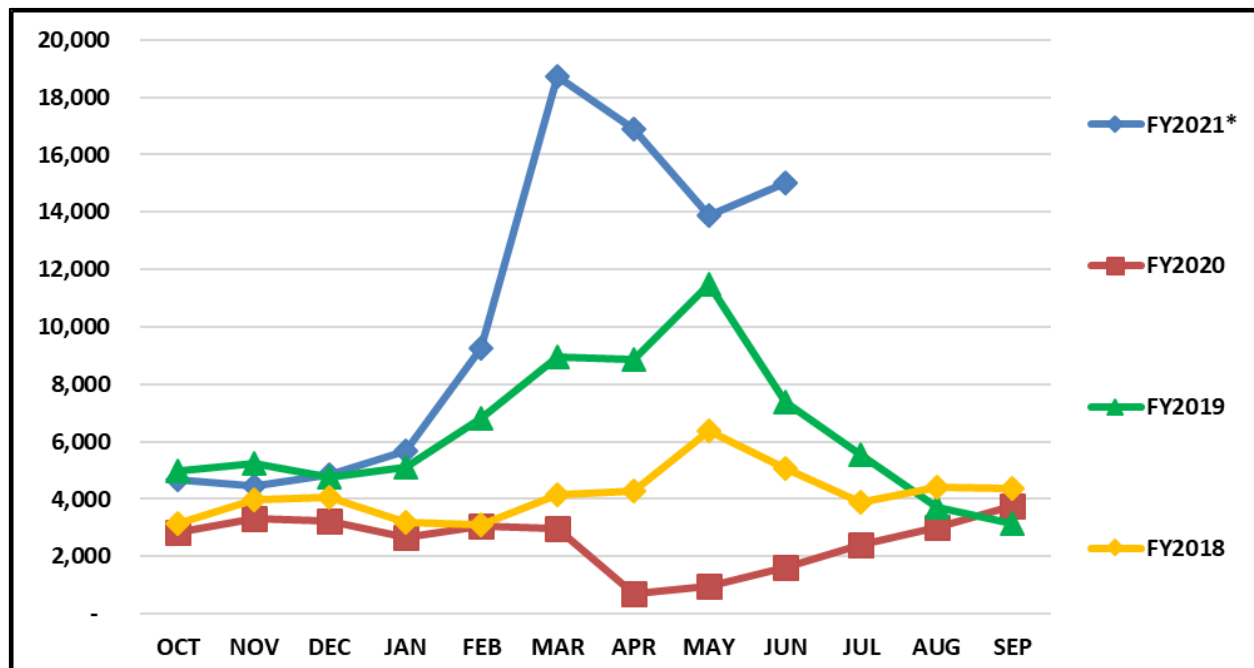


Increasing Numbers of Unaccompanied Alien Children at the Southwest Border

Updated August 5, 2021

The number of encounters (apprehensions or expulsions) of unaccompanied alien children (UAC, unaccompanied children) at the U.S.-Mexico border with the Department of Homeland Security’s (DHS’s) U.S. Customs and Border Protection (CBP) in the first nine months of FY2021 (93,512) **already exceeds the previous apprehensions record** from FY2019 (76,020). UAC encounters declined substantially from FY2019 to FY2020, largely because of the COVID-19 pandemic and related public-health border enforcement measures. Starting in **June 2020, they increased consistently before almost doubling from January to February 2021 and again from February to March. They have since remained elevated.** March 2021 UAC encounters (18,723) were the highest monthly total on record (**Figure 1**). U.S. officials say **figures for July may exceed the March record number**, and the figures for the rest of FY2021 are also expected to remain elevated.

Figure 1. UAC Encounters at Southwest Border by Month, FY2018-FY2021*



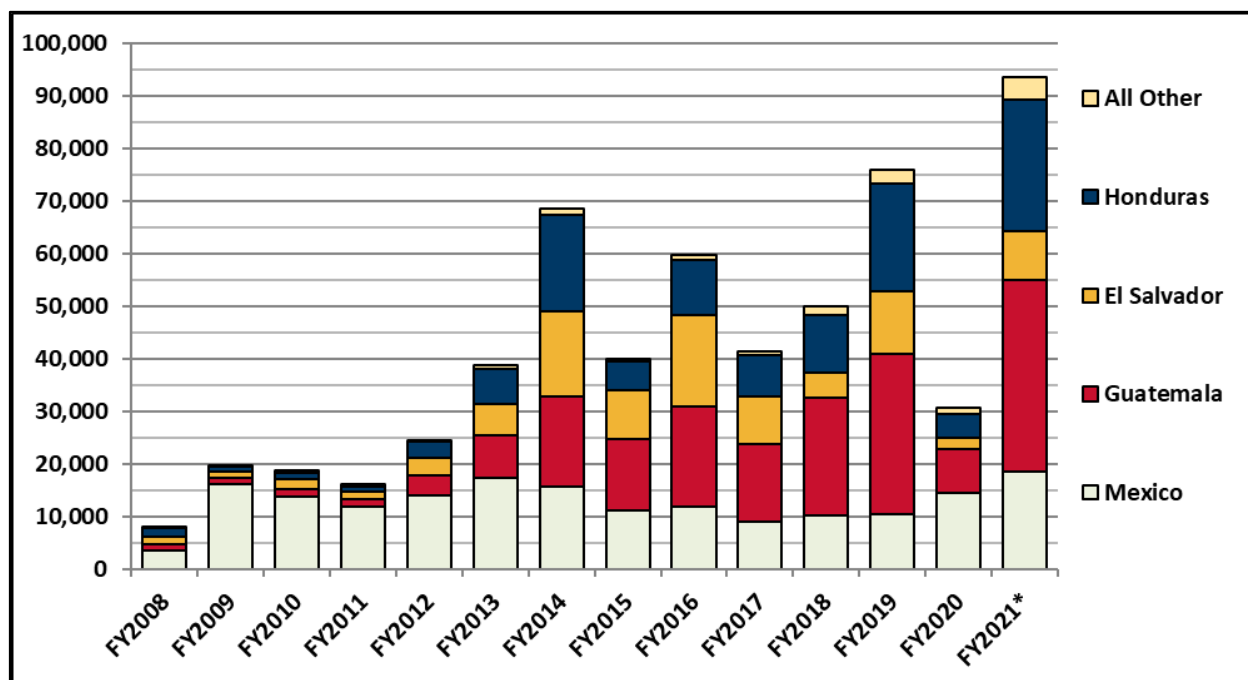
Source: FY2018: CBP, “U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018.” FY2019-FY2021: CBP, “Southwest Land Border Encounters.”

Notes: *FY2021 figures represent nine months (or three-quarters) of the fiscal year, from October 1, 2020, through June 30, 2021. Figures for FY2020 and FY2021 include Title 8 apprehensions and Title 42 expulsions; those for FY2018 and FY2019 include only apprehensions. Figure 1 does not present statistics on UAC deemed inadmissible.

The Department of Health and Human Services (HHS) Centers for Disease Control and Prevention (CDC) exercises an authority under Title 42 of the U.S. Code (public health) that permits DHS to rapidly expel individuals who lack valid visas or are apprehended between U.S. ports of entry in order to prevent the spread of COVID-19 (expulsions). However, [a federal judge halted UAC expulsions](#) in November 2020, and the Biden Administration [formally rescinded UAC expulsions](#) in February 2021. CBP currently apprehends virtually all unaccompanied children under Title 8 of the U.S. Code (immigration), as in prior years.

[Unaccompanied alien children](#) are [statutorily defined](#) as minors under age 18 who lack both lawful U.S. immigration status and a parent or legal guardian in the United States who is available to provide care and physical custody. UAC treatment and processing are governed by [several statutes and a legal settlement](#). These provisions require that arriving UAC from noncontiguous countries be transferred to the custody of HHS's Office of Refugee Resettlement (ORR) and allowed to [apply for asylum](#) or other forms of immigration relief. In contrast, the law permits CBP to promptly repatriate Mexican and Canadian unaccompanied children who are not trafficking victims or who do not fear persecution in their countries.

[UAC apprehensions](#) have increased and fluctuated substantially in the past decade (**Figure 2**). FY2020 saw a decline to 30,557 *encounters*—which included 19,618 Title 8 apprehensions and 10,939 Title 42 expulsions that only occurred in the second half of the fiscal year—as the result of the pandemic. In the first nine months of FY2021, the 93,512 UAC encounters included 88,866 apprehensions and 4,646 expulsions, the latter occurring largely in October and November. Most apprehended UAC originate from Mexico and the *Northern Triangle* countries of El Salvador, Guatemala, and Mexico; these countries have reversed places in terms of dominating the UAC flow. Mexican children accounted for 73% of UAC apprehensions in FY2012, compared to 20% of UAC encounters in FY2021.

Figure 2. UAC Encounters at Southwest Border by Country of Origin, FY2011-FY2021*

Sources: FY2011-FY2013: United States Border Patrol, “Juvenile and Adult Apprehensions—Fiscal Year 2013.” FY2014-FY2018: CBP, “U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018.” FY2019-FY2021: CBP, “Southwest Land Border Encounters.”

Notes: *FY2021 figures represent nine months of the fiscal year. FY2020 and FY2021 figures include Title 8 apprehensions and Title 42 expulsions; all other years’ figures include only apprehensions. Figure 2 excludes statistics on UAC deemed inadmissible which are unavailable before FY2017.

Several federal agencies handle the apprehension, processing, and repatriation or U.S. placement of UAC. CBP apprehends, processes, and initially detains UAC encountered along U.S. borders. DHS’s U.S. Immigration and Customs Enforcement (ICE) transports UAC from CBP to ORR custody. ORR shelters and places UAC with sponsors, usually family members, as they await an immigration hearing. Most UAC apply for asylum, and DHS’s U.S. Citizenship and Immigration Services adjudicates initial asylum petitions. The Department of Justice’s Executive Office of Immigration Review conducts immigration proceedings, during which an immigration judge determines whether a UAC is removable or qualifies for relief that allows him or her to remain in the United States. ICE repatriates UAC who are ordered removed.

Declining UAC apprehensions in FY2020 led ORR to reduce housing capacity within its network of state-licensed shelters. ORR also followed CDC public health guidelines and reduced the number of children allowed in its shelters. Consequently, when referrals significantly increased in early 2021, the agency lacked shelter capacity. Initially, many UAC were housed temporarily in CBP facilities (which were not designed to hold children), often for periods exceeding the 72-hour legal limit. CDC then directed ORR to accommodate children at full capacity, maintaining that relaxing COVID-19 guidelines at ORR shelters, despite potential health risks, was preferable to prolonged stays in CBP facilities.

To move UAC promptly out of CBP custody, ORR has also sought to open large temporary influx facilities and emergency intake sites to supplement its existing shelters. Such temporary facilities accommodate UAC surges, scale up relatively quickly, are often sited on federally owned or leased properties, and are typically not state licensed. Child advocates contend that

stays in these facilities can cause lasting emotional trauma for children, and that ORR should expedite reunifying children with sponsors.

Related [Biden Administration initiatives](#) include the following:

- [rescinding a DHS-ORR information-sharing agreement](#) that reportedly discouraged relatives lacking lawful immigration status from sponsoring children;
- authorizing ORR to [pay for some children's transportation costs](#); and
- restarting [the Central American Minors \(CAM\) Refugee and Parole Program](#) that allows children to apply for refugee status without traveling to the United States.

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