

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/compassion-not-confinement>

Policy Issue Resources

Publication

In the first five months of 2021, about 65,000 children were apprehended by U.S. Customs and Border Protection (CBP) after arriving in the United States unaccompanied by a parent or legal guardian. These children come to the United States seeking protection, stability, and a chance to reunite with their families, but are instead processed at federally run stations and incarcerated in jail-like conditions with often freezing temperatures, inadequate food and water, limited access to showers and hygiene products, and no access to private toilets, sinks, or beds.

Rather than incarcerating unaccompanied children in such awful conditions, there is another way: to urge the federal government to respond to their arrival with compassion, not confinement, and to work as quickly as possible to reunify them with family and kin in the United States. This brief provides concrete recommendations to states and localities to intervene and use their authority toward this goal.

By implementing Veras policy recommendations, states and localities can take steps, including urging the federal government to adopt an evidence-based child welfare approach and to support the quick release and reunification of children with kinship caregivers, to protect unaccompanied children as they arrive in the United States.

Under certain conditions, the Office of Refugee Resettlement (ORR) can place children in unlicensed emergency sites with horrific conditions and no set time frame for moving them into state-licensed care.

ORRs unlicensed Emergency Intake Sites and emergency reception centers can be anywhere ORR can find space, including Department of Defense bases, Department of Labor camps, or space leased from state agencies and private entities.

States and localities play a critical role in safeguarding the rights of children in immigration custody through licensing the residential placements to which children are sent while awaiting reunification.

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