversees custody of unaccompanied children, **told Senate staff in June** that “a motivated sponsor won't let immigration status deter” them from stepping forward.

But now it's clear that not stepping forward may be, for some parents and relatives, an act of self-preservation to avoid getting sent out of the country for bringing their children here.

Placing kids who arrive unaccompanied with sponsors is already a tricky balance

Migrants under the age of 18 who are apprehended at the US-Mexico border without a parent or guardian alongside them are deemed “unaccompanied alien children.” They are put in the custody of HHS — specifically, the Office of Refugee Resettlement — and the agency is supposed to care for the children, while identifying and contacting an appropriate sponsor for them. The potential sponsor is generally the closest relative in the US.

HHS is supposed to place children with sponsors as quickly as practicable. At the same time, though, HHS is responsible for vetting the sponsor — making sure they are who they say they are and will provide a safe environment for the child.

Trying to reunite children with relatives versus trying to ensure they're kept out of danger is a tricky policy balance. As HHS has come under more scrutiny for its treatment of immigrant children in 2018, each side also presents political liabilities.

Err too far on the side of caution, and HHS officials risk accusations of keeping 12,800 children **"in cages"** instead of reuniting them with their families. (While there have been questions about the operation of some facilities that house these children and serious abuse accusations at one of the largest contractors, these facilities that house the children are supposed to **serve as an alternative to detention centers.**)

Err too far on the side of releasing the children, and you risk stories about "losing" or "losing track of" them because you can't find them after placement. (Some stories of the government losing track of immigrant children tend to have a less alarming explanation — for instance, a child placed with relatives who don't pick up the phone when the agency follows up can be classified as "lost." But there have also been a few cases in which insufficiently vetted sponsors really did turn out to be labor traffickers.)

Finding a good home for all these children would be a tall order for any government agency — especially one that's been operating on a thinly stretched budget for the last several years as numbers of unaccompanied children have risen.

But the Trump administration is adding a third policy imperative: immigration enforcement.

Trump is trying to stop unauthorized immigrants from having their children brought to the US

The overwhelming majority of sponsors for unaccompanied alien children are, themselves, unauthorized immigrants. A **2016 report from the Associated Press** found that 80 percent of sponsors from February 2014 to September 2015 were unauthorized; Lloyd estimated in 2018 that the current proportion is closer to 90 percent.

Parents who step up as sponsors for their children (who made up **60 percent of sponsors** from January 2014 to April 2015) are especially likely to be unauthorized; after all, if they had legal status in the US, they'd almost always be able to extend that legal status to their minor children.

Immigration hawks have concluded that the sponsor system essentially amounts to a way for parents to bring their children to the US illegally and launder their status. Parents who are already in the US can pay smugglers to bring the child over and abandon them to government custody — then have the parents step up to claim the child, who in the meantime will be given the extra court rights of an “unaccompanied” alien child and a better shot at eventual legal status.

It's possible to argue that this abets smuggling — at least, it creates a ready supply for smugglers to prey on. Smugglers have certainly taken advantage by offering professionalized **“door-to-door” operations** for children: a money-back guarantee that the child will end up with relatives in the United States. The hawks' solution — and, now, the administration's — is to insert immigration enforcement into the sponsorship and placement process. ICE has already conducted a major operation to **arrest 400 parents** as accessories in the smuggling of their own children.

In April, as part of a broader cooperation policy between HHS and the Department of Homeland Security about treatment of unaccompanied children — something that Senate investigators led by Sen. Rob Portman (R-OH) had been demanding — **ICE secured the authority** to check the immigration status of sponsors and other adults living with them in all cases. Senators in both parties **expressed concern** that parents would be afraid to claim their children if they felt they were at risk of deportation.

Lloyd's brush-off reply — that a “motivated” parent wouldn't be deterred — is typical of the administration's response when asked about the potential chilling effects of its policies. It's similar to the response that ICE officials give when asked about fears that immigrant victims of crime won't report to police — or to fears that immigrants might not show up for check-ins with ICE, or even interviews for green cards with USCIS, if they know they might be deported instead.

In those cases, the government can afford to ignore possible chilling effects because they doesn't inconvenience the government. Now, though, it faces the likely possibility that HHS, already holding more children than it can afford, will have more and more difficulty finding sponsors to take them: The sponsors could rationally suspect they might come into ICE's crosshairs if they step forward to give a child in government custody a home.