Detention and Release of UACs

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Overview

- Apprehension of UACs
- Office of Refugee Resettlement (ORR)
- TVPRA
- Intake and Placement with ORR
- Release from ORR Custody
- Reunification
- Other options
Apprehension of Unaccompanied Minors

At or Near Border:
- Minors who arrive at or near the border without the accompaniment of a parent is likely classified a UAC.
- This determination is usually made after they’re apprehended once they cross the U.S.-Mexico border by Customs and Border Patrol (CBP).
- Some UACs present themselves at Ports of Entry

Internal:
- Any undocumented minor may be picked up by immigration officials during or after any juvenile or criminal justice proceedings.
Apprehension of Unaccompanied Minors

• Any person taken into Department of Homeland Security (DHS) custody by CBP or ICE who appears to be a UAC is placed in a temporary DHS detention facility, the UAC should not be housed with unrelated adults.

• DHS officers attempt to determine whether the person is younger than 18 and unaccompanied. Once they determine that person is a UAC an officer interviews the child.

• Referral to ORR is then made for the child’s placement.

• The UAC should be transferred to ORR custody **within 72 hours** of identification.

• DHS may refer unaccompanied alien children to ORR’s care 24 hours a day, 7 days a week.
Under the TVPRA, special rules apply to children who come from Mexico and Canada.

These children may request a hearing before an immigration court judge or may request to return immediately to their home country through a process called “voluntary departure.”

If the UAC requests to return, CBP conducts a screening.

The minor is referred to ORR if:

- He/she may have been a victim of trafficking or is at risk of being trafficked if she/she returns to home country, or
- He/she has credible fear of persecution, or
Office of Refugee Resettlement (ORR)

United States Department of Health and Human Services (HHS)

Administration of Children & Family Services (ACF)

Office of Refugee Resettlement (ORR)

- Division of Budget, Policy and Data
- Division of Anti Trafficking
- Division of Refugee Assistance
- Division of Community Resettlement

Division of Unaccompanied Children Services (DUCS)
Intake and Placement with ORR

- ORR maintains a network of shelters around the country.
- Determination of the placement within ORR depends on many factors including any medical or special needs of the child, any mental health concerns, or if it appears the child may be a danger to themselves or others. This information determines the placement and setting for the minor’s transfer to ORR care.
Intake and Placement with ORR

The UAC is then transferred either to any of the following:

- An ORR shelter- these are nationwide with 7 currently in the Houston area.
- Foster Care or Group Home- Therapeutic settings available
- Staff Secure Facility
- Residential Treatment Center
UACs while in ORR care

- Medical
- Mental Health Needs
- Classroom Instruction
- Recreation
- Legal Services
- Family Reunification
FAMILY REUNIFICATION

Order of Preference for Sponsors:

Category 1: Parent or legal guardian (Includes qualifying step-parents that have legal or joint custody)

Category 2A: An immediate relative -- a brother; sister; grandparent or other close relatives (aunt, uncle, first cousin) who previously served as the UAC’s primary caregiver.

Category 2B: An immediate relative -- including aunt, uncle, or first cousin who was not previously the UAC’s primary caregiver.

Category 3: Other sponsor, such as distant relatives and unrelated adult individuals

Category 4: No sponsors identified
Release from ORR Custody

• Average length of time a UAC remained in ORR care* in FY 2018 was 60 days.

• FY 2019 there were a total of 9,381 minors released to sponsors in Texas. Of this 4,765 were released to sponsors in Harris County.
Other possible options?

- If the minor does not have a qualifying relative or anyone with whom they can be reunified with prior to turning 18 there are a few options:

  If the minor qualifies for legal relief and is < 17.5 years old, they can be transferred to long-term foster care (LTFC).
  There are LTFC placement options nationwide including a program in Houston.

  If the minor qualifies for legal relief, a Release on their Own Recognizance (ROR) or a Release to Entity (ROE) can be requested but must be approved by a Juvenile Coordinator or Federal Field Specialist. Those ROR’d or ROE’d need to have confirmed an available placement in a local shelter.

  If a minor turns 18 while in ORR shelter they are transferred to an adult detention facility on their birthday.
FY 2018 Statistics from ORR

Demographics of UACs in ORR care

• 71% of the minors were Male and 29% were Female

Age of Minors:
• 35% were 17 years old
• 37% were 15-16 years old
• 12% were 13-14 years old
• 15% were 0-12 years old

Country of Origin:
◦ Guatemala 54%
◦ Honduras 26%
◦ El Salvador 12%
◦ Mexico 3%
◦ All other countries <5%
Questions? Comments?