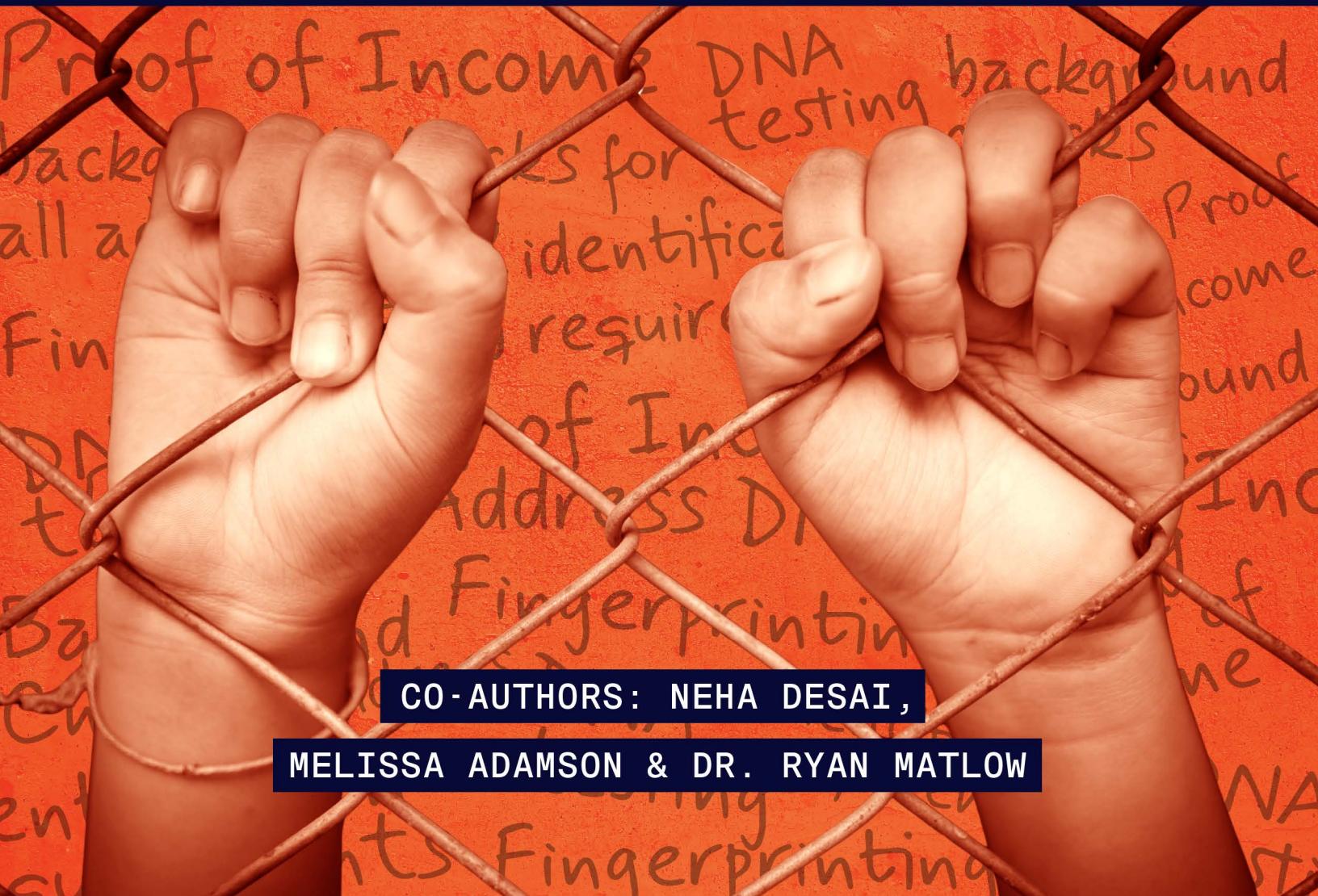


THE UNRAVELING OF ORR:

A Quick and Calculated Undoing of a
System Intended to Protect Children



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Executive Summary

Every year, unaccompanied children from around the world arrive at United States borders without parents or guardians. Many children are fleeing violence and persecution and hope to seek safety with family in the U.S. After arriving at the U.S., unaccompanied children are held in federal immigration custody while they wait for release to a sponsor.

More than two decades ago, Congress decided that unaccompanied children should be cared for by an agency focused on child welfare. The Homeland Security Act of 2002 transferred responsibility for unaccompanied children from the former Immigration and Naturalization Service (INS) to the Office of Refugee Resettlement (ORR). Congress' decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress' determination that caring for children who arrive to the U.S. without their parent or legal guardian and enforcing immigration laws were incompatible roles for a single agency.¹

In 2008 – with strong bipartisan support – the Trafficking Victims Protection Reauthorization Act (TVPRA) expanded protections for unaccompanied children.² The TVPRA was enacted specifically to ensure children's minimally restrictive placement and the safe, speedy release of children to sponsors.³ Under the TVPRA, ORR must place children "in the least restrictive setting that is in the best interest of the child," usually with a "suitable family member."⁴

Since the passage of the TVPRA, successive Administrations have updated and adjusted ORR's sponsor vetting procedures and requirements.

However, the Trump Administration's recent changes to policies impacting unaccompanied children – both in federal custody and released to sponsors – are unprecedented.

Never before has the U.S. federal government:

- Sent law enforcement officers into ORR shelters to interview children without notice, legal representation, or the presence of a trusted adult;
- Required sponsors to attend in-person ID checks where law enforcement officers were present to question them; or
- Sent law enforcement officers to the homes of sponsors after a child's release.

