



Voluntary Departure for Unaccompanied Children



Frequently Asked Questions and Considerations for Families



What are a youth'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. Youth who 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 youth take to request voluntary departure? What is the process?

A youth interested in requesting voluntary departure should first consider if this option fits their needs and, in the case of unaccompanied children, whether the decision is in the best interest of the youth (see "Considerations for Families" section on the next page).

There is not a form or application to fill out to request voluntary departure. Rather, the youth should request voluntary departure from the immigration judge at their scheduled court hearing. At this time, the youth 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 youth must leave the U.S. by a certain date, usually within the next 120 days, or they will receive an order of removal, and
- If they overstay, the youth 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 youth 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, unaccompanied children may be eligible for voluntary departure at no cost and the U.S. government may 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.



Voluntary Departure for Unaccompanied Children

Frequently Asked Questions and Considerations for Families



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

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



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

If the youth qualifies for asylum, Special Immigrant 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 youth to waive or withdraw any applications to stay in the U.S.



What if a youth returns to their home country without requesting voluntary departure first?

Unaccompanied children 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 the youth 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).

Considerations for Families:

- Discuss the decision with all involved parties, including the sponsor, the youth, and the youth’s parents/caregivers in their home country. What is the reason for the youth returning home? Are all parties in agreement?
- What does the youth want? Is there a concern with the current sponsor or placement that can otherwise be addressed or mitigated? If the youth 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 youth in the U.S.?
- Does the youth have a safe home and safe caregivers to return to in their home country? Are there any services or supports the youth would benefit from upon their return to their home country? See <https://ucresourcecenter.org/informacion-legal/> for more information on Voluntary Departure.



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



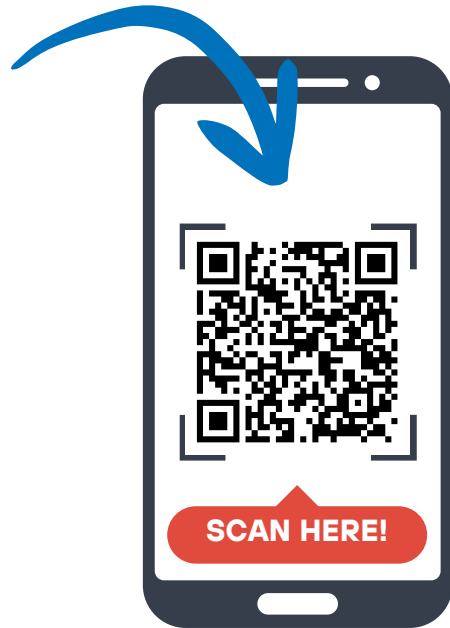
Voluntary Departure for Unaccompanied Children

Frequently Asked Questions and Considerations for Families

Additional Resources

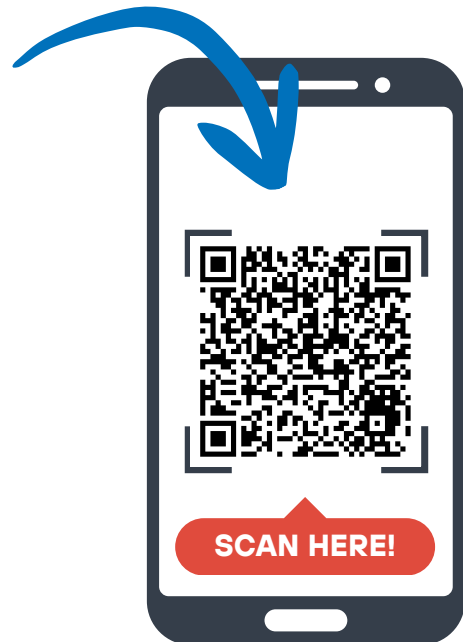
[Do You Just Want to Go Home? Information on Voluntary Departure](#)

(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.