



# THE LEGAL JOURNEY OF AN UNACCOMPANIED CHILD (UC)



## PLACEMENT IN ORR CARE

- UC is transferred to Office of Refugee Resettlement (ORR) custody within 72 hours.
- UC is placed in a residential shelter, foster care, or more restrictive setting as needed where screening takes place and the child receives medical care, education, counseling services, recreation, and legal screening.
- ORR staff work to identify and vet a sponsor for the UC and refer for a home study in some cases prior to a final release decision.

## LEGAL RELIEF REQUEST

- Claims for legal relief may be made while in ORR custody or after UC's release to their sponsor.
- Legal relief claims may include: Asylum, Special Immigrant Juvenile Status (SIJS), and special visas for victims of severe forms of trafficking (T-visa) and other types of crime (U-visa).
- Family-based petitions are for those with an immediate family member who is a lawful permanent resident or U.S. citizen.

## CASE DETERMINATION

- Case determination is made which may include:
  - UC's application for legal relief is granted and Immigration Judge terminates proceedings.
  - UC's application for legal relief is denied (UC may work with an attorney to file an appeal).
  - Judge issues UC voluntary departure.
  - Judge issues order of removal from U.S. (UC may work with an attorney to file an appeal).
  - Judge may also administratively close a UC's case; for example, if the UC has an application for legal relief pending a final decision. However, administrative closure is not the same as termination of proceedings and the Immigration Judge can reopen the UC's case at any time.

## MIGRATION & APPREHENSION

- UC departs from their country of origin and migrates to the U.S.
- UC is apprehended by Department of Homeland Security (DHS), usually Customs and Border Protection (CBP).
- DHS issues the Notice to Appear (NTA) to initiate removal proceedings for the UC and files the NTA with the Immigration Court.

## RELEASE TO SPONSOR

- The ORR-approved sponsor is responsible for the UC's care and needs in the U.S. including ensuring the UC complies with their immigration proceedings.
- UC and sponsor should check the Executive Office of Immigration Review (EOIR) automated system every 1-2 weeks to check on the child's next court hearing.
- UC and sponsor must submit the change of address (COA) form to the assigned Immigration Court and corresponding DHS-ICE Office of the Principal Legal Advisor (OPLA) office within 5 days of moving, once UC's information is registered in the EOIR system.
- UC and sponsor should file a change of venue (COV) motion if they wish to move their court hearing location to the Immigration Court closest to their address.
- UC and sponsor should start looking for legal representation for the UC's case as soon as possible.

## COURT HEARINGS

- UC must be present at all scheduled court hearings or will likely be issued a removal order in absentia.
- There may be multiple court hearings before a case is decided:
  - Master calendar hearings occur with a large group and serve as check-ins with the Immigration Judge on the UC's case status.
    - Immigration Judge will often grant a continuance for:
      - The UC to find an attorney,
      - The UC to prepare for their individual hearing, or
      - A decision to be made on the UC's pending application with USCIS (e.g., affirmative Asylum or SIJS application)
    - A hearing on the merits, or individual hearing, will occur before the Immigration Judge in cases where the UC's legal relief application is not filed with USCIS (e.g., defensive Asylum case).
- While the UC is in active immigration proceedings, UC and sponsor must continue checking the EOIR system for the UC's court hearing and case information.