

Unaccompanied Alien Children (UCs or UACs) 2025 Update

Background

By definition, an unaccompanied alien child (UAC or UC) is a minor – under the age of 18 – who has arrived in the U.S. or at the border without a parent or guardian and without legal status. Children may also be designated as UACs if the government pursues criminal charges against their parents or legal guardians. Unaccompanied children are among the most vulnerable individuals attempting to navigate the U.S. immigration system.

Most often these children are encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE). UACs are regularly encountered by immigration officers between ports of entry, at ports of entry, or elsewhere in the U.S. The Homeland Security Act of 2002 requires that UACs be transferred to the care of the Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS). The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), established that the transfer to ORR must occur within 72 hours.

ORR provides UACs lodging and care through over 300 shelters in 27 states, while they search for suitable sponsors for them. UAC sponsors help support and provide for them while they await their court hearings and pursue some form of relief which can take up to four years or more. Sponsors are found for the overwhelming majority of UACs and most often the sponsors are family members, including parents that were already in the U.S. Although the percentage varies as many as three-quarters or more of the sponsors are family members. These sponsors can and do include individuals who are undocumented.

As minors, UACs are provided access to various services, including legal representation – at least for some of them. While federal law does not guarantee a right to paid legal representation for immigrants, some federal funding has been appropriated to provide legal representation to UACs. Many studies have found legal representation is critical in order to navigate the U.S. immigration system, to assure fair representation, and for the success of their case before an immigration judge. This is especially true for minors.

UAC encounters

Between 2003 – when ORR took over the care of UACs and began collecting data on them – and 2011, fewer than 8,000 UACs were encountered each year. However, beginning in 2012 those numbers began to increase. In FY2012, over 13,000 were in ORR care and the number fluctuated between 24,000 and 70,000 in the FY2013-FY2019 period, before collapsing with the onset of the COVID-19 pandemic in FY2020. The number spiked higher after the pandemic, exceeding 100,000 UACs in ORR custody in FY2021, continuing near or above that level through FY2024.

Table 1: UAC Referrals to ORR and to Sponsors

Fiscal Year	<u>UAC Referrals</u> from DHS to ORR	<u>UAC Releases</u> by ORR to Sponsors
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2024	98,356	99,381
2023	118,938	113,495
2022	128,904	127,447
2021	122,731	107,646
2020	15,381	16,837
2019	69,488	72,837
2018	49,100	34,953
2017	40,810	42,497
2016	59,170	52,147
2015	33,726	27,840
2014	57,496	53,518
2013	24,688	NA (Not Available)
2012	13,625	NA

UAC Tracking

ORR has [faced criticism](#) for its difficulty in tracking UACs after they are released to a sponsor. Once ORR finds a sponsor for a UAC and places them with a sponsor, they no longer are required to maintain contact with the UAC or sponsor. Nevertheless, there are [some programs and safeguards](#) that are offered even after the placement. ORR does inform ICE, 24 hours before placement and 24 hours after placement the name of the sponsor and the current address.

Because there are limited requirements for ORR to maintain contact after a placement is made, there [have been assertions](#) that [more than 300,000 UACs have gone “missing,”](#) cannot be found, and/or are being exploited or even trafficked. While the current process of limited follow up is a valid basis for concern, the reports of large numbers of “missing” UACs are [inaccurate and overblown](#). These missing UACs are based solely on their [failure to appear](#) for their immigration court hearings or the [failure of ICE](#) to issue a Notice to Appear (NTA) for a court hearing.

The genesis of the claim that hundreds of thousands of UACs have gone “missing” is as follows. In August 2024, the Department of Homeland Security – Office of Inspector General (OIG) released [Management Alert - ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody](#).

This report indicated that ICE “was not able to account” for UACs that either 1) failed to appear for immigration court proceedings or 2) were not served with a Notice to Appear (NTA) by ICE. According to the report, 32,000 UACs did not appear for court hearings between FY2019-23, and 291,000 UACs who were not issued NTAs (as of May 2024) – a total of 323,000 individuals. After an August 2024 New York Post article citing the OIG report referred to the children as “lost” or “missing,” the [Trump campaign](#) and various elected officials [repeated the claims](#) numerous times, often erroneously asserting that the vast majority of the children were being exploited or trafficked.

While the vast majority of the UACs missing court hearings or not receiving an NTA are in fact safe with sponsors, the OIG report was correct in highlighting shortcomings in the system. The report went into considerable detail identifying many of these shortcomings, including ICE’s failure to use automated processes to share information (such as reporting the failure of a UAC to appear for a court hearing), the absence of formal policies or processes requiring the continued tracking and monitoring of UACs placed with sponsors, and resource limitations, all as contributing factors to these problems. The OIG report also issued a series of recommendations to help address the shortcomings which ICE concurred.

Recent Developments

Premised at least in part on the notion of “missing” UACs, in February and March 2025, the Trump administration took significant steps that threatened legal representation for UACs and indicated that they and their sponsors faced new risks of arrest and deportation.

On February 18, the U.S. Department of the Interior, which administers federal contracts, issued a directive ordering federally-funded organizations to stop providing legal representation for UACs. Three days later, on February 21, the department reversed course and told the organizations they could resume providing legal representation services to UACs. The reversal followed negative headlines for the administration as well as the advocacy of the organizations providing legal representation, including a letter writing campaign that generated over 15,000 letters to Congress.

However, even after reversing itself on the legal representation halt, the Trump administration took significant steps indicating that UACs and their sponsors would be targets for deportations. On February 23, ICE issued a memo directing agency personnel to conduct a nationwide search for unaccompanied minors for deportation purposes. The memo indicated it would be placing UACs into three categories-“flight risk, public safety, and border security,” with a special focus on those identified as flight risks. In identifying “flight risks,” the memo highlighted UACs who were issued deportation orders after missing court appearances or those with non-blood-relative sponsors. Although failing to attend court appearances or the lack of family ties may be factors indicating flight risk in the adult criminal justice context, it is questionable whether they are similarly relevant for minor children who are dependent on a sponsor to help them with appearing for an immigration court hearing.

The February 23 ICE memo also creates new vetting requirements of UAC sponsors that, while possibly helping identify and ruling out some unsuitable prospective sponsors, would almost certainly discourage a larger number of qualified sponsors from caring for UACs. The memo expands fingerprinting requirements-for background check purposes- to all adult household members. It also expands the Trump administrations access to the ORR database on children and their sponsors. Because a proportion of UAC sponsors are themselves undocumented, increased enforcement efforts around UACs and their sponsors are likely to discourage some potential sponsors from coming forward, especially non-blood relatives and the undocumented.

Prior to the release of the memo, UAC sponsors were already required to go through a background check, which includes fingerprinting, and were required to complete a sponsor assessment process. Existing requirements also included a home study for some prospective sponsors when the UAC has been the victim of trafficking, is disabled, or meets other at-risk categories.

The February 23 memo identified non-blood-relative sponsors as being of a particular focus, it also requires vetting for all adult members of a sponsor household and the use of DNA testing to establish family ties. While non-blood relative sponsors could be seen as more likely to exploit or mistreat UACs, the vast majority do not. If categorically eliminating them from the sponsor pool is the goal, that will create a shortage of prospective sponsors and leave UACs who lack in-country blood relatives with few options.

On March 21, 2025, a near total termination of legal services for the UAC program was issued by the Trump administration in effect stopping legal representation for unaccompanied

children trying to navigate our judiciary system without a parent or guardian. While there is a concerted effort to have the funding for the program reinstated, the outcome of this ongoing dispute is uncertain as the Trump administration takes additional steps to significantly limit legal services for unaccompanied children.

On March 25, 2025, the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS) posted to the Federal Register an [interim final rule](#) reversing a 2024 Biden rule that prevented ORR from releasing immigration information about the sponsors of unaccompanied minors to any law enforcement or immigration enforcement entity at any time. Under this rule, it is now possible for ORR to provide such information to law and immigration enforcement entities. As an interim final rule, it goes into effect immediately but is likely to face a legal challenge.

Conclusion

Improving monitoring of UACs after being placed with sponsors, and strengthening the vetting of potential UAC sponsors, are both worthwhile goals with many positive benefits, including providing additional security to at-risk minors. However, recent actions by ICE increasing immigration enforcement efforts against certain UACs and their sponsors and potentially limiting the UAC sponsor pool to blood relatives, come with clear downsides. Given the fact that these efforts appear to be motivated – at least in part – by recent reporting that some 300,000 UACs are “missing,” when they simply fail to show up to a hearing or are not served paperwork, make these recent Trump administration actions appear to be based on a false premise or simply intended to ramp up arrests and removals of UACs and their sponsors. While reforms are needed to ensure the safety and security of UACs, the February ICE enforcement memo, not to mention the earlier rescinded Department of the Interior memo and the March 21 memo halting legal representation of UACs, as well as the ORR interim final rule on providing immigration information on UAC sponsors to immigration enforcement entities, poses serious risks to unaccompanied minor children.