

UAC: Attempt to Stop Trafficking Creates Child Trafficking Industry

Federal Agency Oversight: [ORR](#)

Dependents: N/A

The Basics:

- The William Wilberforce Trafficking Victims Protection Act (TVPPRA) was [passed](#) in the last lame duck Congress of the George W. Bush administration in 2008 without a single roll-call vote in either the House of Representatives or the Senate.
- This legislation, in part, created a new pathway for processing unaccompanied alien children (UAC), as defined at [6 U.S.C. 279](#) as aliens under 18 with no lawful immigration status and no parent or legal guardian in the United States able to take custody and care of them.
- The TVPPRA creates a distinction between UACs from contiguous countries (Canada and Mexico) and UACs from non-contiguous countries.
 - Contiguous UACs: UACs who are nationals of a contiguous country are allowed to abandon seeking admission and be returned to their home country and family.
 - Non-contiguous UACs: Other UACs must be transferred to the Office of Refugee Resettlement (ORR) within a set time period and held in the least restrictive setting while being placed in removal proceedings and offered the opportunity to apply for asylum with a USCIS Asylum Officer (as opposed to making their asylum claim during removal proceedings before an immigration judge).

ORR tries to place UACs with an adult sponsor in the United States. This includes placement with a parent or legal guardian without legal status, and many UACs have been placed without any familial relationship. The main goal is to prevent long-term detention by ORR.

The Problem:

- Placing the UAC in the control of ORR within the Department of Health and Human Services (HHS) has been a disaster, as neither HHS nor ORR has demonstrated the capacity for effective guardianship of minors.
- The law was drafted for bona fide child victims of human trafficking. It was not designed with any consideration that cartels would profit from intentionally separating children from their families to take advantage of the loophole, functionally allowing non-contiguous UACs to remain in the United States indefinitely.
- The number of non-contiguous UACs began to [climb dramatically](#) after President Obama's DHS issued the Deferred Action for Childhood Arrivals ([DACA](#)) on June 15, 2012, which gave employment authorization and protection from removal for children brought to the US illegally.
- In March 2023, a [Florida Grand Jury presentment](#) reviewing UAC treatment found:



- ORR lost contact with nearly 20,000 UACs during a 10-month period in 2021.
- HHS and the U.S. Department of Justice received thousands of allegations of sexual abuse.
- A minor was 'pimped out' by their 'aunt' (whom they did not know before arriving in the U.S.), some UACs ran away from sponsors for being sold for sex, and ORR placed a teenage girl in the house of unknown men with no private bedroom.
- ORR discouraged reviewing the addresses of sponsors, and some sponsors used addresses for places like a strip club, empty lots surrounded by stacked shipping containers, and open fields.
- Criminal history, lack of citizen status, and even total refusal to submit to a background check did not disqualify sponsors from receiving a UAC. One sponsor was given custody despite having been to Florida prison before for battery on a child.
- The New York Times found that the Biden Administration [ignored](#) warnings from ORR staff and lost contact with thousands of UACs, who, according to the Times, [were working in dangerous jobs](#).
- The Department of Homeland Security (DHS) Office of Inspector General (OIG) found ICE failed to issue Notices to Appear (NTA) in immigration court to [233K](#) UACs from FY19-FY23, and found more than 31,000 children were given to sponsors that had no physical address on file.

LEGISLATIVE RECOMMENDATION: Remove the distinction between children arriving from contiguous and non-contiguous countries, require HHS to report UAC sponsors whom they believe are in the country illegally to DHS for prosecution, clarify that Special Immigrant Juvenile (SIJ) status is unavailable to UACs if they can't be reunited with either parent in the U.S., and abrogate the Flores Settlement Agreement

ADMINISTRATIVE RECOMMENDATION: UAC should not be delivered to a parent or legal guardian in the United States without also rescinding UAC status, which only applies to aliens without a parent or legal guardian in the United States able to take custody. UACs should also not be delivered to sponsors without legal status, as they could be removed at any time and are therefore unable to take custody and care of the UAC.