

4-18-2011

Challenges Facing Unaccompanied Refugee Minors' Access to Legal Aid

Sharon Brenner

Golden Gate University School of Law

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/studentpubs>



Part of the [Immigration Law Commons](#)

Recommended Citation

Brenner, Sharon, "Challenges Facing Unaccompanied Refugee Minors' Access to Legal Aid" (2011). *Student Publications*. Paper 1.
<http://digitalcommons.law.ggu.edu/studentpubs/1>

This Article is brought to you for free and open access by the Student Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Student Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.



Challenges Facing Unaccompanied Refugee Minors' Access to Legal Aid

0 tweets
Posted 04/18/2011
In [Immigration Issues](#)

tweet

Like

One person likes this.

Today's post comes to you from Golden Gate University law student Sharon Brenner, the winner of [Legal Language's first immigration article contest!](#) Brenner is studying immigration law and hopes to make that her career. Her analysis of the troubles facing refugee children in the US and ideas to assist this immigrant population earned her the \$500 grand prize.

Unaccompanied refugee minors are a distinct class of immigrants with a complex set of needs. Providing legal assistance to this group requires simultaneous consideration of psychological, logistical and legal issues that impact decisions to be made in the child's best interests.

The United Nations (UN) defines "unaccompanied minors" as "persons who are under 18 years of age or under a country's legal age of majority, are separated from both parents, and are not with and being cared for by a guardian or other adult who by law or custom is responsible for them."¹ After UNHCR (the UN refugee agency) designates such a child as an unaccompanied refugee minor, the child may be accepted into the US refugee resettlement program. The US identifies unaccompanied refugee minors as "refugee children overseas who are eligible for resettlement in the US, but do not have a parent or a relative available and committed to providing for their long term care."² This program was initiated in the 1980s with the goal of "providing appropriate care ... for unaccompanied minor refugees and entrants and to prepare them for productive lives in the United States."³ Countries of origin of unaccompanied refugee minors vary greatly.⁴ Common means by which a minor becomes unaccompanied include escape from armed conflict, kidnapping and forced military recruitment, child trafficking, and internal displacement.⁵ Given the intensity of these experiences, one can often assume that unaccompanied refugee minors are indeed an at-risk population of immigrants.

While there are many services that assist unaccompanied refugee minors and help them gain access to resettlement programs, such existing efforts are inadequate.⁶ Achievement of the US goal of caring for refugee minors and preparing them for productive lives in the US cannot be realized without giving more aggressive attention to this vulnerable immigrant population.⁷

Primary sources of support for unaccompanied refugee minors include UNHCR and UNICEF, legal aid agencies abroad that assist minors with UNHCR-related matters, and countries with well-established refugee resettlement programs who will accept the minors and place them in foster care.

However, despite these resources, unaccompanied refugee minors still face extreme challenges in accessing legal services. In addition to inherent psychological vulnerabilities, the child may also face local government obstacles such as forced detention, an inability to communicate with the law enforcement authorities, and a lack of knowledge as to the child's rights and available legal services.⁸ Even once legal services are accessed, the minor may become frustrated and agitated with the

Follow Us



More Articles in this Category

Challenges Facing Unaccompanied Refugee Minors' Access to Legal Aid

Posted on 04/18/2011

Top Immigration Headlines: March 2011

Posted on 03/28/2011

Top Immigration Headlines: February 2011

Posted on 02/28/2011

Top Immigration Headlines: January 2011

Posted on 01/31/2011

Top Immigration Headlines: December 2010

Posted on 12/29/2010

Legal Article Categories

For Legal Professionals

[Corporate Law](#)
[Evidence Taking](#)
[Immigration Issues](#)
[Litigation Support](#)
[Service of Process](#)
[Social Networking](#)

For the Public

process, flee to another country, or put himself in other high-risk situations.

We are left with the lingering question of how the legal community can ensure that unaccompanied refugee minors receive greater attention during the initial stages of refugee processing in order to achieve effective legal assistance and limit psychological trauma.