Collectively, these and other new policies have made it nearly impossible for unaccompanied children to be released from government custody – undermining ORR's core mandate under federal law. As children remain in custody for longer and longer, their mental and physical health deteriorate.

This briefing provides a timeline of recent ORR policy changes, and an overview of the current state of the ORR system, delineating the multiple barriers to release children face, and illustrating, through data, the increased time children are spending in custody. The briefing then provides a psychologist's perspective on the impact that the policy changes have on unaccompanied children in federal custody. Finally, the briefing offers straightforward solutions that Congress could implement to restore ORR's obligations to the children in its care and mitigate the extraordinary harm children in custody are currently experiencing. Statements from sworn declarations of children and families impacted by these policies are integrated throughout the briefing.

Timeline

FEBRUARY 14, 2025

- ORR begins requiring fingerprint-based background checks of all potential sponsors, adult household members, and backup adult caregivers.

MARCH 7, 2025

- ORR narrows the list of acceptable proof of identity documents from potential sponsors, adult household members, and backup adult caregivers.
- ORR begins requiring potential sponsors to provide specific documents to establish proof of address.
- ORR begins requiring all potential sponsors to provide evidence of their relationship with the child (even if they also complete DNA testing), such as birth certificates, court records, or marriage certificates.

MARCH 17, 2025

- ORR begins requiring DNA testing of all children and potential sponsors who claim to be biologically related to the child they're applying to sponsor.

MARCH 25, 2025

- ORR eliminates information privacy protections for undocumented sponsors, permitting ORR to share immigration status information and collaborate with immigration enforcement agencies.
- ORR eliminates restrictions previously preventing the agency from denying potential sponsors solely based on their immigration status.

APRIL 15, 2025

- ORR narrows the list of acceptable proof of income documents from potential sponsors.

MAY 28, 2025

- ORR removes the public's access to the sponsor application packet, departing from prior ORR practice.

**ON OR ABOUT
JULY 9, 2025**

- ORR begins requiring potential sponsors to attend in-person appointments with ORR personnel to verify identification documents, sometimes with ICE present.

JULY 14, 2025

- ORR expands the sponsor application's home study requirement to a broader range of cases.

AUGUST 2025

- Homeland Security Investigations (HSI) agents begin visiting ORR shelters across the country to interview detained children.

Current State of the ORR System

Unaccompanied children who would ordinarily have been released to their parents or other sponsors are languishing in custody because of ORR's new policies and sponsor vetting processes. These new policies and processes, implemented over the last nine months, are summarized below. These policies undermine the well-being of children and increase their vulnerability. Although very few unaccompanied children are coming into custody directly from the border, given that the border is effectively closed, hundreds of children have come into custody from the interior since January. Many of those children were previously in ORR custody and released to sponsors who are now effectively ineligible to serve as a sponsor due to their lack of immigration status.

BARRIERS TO RELEASE FOR CHILDREN IN ORR CUSTODY

In March 2025, ORR promulgated an [Interim Final Rule](#) (IFR) removing protections for undocumented sponsors of children in ORR custody. Specifically, the IFR permits ORR to share sponsor immigration status information with law enforcement and immigration enforcement agencies. The IFR also removes restrictions that previously prevented ORR from denying sponsors solely based on immigration status and collecting sponsor immigration status information for law enforcement or immigration enforcement purposes.

At the same time that ORR has removed restrictions on using sponsor information for immigration enforcement purposes, it has increased the amount and sensitivity of information it requires sponsors and their household members to provide as part of the sponsorship application process. This has deterred sponsors from coming forward and has led to some sponsors being targeted for immigration enforcement.

Sponsor Application Packet

Sponsors are required to fill out a [sponsorship application packet](#), including an authorization for release of their information and an application with personal details regarding themselves, their household members, and a backup adult caregiver. The questions on the application include biographical information, health information, and questions about criminal history.

As of May 28, 2025, the [application packet](#) is no longer publicly available and is accessible only to sponsors who have begun the process. ORR provided information on its planned changes to the sponsorship application in a [request for public comment](#) posted in August 2025.

Backup Caregivers and Household Members

Under [ORR Policy Guide § 2.7.6](#), as revised on January 30, 2023, all sponsors must identify an adult caregiver who will care for the child if the sponsor becomes unable to care for the child. The adult caregiver must complete all background check requirements.

All adult household members must similarly complete all background check requirements.

Proof of Identification

On March 7, 2025, ORR narrowed its list of acceptable proof of identification documents. This change largely eliminates the use of foreign passports or other foreign identification documents unless the individual can establish that they have work authorization. This makes it nearly impossible for families without stable lawful immigration status to sponsor a child.

Under [ORR Policy Guide § 2.2.4](#), all sponsors, adult household members, and backup caregivers must provide an unexpired version of one of the following documents:

- U.S. Passport or U.S. Passport Card
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa
- Employment Authorization Document that contains a photograph (Form I-766)
- Foreign passport with Form I-94 or Form I-94A with Arrival-Departure Record, and containing an endorsement to work
- Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI
- Driver's license or ID card issued by a U.S. state or outlying possession of the United States provided it contains a photograph or information such as a name, date of birth, sex, height, eye color, and address
- ID card issued by U.S. federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address
- U.S. Military card or draft record
- U.S. Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority

Delays: This requirement has caused significant delay when a sponsor or other adult required to participate in the sponsorship process has had to apply for a state identification or try to study for and pass a driver's test to obtain a qualifying identification. Parents who do not have qualifying identification but request an exception have also been subject to weeks-long delays in approval of their exception request. In other cases, sponsorship was blocked entirely because the sponsor and/or household members or backup caregivers lacked acceptable identification and could not obtain it.

