

## The New York Times

# *Migrant Children May Lose School, Sports and Legal Aid as Shelters Swell*

By **Miriam Jordan**

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The Trump administration said Wednesday that it would begin restricting or canceling education, legal aid and playground recreation for migrant children housed in government shelters as a result of financial constraints created by the “crisis at the border.”

The government’s plans were swiftly rebuked by civil rights lawyers representing unaccompanied children, who have been crossing the border in ever-larger numbers this year to flee poverty and violence in their home countries, mainly in Central America. And the chief of at least one large shelter operator said he would continue to offer education and sports at his network’s facilities.

Some 13,200 migrant children, including adolescents who crossed the border alone and young children who were separated from their parents, are currently housed in more than 100 shelters across the country. They receive English instruction, as well as math, civics and other classes. Most facilities have a sports field and allow children to go outside, often to play soccer, at least once a day.

The Health and Human Services Department said in a statement that its Office of Refugee Resettlement, responsible for housing migrant minors, had “instructed grantees to begin scaling back or discontinuing awards for U.A.C. (unaccompanied minor) activities that are not directly necessary for the protection of life and safety, including education services, legal services, and recreation.”

The department said that additional resources were urgently required for “critical” child welfare and for more beds to accommodate the swelling number of migrant youths arriving in the United States.

The statement, released by Evelyn Stauffer, a department spokeswoman, said that the administration had alerted Congress more than a month ago of its funding crunch and that it had sought \$2.88 billion in emergency funding to boost shelter capacity and to avoid any cutbacks in services. The news was first reported by The Washington Post.

Shelter operators last week received an email, shared with The New York Times, that warned of an impending funding deficiency. “The Unaccompanied Children Program is currently operating under a deficiency,” it said. “As a result, all costs budgeted for recreational or educational activities are hereby restricted from drawdown.” It added that the “restriction applies only to funds awarded” after May 22, 2019, and would remain in effect until further notice.

Civil rights and child welfare advocates said that any move by the government to eliminate education and recreation would constitute a violation of the Flores settlement, which in 1997 established the standards for treating migrant children held in government facilities, and would prompt them to sue for reinstatement of the activities.

“If this administration goes forward with denying education, recreation and other unspecified so-called nonessential services, it would be in flagrant violation of the Flores settlement and will face immediate legal action,” said Neha Desai, co-counsel on the settlement decree, who visits government shelters to ensure compliance. She is also the immigration director at the National Center for Youth Law in Oakland, Calif.

“To those of us whose job it is to promote the health and safety of children, this is a shocking directive,” said Amy Cohen, a psychiatrist who consults for the Flores team and regularly interviews children at shelters. “It violates every tenet of basic child welfare practice and will further harm the medical and psychological health of children fleeing extraordinarily dangerous circumstances in their home countries.”

After being intercepted by Border Patrol, migrant children are sent to government-licensed shelters across the country, where they remain until a sponsor — typically a relative already living in the United States — can prove that she or he is fit to care for the child. Nearly 41,000 migrant children have been taken into government custody this fiscal year that began Oct. 1, about 60 percent more than last year. Federal officials have predicted that a record number could arrive by year’s end.

Critics of the plan to reduce services said costs had been driven up because children were being held for protracted periods of time, instead of being released to family or friends. The current length of stay, ranging from about 50 to 75 days, is twice as long as it was during the Obama years, according to Dr. Cohen.

“I have interviewed children held for more than a year despite a fully competent and willing family sponsor,” Dr. Cohen said. “I interviewed an increasingly desperate child who’d been there for four months despite having a close, safe relative fully prepared to take her.”

This is often because of rigorous standards the government imposes before it releases children to a private sponsor. In some cases, sponsors' homes are deemed by government-contracted social workers to be inadequate to receive a child, often because they are very modest. In other cases, potential sponsors, such as aunts and uncles, struggle to prove a pre-existing bond with a child for lack of such items as a photograph — even when both the child and family members back home confirm a connection.

In testimony before a House Appropriations subcommittee in April, Health and Human Services Secretary Alex Azar said that the system was running out of beds and cautioned that at the current pace of arrivals, available funding would not suffice. “We need help,” he said.

Educational and recreational activities ensure that children are engaged during much of the day, and help to avert behavioral problems, shelter operators say. At least one operator said he would resist canceling educational and recreational activities, which were important for the children's well-being.

“We have not and we are not going to curtail recreation and education. We just can't do that,” said Kevin Dinnin, president of BCFS, the second-largest shelter network, which houses about 1,000 children in facilities in Texas. “We will have to use reserve funds until the government figures out what they are going to do.”

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