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Shelters For Immigrant Kids Face Financial Strain

Although the Trump administration has cut off funds for activities like soccer and English lessons, shelters are still providing them to maintain their state licenses.



AP Photo/Eric Gay

Detained immigrant children play kickball at the Karnes County Residential Center, a temporary home for immigrant women and children detained at the border in Karnes City, Texas, on Sept. 10, 2014.

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The Trump administration has begun cutting money for recreational and educational services at shelters housing immigrant children, but many facilities must continue providing these activities—or risk being shut down by state officials.

The Health and Human Services Department has called for rollbacks or cuts to programs that provide soccer, basketball, English, and reading classes in HHS-funded housing for unaccompanied immigrant kids, according to child-welfare experts and advocates. But these facilities don't just answer to the federal government. Many shelters must continue providing recreational and educational activities to children, or they'll be at risk of violating state child-welfare requirements. If they don't offer some type of recreation or educational classes, they could face fines or even lose their state licenses.

HHS told *National Journal* that with the spike of unaccompanied minors in its care, the department needs more funding from Congress. But as the debate over the White House's request for additional border money drags on, the department has told HHS Office of Refugee Resettlement grantees to scale back or discontinue certain activities. The Senate Appropriations Committee on Wednesday sent legislation to the Senate floor that would provide \$4.6 billion in border funding, including \$2.88 billion for HHS.

“ORR instructed grantees to begin scaling back or discontinuing awards for [unaccompanied alien children] activities that are not directly necessary for the protection of life and safety, including education services, legal services, and recreation,” said HHS Administration for Children and Families spokeswoman Evelyn Stauffer in a statement.

However, shelters are not moving immediately to cut these services due to state licensing requirements that make these activities mandatory.

“According to licensing requirements in Texas, Arizona, and California, we are required to provide education and recreation services in our shelters—not doing so puts our license at risk,” said Southwest Key Programs, a group that provides shelters through ORR, in a statement to *National Journal*. “We are working with regulators in the states where we operate and with project officers at the Office of Refugee Resettlement to ensure we remain in compliance.”

Arizona state Rep. Kelli Butler said the state’s health department plans to take action if ORR facilities were to shutter such services. The Democratic legislator wrote to the Arizona Department of Health Services on June 6 asking how the department will respond if these services were being withheld.

“We got a letter back from our director of the Department of Health that says if the Arizona Department of Health Services were to discover that recreational or educational services were not being provided to children in Arizona, ADHS has broad authority to correct that situation. ... They believe that they have the authority to suspend, revoke [a license], or impose civil money penalties,” Butler said.

Bethany Christian Services, a faith-based foster care and adoption group that provides transitional foster care for unaccompanied children through ORR, stated that it will not be cutting off recreation and education in its facilities. Instead, the group said it will privately fund these services and has asked for donations.

Transitional foster care is another type of service for unaccompanied immigrant children through ORR. In transitional foster care at Bethany and similar organizations, immigrant children under the age of 13 can be placed with foster

families and then return to the group's facilities during the day to attend classes and participate in different recreational activities, such as sports.

Dona Abbott, vice president for refugee and immigrant services at Bethany, said if it loses HHS money, the group could still pay for activities like sports.

Community donations could help cover the budget for recreational services, she said, and foster-care parents also serve as supervisors, which cuts costs.

But funding for educational services would be a more difficult lift for the group if their HHS funding fell short. "The education piece will be tougher because that takes staff," Abbott said. "We have to have teachers teaching in the classroom."

The decision to cut funding is not the first time that the administration's immigration policy has been at odds with states' authority over child welfare.

The Trump administration wants to be able to detain families with children for longer than the 20 days allowed. But under current immigration policy, children can be held for longer periods of time only in shelters that are state-licensed.

Family shelters aren't operated under state licenses, however, so after 20 days, families are typically released.

The Homeland Security Department has proposed a rule to create an alternative federal licensing scheme to detain families. According to DHS and HHS, most states do not offer licensing for family detention centers, and states that had offered such certification were challenged in court. Sen. Lindsey Graham included a similar policy in an immigration-reform bill that aims to hold families for 100 days while their asylum claims are being processed. The Senate Judiciary Committee was set to consider the bill Thursday, but Graham announced the markup had been postponed in an effort to find a compromise with Democrats.

This proposal has been panned by child-welfare advocates and experts who argue that the state licensing requirements play an important role in ensuring the oversight and protection of children's health and welfare.

“It is very concerning that the bill would prohibit states from requiring family detention facilities to meet state licensing requirements,” said Miriam Abaya, policy associate for the Young Center for Immigrant Children's Rights, in a statement to *National Journal*. “The states have set standards that are informed by child welfare principles and ensure that children and families are safe.”

Several state attorneys general are pushing back against the federal government's proposed rule to take over licensing of shelters from the states.

“The federal government has never—for immigration purposes or in any other child-welfare context—licensed facilities for children,” they wrote in a comment on the rule in November.

The Trump administration's proposal would create what the attorneys general called a “shadow-licensing scheme” that would place children in family shelters that do not meet child-welfare standards mandated by states.

“The federal government lacks the authority to intrude into this area of law traditionally reserved to the states, particularly because the purpose of doing so is to detain children in secure facilities that states and courts have already determined are not appropriate placements for children,” they said.