Court orders: A preliminary injunction in *Angelica S. v. HHS*, No. 25-CV-1405 (DLF), 2025 WL 1635369 (D.D.C. June 9, 2025), blocked this new proof of identification requirement for children who entered ORR custody on or before April 22, 2025. For children who entered custody on or before April 22, 2025, ORR must accept proof of identification documents previously accepted, such as foreign passports or consular identification cards.

Proof of Income

On April 15, 2025, ORR began requiring specific proof of income documentation for sponsors. Under [ORR Policy Guide § 2.2.4](#), sponsors must provide one of the following documents:

- Previous year's tax return if in the United States during prior year;
- Copy of paystubs for at least the past 60 days continuously; or
- An original letter from the sponsor's employer verifying their employment and salary information, signed within the past 60 days. The letter must be on company letterhead and contain verifiable contact information for the employer and supervisor. An ORR representative must speak with the supervisor or company Human Resources division to verify the information in the letter.

Court orders: A preliminary injunction in *Angelica S. v. HHS*, No. 25-CV-1405 (DLF), 2025 WL 1635369 (D.D.C. June 9, 2025), blocked this new proof of income requirement for children who entered ORR custody on or before April 22, 2025.

Proof of Address

Under the March 7, 2025, revision to [ORR Policy Guide § 2.2.4](#), all potential sponsors must provide specific proof of address, including one of the following:

- A current lease or mortgage statement dated within the last month before submission of the Sponsor Application;
- A valid, unexpired state ID with current address and photo;
- A utility bill, addressed in the sponsor's name and dated within the last month before submission of the Sponsor Application;
- A bank statement dated within the last month before submission of the Sponsor Application; or
- A payroll check stub issued by an employer, dated within the last month before submission of the Sponsor Application.

ORR previously permitted sponsors to establish proof of address through a process where ORR mailed the sponsor a code at the address provided and the sponsor verified the code when they received it, but this is no longer permissible. This change has made it more difficult for sponsors who sublet apartments or lack formal documentation of their address.

Proof of Child's Identity and Proof of Sponsor-Child Relationship

Under [ORR Policy Guide § 2.2.4](#), "[t]he potential sponsor or child's family must provide the unaccompanied alien child's original birth certificate or a legible full color copy of the child's birth certificate." In a March 7, 2025 revision to this section, ORR added that "Federal staff must exhaust all available avenues to verify the authenticity of birth certificates." The sponsor must also provide evidence of their relationship with the child (even if they also complete DNA testing), such as birth certificates, court records, or marriage certificates.

Delays: This requirement has caused significant delays resulting from ORR requiring that birth certificates be verified by the consulate. The length of delay depends on the country of origin and whether consulates are even functioning in the United States.

Fingerprints

On February 14, 2025, ORR issued [Field Guidance # 26](#), which requires a fingerprint-based background check of all sponsors, adult household members, and backup adult caregivers.

DNA Testing

On March 14, 2025, ORR issued [Field Guidance # 27](#), which requires DNA testing of the child and sponsor in every case where the sponsor claims a biological relationship with the child.

Delays: This requirement has resulted in significant delays. The Field Guidance states that DNA appointments can generally be scheduled within 5-7 days of an ORR request, but in practice sponsors and children have had to wait weeks or even months for a DNA appointment.

Home Studies

ORR has expanded its home study requirements to conduct home studies in a greater percentage of cases. Home studies are required by law in certain cases, including when “a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 12102 of Title 42), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child’s health or welfare has been significantly harmed or threatened, or a child whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.”⁵

Under [ORR Policy Guide § 2.4.2](#), as of July 14, 2025, ORR also now requires home studies in additional circumstances, including when the sponsor has sought to sponsor multiple children, before releasing any child 12 years old or younger to a non-relative sponsor, when a sponsor refuses to submit to DNA testing, when the sponsor is not biologically related to the child, and when a parent or legal guardian sponsor is seeking an exception to the documentation requirements described above. ORR can also order a discretionary home study depending on the specific circumstances of the case.

Delays: Home studies delay release, especially when they are requested late in the process. Once a home study is assigned, the home study contractor generally has 10 days to complete a home study report.

In-Person ID Checks with ICE present

Although not formally set out in its policies, as of July 9, 2025, ORR appears to be requiring sponsors to meet with an ORR Federal Field Specialist in person to verify their identification document. Some of these appointments are taking place at ICE offices and Homeland Security Investigations (HSI) agents are present to interview sponsors. HSI is a law enforcement agency within the Department of Homeland Security (DHS), which also houses ICE. ORR’s [internal email](#) states that “federal law enforcement agencies ‘may be present to meet their own mission objectives, which may include interviewing sponsors.’” Some sponsors have been detained at these ID checks.



“In a recent case, the mother of a 17-year-old girl presented herself at an ORR identification verification appointment and was detained by ICE at said appointment. The mother was hospitalized due to the emotional toll the apprehension took on her. During the “wellness check” with this child after her mother’s apprehension, the child was severely distraught and crying. The child said she would refuse to eat or drink or partake in anything required of her until she was reassured that her mother was safe. The child asked whether she still had a chance to be released from care and was informed that she would need to explore whether alternative sponsors exist and determine whether they can meet ORR’s new requirements.”

