

## Save the Children Action Network Position on Unaccompanied Migrant Children Detained in Hotels

*U.S. government must adhere to legal and procedural standards and release migrant children from detention*

Save the Children Action Network (SCAN) is alarmed by the recent [report](#) filed by an independent court-appointed monitor – appointed by federal Judge Dolly Gee – following its investigation and assessment of the care of children in detention. The findings of the report clearly illustrate that the U.S. government is blatantly:

- Violating the Flores Settlement Agreement by unlawfully detaining unaccompanied migrant children in hotels at excessive lengths, longer than the acceptable 20 day maximum;
- Violating the Trafficking and Victims Protection Reauthorization Act (TVPRA) by unlawfully detaining children at hotels without providing them legal counsel or transferring them to the Office of Refugee Resettlement (ORR) for screening within 72 hours of their arrival to the U.S.; and
- Withholding the legal right to claim asylum by returning these unaccompanied children back to their countries of origin where, in many cases, their lives and safety are at risk.

Between March and July of this year, anywhere between 2,000 and 5,000 children have been returned to Mexico or to their country or origin without proper tracking.<sup>1</sup> Additionally, 577 children have been detained in hotels by the U.S. government. Currently, minor children – many of whom are unaccompanied – are detained in 25 hotels across three states.

It is of the utmost importance – especially during this time of global pandemic – that our government operate in accordance with the law, adhere to pre-existing procedures and follow routine protocols. By disregarding the law and established procedures, the government is putting children at risk of harm. For instance, at least three children in detention have tested positive for COVID-19. And, many more children have been detained longer than the 20 days allowed by the Flores Settlement Agreement, which has likely taken a severe toll on these children’s social and mental health and development.

SCAN agrees with the recommendation made in the report that all unaccompanied minors must be released from detention into the custody of ORR as required by the TVPRA. Furthermore, we call on the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) to ensure these children are provided with proper protections, legal counsel and the right to claim asylum in accordance with long-standing legal requirements.

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*Save the Children Action Network was created in 2014 as the political advocacy arm of Save the Children, to be the political voice for kids. We work to ensure that the issues critical to children’s lives and futures are given top priority by our elected leaders, building bipartisan support to make sure every child has a strong start in life*

<sup>1</sup> [ICE held 660 migrant kids set for expulsion in hotels, independent monitor reveals](#)