

REVISED: Talking Points on the Shut Down of Legal Services for Immigrant Children

On March 21, 2025, the Trump administration issued a near-total termination of work on its Unaccompanied Children Program, immediately ending funding for legal representation for 26,000 children navigating the immigration system without a parent or guardian.

Primary Message: The most effective way to protect children who arrive in the United States without a parent or guardian is to provide them with a legal advocate to help them navigate the shelter and legal systems.

Attorneys play a vital role in both protecting individual children by being their advocates and keeping shelters accountable through independent access - nonprofit attorneys ensure children get appropriate services and access to their rights.

Without a free lawyer from a nonprofit, children will be left to fend for themselves - leading to more children being harmed.

Funding legal advocacy for unaccompanied children is the best way to protect children.

Objective: To counter an expected narrative that ORR-funded provision of legal representation to unaccompanied children promotes migration, is akin to “trafficking,” and abets the breaking of federal immigration laws. The Trump administration will likely use this narrative to justify the cessation of funding for legal representation to unaccompanied children.

Framing the Challenge:

- It is nearly impossible for immigrant children – or any child – to represent themselves alone in court, especially in the complex U.S. immigration system. Without legal counsel, this is simply not a fair process.
- Without advocates helping them, children are more prone to be preyed upon, to be left without proper schooling or medical care, and to be trapped in unsafe living situations.
- Advocates are independent observers and partners of the government shelters, keeping the shelters accountable and ensuring children receive proper care.

Primary Message: Legal Representation Protects Children.

- Legal services are a critical defense against trafficking and exploitation. They ensure that immigrant children have the necessary support to report abuses and seek appropriate legal protections, such as visas for trafficking survivors or for children who have been abused, abandoned, or neglected.
- The children who have legal representation are more likely to attend school, receive medical care, and live in a stable home. Access to supportive legal services helps children overcome barriers to school enrollment, identify low-cost resources within the community, and access protective services.
- When issues do arise in a child's life, issues that may harm the child, having a lawyer helps with early intervention.
 - The attorney-client relationship fosters trust, allowing children to confide in their lawyers about their experiences, which can lead to timely interventions and safety planning. When a child has experienced trauma or exploitation by adults in the past, building trust takes time and requires training and patience. A one-time legal consultation does not provide the same benefits as a long-term trusting relationship with an attorney.
- One of the most powerful defenses a child has against labor or sex trafficking in the United States is having a trusted advocate with whom they can speak.
 - The children lawyers work with are in contact with the nonprofits on a regular basis and constantly being checked on by trained professionals. The ORR-funded lawyers and other advocates care deeply and provide a safe line of communication for children.
 - Taking away ORR-funded legal representation will sever this line of communication, leaving children at risk without a trusted safety net.

Secondary Message #1: Legal Representation Does Not Induce Migration.

- In the many years of working with children, we have never heard a child tell us that they came to the United States because they knew they would get a free attorney. Most children are unaware that they may have a right to legal protections or representation in the United States.
- Most kids are eligible for protection under decades-old domestic law. Providing them with attorneys merely ensures they can present their case fairly.
- There is no evidence that providing a lawyer to children to fight deportation induces children to migrate to the United States.
 - Children migrate for many reasons, including to escape situations of danger, exploitation, neglect, and hopelessness. Most children do not understand their legal rights and options when they arrive in the United States and are not aware that they may qualify to receive free legal services. To suggest that making children aware of their legal options

and protections is endangering their safety or contributing to their decision to make a difficult journey is absurd.

- The arrival of unaccompanied children in the United States has slowly risen since 2002 (*fiscal years*). From 2002 to 2011, ORR held roughly 8,000 children per year in shelters. Starting in 2012, the number of children fluctuated, but slowly rose over the (fiscal) years.
- ORR funding legal representation for children in detention began universally in 2015. This does not align with the data showing an increase in unaccompanied children migrating to the United States.
- The trend showing an increase of unaccompanied children migrating to the United States tracks and is correlated to the trend of increased migration of adults to the United States². Migration of unaccompanied children and adults has risen along the same trendlines, though adults are not provided with free lawyers. This also shows that free lawyers are not an inducement of migration.

Secondary Message #2: Legal Representation Does Not Help Children to Break Federal Law

- Under the INA, the TVPRA, the Foundational rule, and the due process clauses of the Constitution, unaccompanied children facing removal are due their day in court. They have every right to a lawyer.
- Optional pivot: Dismiss this claim by reframing and leading with: the admin has been on a retaliatory campaign against nonprofits and state/local governments who have lawfully protected the rights of immigrants. Any allegations about harboring/aiding and abetting illegal migration are merely an aspect of that retributive agenda.
- Just because a child entered the U.S. without legal status does not mean that they are not eligible for legal protections under the immigration laws of the United States. Legal protections exist for children who have survived trafficking, abuse, death threats, and other types of harm. Legal representation is critical to ensure that children who qualify for protections under federal immigration laws obtain them. Helping them access those protections is not bending or breaking the law, it's following it.
- Children without attorneys don't simply appear "alone" in court, they are matched against a trained attorney from the Department of Homeland Security who is arguing for their deportation. With a qualified attorney to help them present their case, children are [latest stat] more likely to access the legal protections available to them under federal immigration laws.
- The United States is a country where the rule of law matters. We are a nation of laws and fair process. To think that giving an unrepresented child detained

- in federal custody access to a free lawyer is breaking the law is offensive to our most fundamental American values and principles.
- Helping children assert their rights and defend themselves under federal law is the opposite of helping children break federal law – it is helping them understand and comply with the requirements of federal law.
 - Children with lawyers are more likely to attend court hearings and to take part in the immigration process. They are more likely to understand and work quickly to pursue applications for legal protection.
 - When more children are represented by attorneys, the immigration court system works more efficiently. Judges are able to more quickly understand children's legal options and schedule cases appropriately.

Our Solution:

- Funding for this vital program must be reinstated so we can ensure that every immigrant child detained by ORR receives the legal support they need, ultimately protecting them from exploitation and ensuring a fair legal process.
- Amica Center, along with other partner organizations, is planning to file a federal lawsuit against the Department of Health and Human Services imminently, challenging their stop work order and seeking immediate restoration of these funds.
- All immigrant children deserve access to legal support; help join in the fight to save these vital programs by reaching out to local representatives to demand the reinstatement of these essential services.
- Help us get the word out. Stay tuned and share updates to raise awareness about the importance of saving legal access for immigrant children and protecting their rights.