Cynthia Felix,
Directing Attorney,
Immigrant Defenders Law Center⁶

Homeland Security Investigations (HSI) Visits at the Shelters

Since early July, HSI agents have been interviewing children while they are detained in ORR custody. The agents who are interviewing these children generally lack familiarity with the population of children in ORR custody, the process of reunification, and lack the trauma-informed skills needed to interview these children without causing harm. Legal service providers have shared that these interviews have been confusing and intimidating for children.

Although these vetting procedures may appear harmless on paper, in reality, they have severe consequences—especially for undocumented sponsors or those living with undocumented family members, which constitute the majority of unaccompanied children’s sponsors. If the sponsor cannot meet the government’s requirements, they are being told to withdraw, which may leave a child with no options for release – forever separated from family that wants to care for them.

For example, the mother of one child in ORR custody passed a fingerprint-based background check and a home study but was told that her son would be sent to ORR long-term foster care because she and her adult daughters lacked U.S.-issued identification. Another child could be safely released to his fully vetted U.S. citizen brother—who completed fingerprinting, DNA testing, and a home study—but is stuck in ORR custody while his brother’s wife attempts to obtain a driver’s license to meet ORR’s identification requirements.



“It is not right that the government demands so many requirements and types of information to release kids to their families. They keep adding new difficult requirements, and because of that many kids get stuck and cannot go live with their families.

It makes sense that the government would have to have some requirements, so kids are safe. But now it is too many, and instead of helping and protecting us, the requirements are hurting us. It is wrong to make kids live in government shelters for so much time. It is not good for us mentally.”

Mateo N.,
Youth Plaintiff in
*Angelica S. v. HHS*⁷

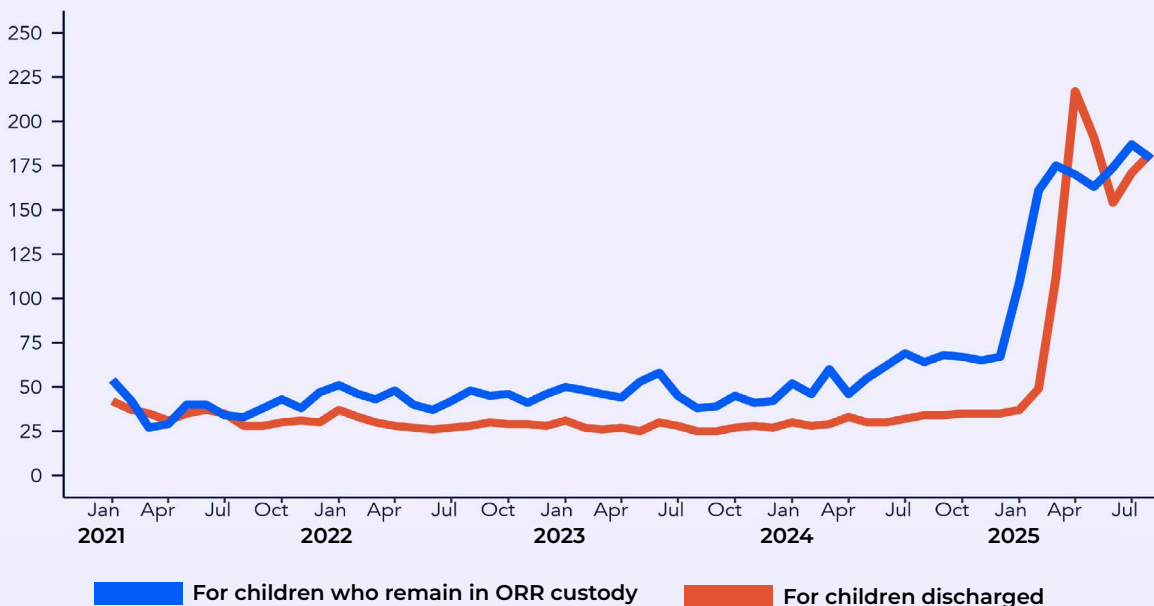
INCREASED TIME IN ORR CUSTODY

ORR's own child welfare experts have long stated that best practice is to release unaccompanied children to their families within 30 days of admission.⁸ In fiscal years 2021 through 2024, the average length of time a child remained in ORR custody ranged from 27 days to 33 days.⁹

However, children's lengths of time in ORR custody have increased dramatically since January 2025. According to ORR's [website](#), the average length of custody for children released from ORR was 37 days in January, 49 days in February, 112 days in March, 217 days in April, 191 days in May, 154 days in June, 171 days in July, and 182 days in August. The average length of time in custody for children who *remain* in ORR is also significantly longer, rising to 179 days in August 2025 as compared to 67 days in December 2024.¹⁰

FIGURE 1

Unaccompanied Children's Lengths of Custody in ORR Facilities Monthly average days in custody, January 2021 – August 2025



Notes: Length of custody "for children who remain in ORR custody" is the average time spent in ORR custody for all children who remain in custody as of the last day of each month. Length of custody "for children discharged" is the average time spent in ORR custody for all children discharged in a given month (for any reason).

Credit: Figure by Acacia Center for Justice, based on HHS public data previously available online.