The solution exists in a more comprehensive and cooperative approach to legal aid. For instance, in a country that detains refugee youth while they await refugee processing, in-house psychological services are imperative to help the child cope with the inherent trauma associated with migration. Access to education is also essential. Without daily routines, immigrant youth who linger in countries for months or years before being accepted to a refugee resettlement program become easily and intensely frustrated. This is especially relevant to teenage refugee populations who are more readily independent and mobile. Finally, international laws relating to the treatment of children and particularly, to their right to expedited and liberal adjudication procedures, must be more strictly enforced.⁹ Without serious compliance with legal instruments such as the UN Convention on the Rights of the Child, unaccompanied refugee minors are being denied rights that are imperative to the adjudication of their cases.¹⁰

Combining legal and logistical efforts such as these will generate more efficient and effective adjudication of unaccompanied refugee minors' cases. The legal community must look beyond the boundaries of the laws themselves and give attention to the comprehensiveness that legal services to this community necessitate. By accounting for additional considerations such as psychological treatment and education, and working in cooperation with one another, legal service providers, local governments and inter-government agencies will be more successful in their efforts to provide legal aid to this intensely vulnerable immigrant population.

[1] Report of the United Nations High Commissioner for Refugees, Questions Relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions; Assistance to Unaccompanied Refugee Minors. Report of the Secretary-General. August 7, 1997. <http://www.un.org/documents/ga/docs/52/plenary/a52-273.htm>

[2] US Department of Health and Human Services, Office of Refugee Resettlement. Information regarding the US Unaccompanied Refugee Minors program. http://www.acf.hhs.gov/programs/orr/programs/unaccompanied_refugee_minors.htm

[3] Federal Register / Vol. 52. No. 198 / Wednesday, October 14, 1987 / Notices 3814 <http://www.acf.hhs.gov/programs/orr/programs/refpr.htm>

[4] Information regarding country of origin for local unaccompanied refugee minors in Massachusetts. http://www.mass.gov/?pageID=eohhs2modulechunk&L=4&L0=Home&L1=Government&L2=Departments+and+Divisions&L3=Office+for+Refugees+and+Immigrants&sid=Eeohhs2&b=terminalcontent&f=ori_c_minors&csid=Eeohhs2

[5] Report of the United Nations High Commissioner for Refugees, Questions Relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions; Assistance to Unaccompanied Refugee Minors. Report of the Secretary-General. August 7, 1997. <http://www.un.org/documents/ga/docs/52/plenary/a52-273.htm>

[6] As of 2005, over 12,000 children have participated in the US Unaccompanied Refugee Minors (URM) program since 1980. However, over 80,000 unaccompanied alien children seek entry to the United States annually. This implies that despite the success of the US URM program, many children do not have knowledge or access to programs that can provide them with legal assistance. "Unaccompanied Immigrant and Refugee Minors" by Lindsay Littlefield, State-Federal Relations Fellow, National Conference of State Legislatures. August 11, 2005. <http://www.ncsl.org/default.aspx?tabid=13128#fn15>

[7] Federal Register / Vol. 52. No. 198 / Wednesday, October 14, 1987 / Notices 3814 <http://www.acf.hhs.gov/programs/orr/programs/refpr.htm>

[8] UN High Commissioner for Refugees, *Unaccompanied Minors Seeking Asylum in Greece*, April 2008, available at: <http://www.unhcr.org/refworld/docid/48abd557d.html> See Section 5.3 Detention and Freedom of Movement.

[9] Unaccompanied refugee minors are entitled to have their refugee status determined using the "broadest possible interpretation." UN High Commissioner for Refugees, *Note on Resettlement of Refugees with Special Needs*, 25 May 1998, EC/48/SC/CRP.28, available at: <http://www.unhcr.org/refworld/docid/4ae9ac970.html>

[10] Convention on the Rights of the Child. Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/law/crc.htm>

Related Posts: