

Voluntary Departure for Unaccompanied Children

Frequently Asked Questions & Child Welfare Considerations

- **What are a child's options if they want to return to their home country?**

An unaccompanied child (UC) interested in returning to their home country should request voluntary departure from the immigration judge at their scheduled court hearing. Those that are granted voluntary departure, and leave the U.S. within the timeframe authorized by the judge, still have the potential of returning to the U.S. in the future.



- **What is voluntary departure?**

Voluntary departure allows anyone in immigration proceedings to leave the U.S. with fewer legal consequences. Leaving the U.S. with voluntary departure provides opportunities to lawfully return to the U.S. in the future and does not list a deportation order on the person's immigration record.

- **What steps should a child take to request voluntary departure? What is the process?**

Those interested in requesting voluntary departure should first consider if this option fits their needs and, in the case of UCs, whether the decision is in the best interest of the child (see Child Welfare Considerations for Case Workers section below).

There is not a form or application to fill out to request voluntary departure. Rather, the UC should request voluntary departure from the immigration judge at their scheduled court hearing. At this time, they must agree that they are not lawfully in the U.S. and waive or withdraw any applications they have submitted to stay in the U.S. The judge will give an advisal, explaining that:

- The child must leave the U.S. by a certain date, usually within 120 days, or they will receive an order of removal, and
- If they overstay, the child may have to pay a \$5,000 fine and will be ineligible to receive any immigration status in the U.S. for 10 years.

If granted voluntary departure, the UC should prepare their travel documents, including proof of identity to return to their home country. Unlike adult immigrants who are expected to purchase their own transportation to return home, UCs are eligible for voluntary departure at no cost and the U.S. government should cover expenses for the child to return to their home country.

This handout is for information only and not intended to serve as legal advice.

If you are interested in more information, visit our Unaccompanied Children's Resource Center: ucresourcecenter.org.

Voluntary Departure for Unaccompanied Children

Frequently Asked Questions & Child Welfare Considerations

- **What if a child does not have a court hearing scheduled? How can they request voluntary departure?**

The child can wait for their hearing to be scheduled, or work with an attorney to request a special hearing.

- **What if a child has a strong case for legal relief? How will requesting voluntary departure impact their case?**

If the child qualifies for asylum, Special Immigration Juvenile Status (SIJS), or other form of legal relief, they should consult with an attorney to discuss their options and weigh the decision of returning home versus staying in the U.S. to fight their legal case. Requesting voluntary departure requires the child to waive or withdraw any applications to stay in the U.S.

- **What if a child returns to their home country without requesting voluntary departure first?**

UCs who leave the U.S. while they are in removal proceedings are said to have “self-deported.” Those who choose this option will often be issued a removal order in absentia when they miss their scheduled court hearing after returning to their home country. Having a removal order on their immigration record leaves UCs with fewer legal options to return to the U.S.; for example, the ability to apply for a visa to come to the U.S. in the future, or to be petitioned by a family member who is a U.S. citizen or Lawful Permanent Resident (LPR).

Child Welfare Considerations for Case Workers:

- Discuss the decision with all involved parties, including the sponsor, the child, and the child’s parents/caregivers in their home country. Why is the decision being made for the child to return home? Are all parties in agreement?
- What does the child want? Is there a concern with the current sponsor or placement that can otherwise be addressed or mitigated? If the child wishes to stay in the U.S. but the sponsor is no longer able or willing to care for them, is there another trusted adult who could care for the child in the U.S.?
- Does the child have a safe home and safe caregivers to return to in their home country? Are there any services or supports the child would benefit from upon their return to their home country? See [Resources for Repatriated Youth](#) for information on specific reintegration programs.

This handout is for information only and not intended to serve as legal advice.

If you are interested in more information, visit our Unaccompanied Children’s Resource Center: ucresourcecenter.org.

Voluntary Departure for Unaccompanied Children

Frequently Asked Questions & Child Welfare Considerations

Additional resources:

- [Do You Just Want to Go Home? Information on Voluntary Departure](#) (Executive Office for Immigration Review)
- [How to Get a Voluntary Departure](#) (Florence Immigrant & Refugee Rights Project)

This handout is for information only and not intended to serve as legal advice.

If you are interested in more information, visit our Unaccompanied Children's Resource Center: ucresourcecenter.org.