



# CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 4, 2004

## **S. 1129**

### **Unaccompanied Alien Child Protection Act of 2004**

*As reported by the Senate Committee on the Judiciary on June 3, 2004*

#### **SUMMARY**

S. 1129 would change federal immigration procedures as they relate to certain unauthorized alien children under age 18 who are in the United States without a legal parent or guardian. This bill would authorize funding to establish a pilot program at three sites that would assign a legal guardian to unaccompanied alien children under the age of 18. The legislation also would provide free legal counsel for all children during their immigration proceedings. CBO estimates that implementing these changes would cost \$7 million over the 2005-2009 period, assuming appropriation of the necessary sums. S. 1129 would not affect direct spending or revenues.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 202 addresses the due process rights of aliens in certain immigration proceedings and thus would fall within that exclusion. The remaining provisions of the bill contain no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of S. 1129 is shown in the following table. The costs of this legislation fall within budget function 600 (income security).

#### **BASIS OF ESTIMATE**

Under current law, unaccompanied alien children are provided certain protection and care, including placement in shelters, group homes, foster care, or other facilities. During the first

nine months of fiscal year 2004, the Unaccompanied Alien Children (UAC) program in the Department of Health and Human Services served about 1,000 children and placed nearly 500 children per month in foster care and shelter care facilities.

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>					
Guardian and Legal Counsel Programs					
Estimated Authorization Level	1	*	*	*	*
Estimated Outlays	1	*	*	*	*
Training Costs					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1
Total Proposed Changes					
Estimated Authorization Level	2	1	1	1	1
Estimated Outlays	2	1	1	1	1

NOTE: \* = Less than \$500,000.

CBO estimates that the guardian pilot programs would cost about \$450,000—\$150,000 per program. This estimate is based on the expenses of the Unaccompanied Children's Advocate Project, currently operating in Chicago under a grant from the Heartland Alliance. This project is designed to serve 50 to 100 children who each would receive a child advocate for between 12 weeks and 24 weeks, depending on the circumstances. Consistent with reporting requirements in the bill, CBO's estimate anticipates that the pilot programs would operate for one year, at which time the Director of the Office of Refugee Resettlement would report to the Judiciary Committee on the feasibility of extending the program nationwide. CBO's estimate also assumes that the pilot programs would be administered in sizable urban areas with diverse cultural backgrounds and a history of volunteer work, like Chicago. Other settings, such as rural border areas, would be more expensive.

CBO estimates that the legal counsel program would cost \$375,000 annually. These costs are based on serving approximately 975 children, roughly the same number of children in the UAC program at any one time, and reflect the need for a program infrastructure that includes a salaried coordinator, a paralegal, and interpreters. The director would be required to use pro bono legal counsel to the maximum extent practicable. CBO's estimate assumes that pro bono counsel would be widely available, as in Chicago, in the cities where

unaccompanied alien children generally are placed. If pro bono counsel were not available, though, this provision of the legislation would be more costly (as much as \$600,000 more if the government had to compensate the attorneys).

The bill would require the Department of Homeland Security (DHS) to provide training for DHS personnel who interact with unaccompanied alien children and who handle children's asylum claims. Based on information from DHS about the current level of such training, CBO estimates that implementing the bill's provisions would cost an additional \$1 million annually from appropriated funds.

CBO estimates that any additional reporting costs would be minimal and would not have a significant impact on the federal budget, as the reports could be easily generated from program statistics.

## **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

Section 4 of UMRA excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 202 addresses the due process rights of aliens in certain immigration proceedings and thus would fall within that exclusion. The remaining provisions of the bill contain no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

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