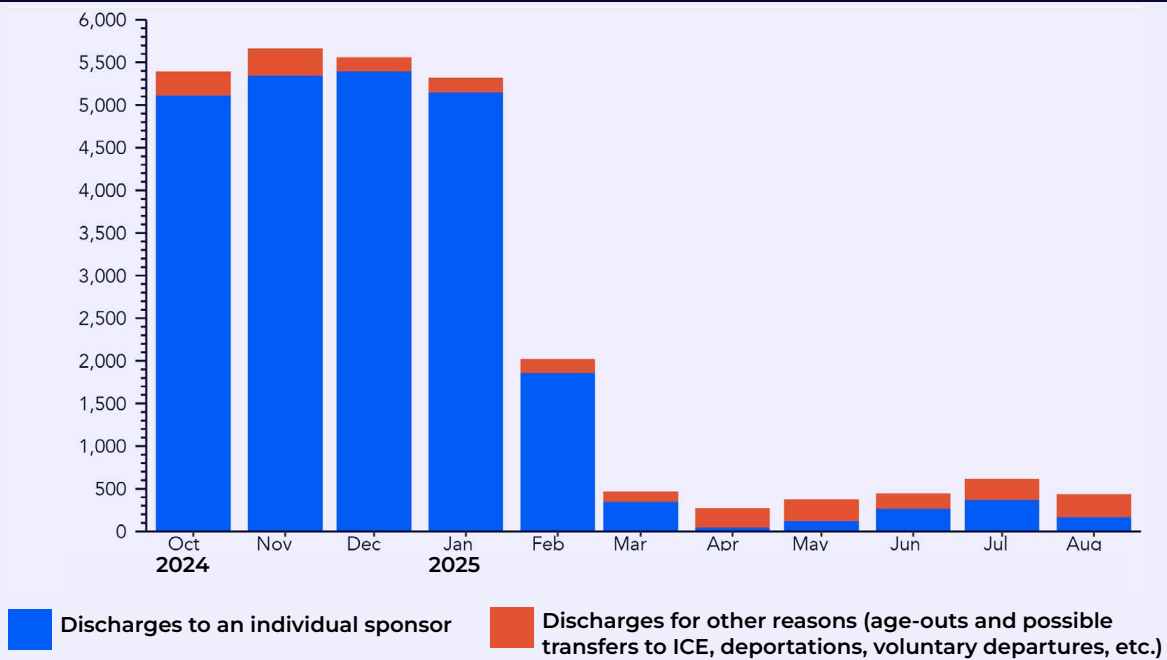
Since February 2025, the number of children in ORR custody has held steady at a relatively low level, between 2,000 and 2,800.¹¹ But **releases to sponsors have dropped sharply** - 1,858 releases in February, 343 releases in March, 45 releases in April, 118 releases in May, 266 releases in June, 365 releases in July, and about 165 releases in August. Compared to historical data, releases are far below average numbers.¹²

As overall releases, or "discharges," to sponsors have decreased, there has been an increase in children discharged from ORR custody for other reasons – turning 18 and "aging out" of custody or leaving the country either by deportation or voluntary departure. The rise in non-sponsor discharges is concerning, as these children are leaving ORR custody not to family sponsors, but to less supportive and potentially harmful settings.

FIGURE 2

Unaccompanied Children Discharged from ORR Facilities

Monthly total discharges, by release type, October 2024 – August 2025



Notes: Discharges to an individual sponsor are placements in the home of a family member or other vetted sponsor. Discharges for other reasons (not involving a sponsor) include but are not limited to age-outs from ORR custody; deportations; voluntary departures; immigration relief; run-aways; and discharges to Unaccompanied Refugee Minor programs, law enforcement, or ICE.

Credit: Figure by Acacia Center for Justice, based on [calculations](#) using HHS public data available online.

As children remain in custody for longer and longer, their mental and physical health deteriorate. Findings from the U.S. Office of Inspector General report that “some children [in ORR custody] who did not initially exhibit mental health or behavioral issues began reacting negatively as their stays grew longer . . . longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.”¹³ Mental health clinicians “described that a child’s mental health often deteriorates as the length of their stay in ORR custody increases.”¹⁴



“I feel sad all the time at the shelter. I even cry sometimes because I’m sad to be apart from my family. My therapist tries to help me and gives me words of advice and caring. But I still feel really sad. I just want to live with my family. It is all I want to do. I just want to be with them and be together. I would feel so much calmer and safer with them than I do at the shelter. I would feel cared for.”

Mateo N.,
Youth Plaintiff in *Angelica S. v. HHS*¹⁵

In their own words – a mother and child kept apart

Read the story of David, a 14-year-old boy detained in ORR custody, and his mother Isabel – and learn how ORR's new requirements have kept them apart.

No. July 31, 2025
Date

I am 14 years old. I arrived in the United States in May 2025. I arrived alone. I am currently in a government shelter ... I have been in this shelter since the beginning of May 2025.

I want to leave here to live with my mother. I have a good relationship with my mother and we spoke frequently by telephone and video when I was in my country. I really want to live with my family instead of being in a shelter with people I don't know.

When I arrived at the shelter, my mother began the process to sponsor me. I think that she has given all the information that she has. She has given her fingerprints. She and I have done DNA tests. I think that our DNA appointment was in the beginning of June.

I do not know why the process has taken so much time but I think it is because my mother does not have an identification from the United States. I do not understand why that is necessary because my mother is my mother and the DNA test showed that she is my mother.

I feel sad to be here for so much time and there are other kids here in the same situation who are very sad and frustrated. I want to be a leader to represent other kids in the same situation and help all the kids to be with their families.

There are a lot of rules in the shelter and I would like to have more options for what to do during the day. All the kids here need to do the same thing.

I speak to my mother and my brother by telephone but I would like to have more time to speak with them. When I leave here, I want to study. I also want to go to the park and have a normal life.

David D.

Youth Plaintiff in [Angelica S. v. HHS](#)¹⁶

No. August 14, 2025
Date

My son [David] is in government custody in a shelter in California. He is 14 years old. He arrived in the United States in the beginning of May 2025.

When [David] arrived at the shelter, his case worker contacted me to sponsor him. I agreed to provide my information to sponsor him. I sent my identification and my son's birth certificate immediately.

