



Hot Topic: Immigration Reform for Children and Families

ACTION:

- Reverse the exclusion of immigrant children and families from social safety net programs like SNAP and Medicaid
- End family separation, mass deportations, and family detention
- Pass the Protecting Sensitive Locations Act and codify the parental interest directive
- Incentivize child welfare agencies to collaborate with agencies, organizations, and courts serving immigrant families and unaccompanied children
- Protect and increase ORR funding to care for unaccompanied children and ensure legal representation for all unaccompanied children
- Pass the original DREAM Act and restore DACA to its original provisions and protections

Background

With more than 18 million children living with a parent who is an immigrant and 5.9 million children living with an undocumented parent, children must be at the center of the nation's immigration reform. After a year marked by policies that compromise the health and safety of immigrant children and caregivers, the federal government needs to re-establish our long tradition of recognizing and supporting families seeking safe refuge from violence and political persecution.

SAFETY NET PROGRAM ELIGIBILITY

In H.R. 1 (P.L. 119-21), Congress restricted eligibility for many safety net programs and redirecting funds to immigration enforcement activities. Undocumented immigrants have always been ineligible for federally funded Medicaid, Medicare, subsidized private insurance through the Affordable Care Act (ACA), and the Supplemental Nutrition Assistance Program (SNAP). Now, many lawfully present immigrants and children in mixed

status families will also be barred from these programs. As a result, children, youth, parents and caregivers will lose access to healthcare and food assistance, leaving many hungry and sick.

Further, changes to the Child Tax Credit now require that at least one parent in the household have a Social Security Number (SSN) to claim the credit on behalf of a citizen child, stripping the CTC from many eligible children and increasing poverty among children with immigrant parents.

To fix these detrimental changes, **Congress must:**

- Reverse changes to social safety net programs like SNAP and Medicaid that bar lawfully present immigrants and children in mixed status households from receiving assistance
- Reverse the requirement that one parent have an SSN to claim the CTC for citizen children

FAMILY SEPARATION

Immigration enforcement activities have devastating impacts on children. Studies show that children experiencing immigration-related parental arrests exhibited signs of trauma and anguish. Separating children from their family members and communities can leave children struggling with isolation, adding further stress to an already difficult situation. When children are separated due to the detention or deportation of parents and caregivers, their family life is upended and parent-child bonds shattered, increasing the likelihood of long-term harm.

For nearly three decades, Department of Homeland Security (DHS) policy protected sensitive locations offering vital services like hospitals, schools, churches and courthouses from immigration enforcement. However, the Administration has rescinded the Protected Areas policy, and significantly increased arrests in places where children are likely to be present when a parent is detained.

ICE's Detained Parents Directive, updated in July 2025, ensures parents can maintain contact with their children, participate in family court proceedings, and make care decisions for their children. Anecdotal evidence suggests that the directive's intended protections are not being fully realized.

To reduce family separation and the trauma that accompanies it, **Congress should:**

- End mass deportations and create a pathway to citizenship for undocumented immigrants

- Ensure immigration enforcement officials employ procedures by passing the Protecting Sensitive Locations Act (H.R.1061/S.455) and codifying the parental interest directive

FAMILY DETENTION

ICE currently detains about 170 children per day, representing a sharp, six-fold increase in the detention of children compared to 25 per day at the end of the previous administration. Leading health organizations, including the American Academy of Pediatrics, have called for the end of family detention citing a lack of evidence for its safety, and associated health and long-term mental health risks. Parents also report terrible conditions that contribute to troubling behaviors including children with decreased eating, sleep disturbances, clinginess, withdrawal, self-injurious behavior, and aggression.

Congress must ensure the safety of children and their caregivers. **Congress should:**

- End family detention and closing family detention centers
- Codify the limits on detention for children as specified in the Flores Agreement

UNACCOMPANIED CHILDREN

A child is considered an unaccompanied child and placed under the care and custody of the Office of Refugee Resettlement (ORR) within the Administration for Children and Families (ACF) when they have no lawful immigration status in the United States, are under 18 years of age, and have no parent or legal guardian present or available in the United States to provide care and physical custody.

Data show the number of unaccompanied children plummeted to fewer than 30,000 encounters with unaccompanied children at the border in 2025. However, children are languishing in ORR care for far too long. The average length of stay for children has significantly increased due to policy changes making it more difficult to release children to sponsors, including exorbitant sponsorship fees introduced in H.R. 1., and required information sharing between HHS and ICE.

H.R. 1 also included additional harmful provisions including funding for summary returns of certain unaccompanied children at the border, subjecting very young children to intrusive physical exams for “gang-related markings,” and sending them back to harmful circumstances with no protections to keep children safe from abuse.

Although data indicates that unaccompanied children with legal counsel are granted relief in 73% of cases, compared to just

15% without attorneys, children are not guaranteed legal counsel in deportation proceedings. Even very young children are left to represent themselves in immigration court despite language barriers and limited understanding of the process. Although Congress has provided bipartisan funding for legal counsel, it is not enough to serve all unaccompanied children.

Congress must:

- Oppose efforts to move the care and custody of unaccompanied children out of HHS jurisdiction and protect ORR funding to ensure adequate capacity to care for unaccompanied children
- Reverse changes in H.R. 1 that impose burdensome fees on potential sponsors of unaccompanied children and put unaccompanied children in harm’s way
- Pass The Fair Day in Court for Kids Act (S. 1297) and/or the Children’s Safe Welcome Act to ensure legal representation and other protections
- Ensure that public and private child welfare agencies have the funding and support needed to safely care for unaccompanied children

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

The Deferred Action for Childhood Arrivals (DACA) program allows youth who are immigrants to fulfill their dreams for higher education, to work legally, pay taxes, provide for their families, and contribute to the country they call home without fear of deportation. The significant increase in their school and workforce participation is evidence of the positive impact of policies that increase opportunities and access to critical resources.

In past Congresses, proposed bipartisan “Dreamers Acts,” including the DREAM (Development, Relief, and Education for Alien Minors) Act of 2017, would have granted DACA beneficiaries permanent resident status on a conditional basis. Conditions include passing a background check and medical exams, entering the United States before a certain date/age, and meeting educational requirements.

Young people deserve the opportunity to contribute and thrive in their communities. **Congress must:**

- Pass the original DREAM Act
- Restore DACA to its original provisions and protections
- Codify the policy change of the former Administration that allowed DACA recipients to access health coverage through the Affordable Care Act Marketplace

CWLA Advocacy Team

Kati Mapa ▪ Director of Public Policy ▪ kmapa@cwla.org ▪ 202-878-9350

John Sciamanna ▪ Consultant ▪ jsciamanna@cwla.org Tim Briceland-Betts ▪ Senior Fellow ▪ tbriceland-betts@cwla.org