I completed the application and provided my fingerprints and my DNA. At the DNA appointment I brought my identification and they took a photo of my identification.

The worker told me that I need an identification from the State to sponsor my son, but I cannot obtain a qualifying identification. I only have my consular identification card. My son's case worker told me to attempt a driver's test to obtain a license, but I do not know how to drive and I am afraid of driving.

I lived with other members of my family, but I had to move to a new apartment because they were not able to provide a United States identification either. I am now paying more for rent. After I moved, my new housemate also had to provide all her information and provide her fingerprints. This caused more delays in the case. Someone also came to do a home study in June. They told me that everything was good with the home study.

My son has been in the shelter for three months and all the delays in this process have been difficult for him. In his first shelter we spoke by video call five times a week. Last week they transferred him to a new shelter and now we can only speak by telephone. He tells me that sometimes he is bored and sad.

At the end of July, the case worker told me that she sent my case to the government and that they would consider an exception to the identification requirement.

I thought everything was complete, but [] someone from the government called me and told me that I had to present myself in person [] for a verification of my identification. On July [] I traveled for approximately an hour and a half by car to go to a government

building and present my identification. A woman who works for the government took a photograph of my identification and a photo of me. I thought that would be the last step in the process, but on August [] my son's new case worker asked for a Social Security Number.

I think the people from the government are going to have a meeting to see if they can approve my case or if they are going to ask for more things. It has been a long time that I have not received news regarding the case and this is very stressful for me and my son. I am very worried that they are going to ask for more things and that I will not be able to give them what they want. I have given all the information that I can and I have done everything possible for my son to be with me.

I am also very worried about trying to drive because I don't want to cause accidents. I had an appointment for a driving test on August []. I went to the appointment because I had not received a decision regarding my son's case and I do not know if I will get an exception to the identification requirement. I did not pass the exam and the examiner was very rude to me. I felt bad because I cannot drive but I wanted to do everything I could to make sure my son could live with me. I have also missed a lot of work because of all the appointments related to my son's case and my work has noticed.

What I wish for most is to be with my son. I know the government has to verify that sponsors haven't done bad things, but I haven't had any problems. I just do not have an identification from the United States and I cannot drive. I do not know why this is relevant to the care of my son. I have done everything possible so that my son can come home with me and do well in school. He likes to draw and study and he wants to go to school.

Isabel D.

Mother of youth plaintiff
David D. in [Angelica S. v. HHS](#)¹⁷

Mental Health Impact on Unaccompanied Children

Ryan Matlow, Ph.D., is a child clinical psychologist and Clinical Associate Professor in Stanford's Department of Psychiatry and Behavioral Science, where he serves as Director of Community Programs for Stanford's Early Life Stress and Resilience Program and Co-Director of Stanford's Immigrant Child Health Program. His clinical and research efforts focus on understanding and addressing the impact of stress, adversity, and trauma in children, families, and communities. Dr. Matlow has worked extensively with immigrant youth and families providing trauma-focused psychological evaluation, treatment, and interdisciplinary advocacy services, including monitoring conditions of reception and care following arrival at the U.S.-Mexico border, detention in federal immigration facilities, and release.

We interviewed Dr. Matlow to discuss both the longstanding research on the harms of detention on children and the additional risks posed by ORR's recent policy changes.

Q: What does research tell us about the impact of immigration detention on children?

Drawing both from empirical research and from the reports of detained children, we know that children's experiences in immigration custody are associated with increases in psychological distress and functional impairment. As a field, we have observed increases in depression, anxiety, traumatic stress symptoms, and behavioral difficulties – sometimes leading to thoughts, urges, and acts of self-harm and suicidality – associated with children's experiences of immigration detention.

For many children in detention, distress manifests as somatic complaints (such as headache or stomach pains), changes in appetite and eating, and sleep problems. Sometimes these are newly-emerging symptoms, while in other cases children's pre-existing symptoms and distress (often related to prior experiences of adversity) are exacerbated by their experiences in detention. Either way, psychological functioning and outcomes are often worsened for children both during and after their time in custody. While some children are able to tolerate shelter and custody settings (for example, when their length of stay is brief, or when there is a clear plan or pathway towards release and family reunification), in general, we can say that experiences in custody increase risk for psychological distress and impairment across the population of detained immigrant children. These outcomes have concerning individual, family, and public health costs.

Q: How does the experience of being separated from families and caregivers while in ORR custody impact unaccompanied children's ability to withstand the experience of being detained?

In times of distress and adversity, children turn to their family members, caregivers, and trusted adults as their 'secure base' and reference for emotional co-regulation. Family members are a primary resource for children's coping, self-regulation, and well-being. So, without this resource and protective support to buffer against stress, unaccompanied children are at heightened risk for both short-term and long-term psychological distress and impairment, both of which can have long-term health impacts.

Of course, children who are detained with family also experience adversity and risk, as they witness their family members under distress and crisis, but in general the risk is greater for children who don't have access to typical family support resources and are more isolated in their experience of perceived threat and distress. Impacts can vary according to children's stage of development, and, especially for young children, the experience of adversity without the presence and support of their caregiver(s) can undermine attachment security and lead to future parent-child relationship problems.

Q: How can being detained in ORR custody affect unaccompanied children's mental health?

Children in ORR custody are inherently navigating a challenging, disruptive, and distressing transitional experience, often fleeing from threat and danger in their home communities and through the migration journey, with additional uncertainty about future stability and well-being. Children also experience threats and insults while in custody (for example, health risks, conflict and abuse from peers, and harms from interactions with staff). These types of experiences of challenge, adversity, and perceived threat to personal and family well-being have the potential to be traumatic. A challenging or threatening experience becomes 'traumatic' when the individual has a limited sense of agency or control over their circumstances, limited knowledge about what is happening to them or what to expect, limited access to support and coping resources, and a lack of resolution to the threat or fear.

Unfortunately, children's experiences in ORR custody are characterized by these exact factors: they are restricted in their autonomy and agency, they have little knowledge or control over requirements or processes for release, they feel helpless in their circumstance, they experience chronic worry about their well-being (or that of their loved ones), and they experience various barriers to engaging with the coping and support resources that have traditionally helped them. These experiences thereby create the conditions for trauma and a lasting posttraumatic stress response, which can include post-traumatic stress disorder (PTSD) symptoms as well as depression, anxiety, and behavioral and cognitive challenges, among other potential concerns. Further, children in ORR custody quite universally want to be released to family or community and are being held against their will in restrictive settings – this experience negatively impacts their sense of agency, hopefulness, self-efficacy, and potentially their self-image and sense of self. It is worth noting that even the "least restrictive" settings in ORR custody still feel quite restrictive to children.

Q: How might length of time in ORR custody affect unaccompanied children's psychological well-being?

Research, observation, and testimony from children in immigration detention have shown that increased length of time in detention is associated with increased distress and greater impairment in psychological functioning. For many children, rather than undergoing a process of adjustment and stabilization, their psychological condition continues to deteriorate over time in detention, as they become increasingly anxious, sad, desperate, and hopeless. Because of the restrictive nature of custody settings, the protective and resilience factors that many children possess gradually erode over time in detention. These trends and negative impacts are likely to be pronounced and exacerbated when time in custody becomes indefinite for children, such as when they know that their sponsor cannot meet vetting requirements or when they have no sponsor options. As children come to see that they have no opportunity for release or family reunification, they are likely to become increasingly despondent, desperate, hopeless, and depressed or agitated. The associated patterns of thoughts and behaviors can become engrained over time and can be long-lasting well beyond release, especially if they are left untreated or unaddressed.

Q: In the past few months, ORR has started sharing children's information with ICE, requiring sponsors to present IDs in meetings with law enforcement officers, and sending law enforcement agents to interview detained unaccompanied children – leading some children's potential sponsors to be detained by ICE. What might the psychological impact be on a child who thinks that the ORR process could result in their sponsor being detained or deported?

These developments place children in an impossible dilemma of internal conflict: do I share information in order to try and help myself, or do I withhold information in order to protect my sponsor/family? Children are being forced to choose between their personal interests and well-being, and the safety and security of their family members or sponsors. This is a significant and inappropriate burden to place on a child, and they are likely to shoulder an unwarranted sense of responsibility for the well-being of their family and sponsors. They 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.

Q: If the ORR process results in a child's sponsor being detained or deported by ICE, how might that psychologically impact the child? What is the psychological impact on the child?

The outcome of a sponsor or family member being detained or deported due to a child's placement or participation in ORR proceedings would be the realization of the fears and anxieties discussed above. From the child's perspective, their family or sponsor has been harmed or endangered as result of the child coming into contact with ORR. We can expect such an outcome to result in significant psychological distress for the child. They are likely to be impacted by intrusive thoughts of guilt and responsibility for the harm and risk posed to family members, they are likely to blame themselves, and they are likely to feel remorseful or ashamed for having cooperated with ORR; some children may even be outwardly criticized or blamed by others. All of these experiences are components or contributors to psychiatric disorders of mood, anxiety, and posttraumatic stress.

Q: Over the past few months, the government has apprehended unaccompanied children who had been released to sponsors living in the community and transferred them back into ORR custody. What do you think the psychological impact of that experience would be like for a child?

Given that children's experiences in ORR custody are commonly characterized by distress, anxiety, sadness, fear, and trauma, we can expect these psychological responses to once again emerge or be exacerbated when returned back to ORR custody. However, these impacts are likely to be more pronounced, given that children are being re-introduced into the challenges of ORR placement and processing abruptly, against their will, and without clear basis or rationale.

The fact that children – who are likely to have established their lives and social and family connections in their community – are being sent back to the adverse circumstances in which they started, we can expect re-introduction into ORR custody to be more jarring and distressing, leading to greater despair, helplessness, frustration, and anger. Any progress, success, or future opportunities children had been cultivating will be negatively impacted and disrupted, contributing to children's despair and hopelessness, and likely eroding many of the resilience factors that had been driving their perseverance. For children who had negative or harmful experiences while in ORR custody, re-introduction into this setting (after they likely came to believe that this was an experience now in their past) would be re-traumatizing.

Q: When an unaccompanied child is released from detention to a sponsor, what lasting effects, if any, can remain from their time in detention?

When a child is released from detention to their sponsor, the experience of adversity and distress while being detained is not erased. While some symptoms and difficulties may be alleviated (as children have renewed access to family supports, and the uncertainty of their case has been resolved), many of the feelings and negative impacts are likely to linger.

Research has shown that symptoms of depression, anxiety, and PTSD endure well after release from immigration detention, and, for many, the detention experience becomes a source of traumatic stress, resulting in symptoms of avoidance (e.g., of reminders), intrusive thoughts and memories, and/or hypervigilance. In addition, shifts in children's psychological outlook and perspective associated with detention are likely to endure, and can entail diminished sense of agency and self-efficacy, internalized shame and self-blame, and lack of trust and confidence in other people and institutions.

Solutions

ORR has imposed barriers to children's release that permit the agency to reject the most appropriate sponsor for a child, simply because the sponsor does not have the required documentation. In doing so, ORR is unnecessarily prolonging children's detention, often leaving children with no viable options for release into the community. This has come at the cost of children's mental health, as children experience indefinite, and potentially permanent separation from their loving families.

Congress should remedy these harms by codifying protections that do the following:

- **Prohibit** ORR from denying sponsors based solely on their immigration status.
 - Prohibit ORR from requiring documents only available to sponsors with legal status when other verifiable documents are available.
- **Restore** information collection and sharing protections that ensure ORR does not give law enforcement or immigration enforcement entities unaccompanied children's sponsor information.
- **Prohibit** ORR from allowing DHS to be present for any part of the sponsor vetting process, including sponsor ID checks, biometric appointments, and home studies.

Additionally, in order to meaningfully protect unaccompanied children, Congress should fund legal representation for every child in custody and dramatically expand funding for independent child advocates.

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Endnotes

¹See, e.g., 148 Cong. Rec. S11295 (Nov. 18, 2002) (statement of Sen. Feinstein); 148 Cong. Rec. S8189 (Sept. 4, 2002) (reprinting letter from Sens. Kennedy and Brownback). See also 148 Cong. Rec. S5960 (Oct. 1, 2002) (“As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children. Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of these children to the Office of Refugee Resettlement, ORR, an office that is better suited and much more experienced in handling the complexities of the children’s situations.”).

²See 8 U.S.C. § 1232 et seq.

³See, e.g., 154 Cong. Rec. S10886 (daily ed. Dec. 10, 2008) (statement of Sen. Leahy, sponsoring senator).

⁴8 U.S.C. § 1232(c)(2)(A).

⁵8 U.S.C. § 1232(c)(3)(B).

⁶Angelica S., Plaintiffs’ Motion for Summary Judgment, Supplemental Declaration of Cynthia Felix, Ex. 1, ¶ 8, Case 1:25-cv-01405-DLF, September 12, 2025, <https://youthlaw.org/sites/default/files/2025-09/58%20Motion%20for%20Summary%20Judgment%20Filings%20Combined.pdf>.

⁷Angelica S., Plaintiffs’ Motion for Leave to File Supplemental Memorandum of Points and Authorities Regarding Plaintiffs’ Motion for Class Certification, Declaration of Mateo N., Ex. 1, Doc 51-5, ¶ 12, Case 1:25-cv-01405-DLF, August 22, 2025, <https://youthlaw.org/sites/default/files/2025-08/Motion%20for%20Leave%20to%20File%20Supplemental%20Brief%20Combined.pdf>.

⁸See, e.g., Exhibit 21 Part 2, J.E.C.M. v. Hayes, 18-cv-903 (E.D. Va. Sept. 16, 2019), ECF No. 242-13.

⁹U.S. Dep’t of Health and Human Servs., Office of Refugee Resettlement, *Unaccompanied Alien Children Average Monthly Data: Average Length of Care*, <https://acf.gov/orr/about/ucs/facts-and-data>, last updated August 18, 2025.

¹⁰U.S. Dep’t of Health and Human Servs., Office of Refugee Resettlement, *Unaccompanied Alien Children Average Monthly Data: Average Length of Care*, <https://acf.gov/orr/about/ucs/facts-and-data>, last updated August 18, 2025.

¹¹HealthData.gov, *HHS Unaccompanied Alien Children Program*, https://healthdata.gov/National/HHS-Unaccompanied-Alien-Children-Program/ehpz-xc9n/data_preview.

¹²U.S. Dep’t of Health and Human Servs., Office of Refugee Resettlement, *Unaccompanied Alien Children Average Monthly Data: Released to Sponsors*, <https://acf.gov/orr/about/ucs/facts-and-data>, last updated August 18, 2025.

¹³Office of the Inspector General, U.S. Department of Health and Human Services, *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, p. 12, OEI-09-18-00431, <https://oig.hhs.gov/documents/evaluation/3153/OEI-09-18-00431-Complete%20Report.pdf>, Sept. 4, 2019.

¹⁴*Id.* at 20.

¹⁵*Angelica S.*, Plaintiffs' Motion for Leave to File Supplemental Memorandum of Points and Authorities Regarding Plaintiffs' Motion for Class Certification, Declaration of Mateo N., Ex. 1, Doc 51-5, ¶ 12, Case 1:25-cv-01405-DLF, August 22, 2025, <https://youthlaw.org/sites/default/files/2025-08/Motion%20for%20Leave%20to%20File%20Supplemental%20Brief%20Combined.pdf>.

¹⁶*Angelica S.*, Plaintiffs' Motion for Leave to File Supplemental Memorandum of Points and Authorities Regarding Plaintiffs' Motion for Class Certification, Declaration of David D., Ex. 5, Doc 51-5, ¶ 12, Case 1:25-cv-01405-DLF, August 22, 2025, <https://youthlaw.org/sites/default/files/2025-08/Motion%20for%20Leave%20to%20File%20Supplemental%20Brief%20Combined.pdf>.

¹⁷*Angelica S.*, Plaintiffs' Motion for Leave to File Supplemental Memorandum of Points and Authorities Regarding Plaintiffs' Motion for Class Certification, Declaration of Isabel D., Ex. 6, Doc 51-5, ¶ 12, Case 1:25-cv-01405-DLF, August 22, 2025, <https://youthlaw.org/sites/default/files/2025-08/Motion%20for%20Leave%20to%20File%20Supplemental%20Brief%20Combined.pdf>.