

ORR Unaccompanied Children Bureau Policy Guide:

Section 2

Listen

Safe and Timely Release from ORR Care

Current as of: February 4, 2025

2.1 Summary of the Safe and Timely Release Process

The Office of Refugee Resettlement (ORR) has policies and procedures in place to ensure **unaccompanied children** in ORR care are **released** in a safe, efficient, manner without unnecessary delay. ORR's policies require the release of unaccompanied children to parents, guardians, relatives, or individuals designated by the child's parents, referred to as "**sponsors**." Safe and timely release (also known as "**family reunification**") must promote public safety and ensure that sponsors are able to provide for the physical and mental well-being of children.

ORR evaluates potential sponsors' ability to provide for the child's physical and mental well-being, as required by law. ORR also protects children from smugglers, traffickers, or others who might seek to victimize or otherwise engage the child in criminal, harmful or exploitative activity. The process for the safe and timely release of an unaccompanied child from ORR custody involves several steps, including: the identification of sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor suitability, including verification of the sponsor's identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning.

In certain exceptional cases, ORR may begin vetting the potential sponsors of unaccompanied children likely to enter ORR care prior to their physical transfer to further diminish the time a child would remain in ORR care (see **Section 2.2 Sponsor Application Process**).

Revised 08/01/2024

2.2 Sponsor Application Process

As soon as an **unaccompanied child** is physically **transferred** to ORR custody, ORR begins to assess potential **sponsors**, which may include interviewing the child, their parent(s), **legal guardian(s)**, or other primary caregiver(s), in order to identify family members and others who may be qualify as sponsors to care for the child. Sponsors may include parents, relatives, close family friends, or other individuals, and any of these individuals may apply to have the child **released** to their care (see **Section 2.2.1 Identification of Qualified Sponsors**).

2.2.1 Identification of Qualified Sponsors

Care provider facilities must use any necessary qualified interpretation or translation services needed to ensure meaningful access by an unaccompanied child's parent(s), guardian(s), and/or potential sponsor(s). Care provider facilities must translate all documents and materials shared with the parent(s), guardian(s), and/or potential sponsor(s) in their native or preferred language, depending on their preference. However, care provider facilities must not create their own translations of ORR-issued form templates or handouts (e.g., creating a translated fillable form template of the Family Reunification Application that gives the appearance of being an official translation issued by ORR). Further, care provider or other contractors may not create additional forms or steps as part of the sponsor vetting process that are not cleared by the Division of Unaccompanied Children Policy.

In addition, in certain exceptional cases, ORR may begin vetting potential sponsors of children likely to be referred to ORR prior to their physical transfer, where the federal agency communicates they will likely be determined to be unaccompanied children, in response to specific humanitarian missions and other special operations. In these cases, ORR will not wait for children to be placed in an ORR care provider facility to begin its reunification process, but will instead follow discrete guidance, published as **Field Guidance**, tailored to the requirements and legal authorities of the specific circumstance.

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2.2.1 Identification of Qualified Sponsors

The ORR care provider, the ORR funded facility that cares for the unaccompanied child, interviews the child as well as parents, legal guardians, immediate family members, other relatives, godparents, and/or friends who may be residing in the United States and may be able to assist in identifying qualified custodians ("sponsors") (see the section below on how ORR confirms relationship with child). If a child is either too young or there are other factors that prohibit the care provider from obtaining potential sponsor information from the unaccompanied child, the care provider may seek assistance from the child's consulate in collaboration with the **ORR Federal Field Specialist (ORR/FFS)** or from a reputable family tracing organization. Finding a sponsor for the child is an ongoing process that continues during the unaccompanied child's stay in ORR care and custody in the event that the primary potential sponsor or primary release plan is not approved.

ORR releases children to a sponsor in the following order of preference:¹ parent; legal guardian; an adult relative (brother, sister, aunt, uncle, grandparent or first cousin); an adult individual or entity designated by the parent or legal guardian (through a signed declaration or other document that ORR determines is sufficient to establish the signatory's parental/guardian relationship); a licensed program willing to accept legal custody; or an adult individual or entity seeking custody when it appears that there is no other likely alternative to long term ORR care and custody. ORR has grouped unaccompanied children cases into the following categories.²

- **Category 1:** Parent or legal guardian. This includes qualifying step-parents that have legal or joint custody of the child or teen.
- **Category 2A:** A brother; sister; grandparent **or** other immediate relatives (e.g., aunt, uncle, first cousin) who previously served as the child's primary caregiver. This includes biological relatives, relatives through legal marriage, and half-siblings.
- **Category 2B:** An immediate relative (e.g., aunt, uncle, first cousin) who was not previously the child's primary caregiver. This includes biological relatives, relatives through legal marriage.
- **Category 3:** Other sponsor, such as distant relatives and unrelated adult individuals
- **Category 4:** No sponsor identified

Although ORR gives preference to a parent or legal guardian when determining release plans, there are instances when ORR does not release an unaccompanied child to a parent or legal guardian. These include:

- There has been a court ordered termination of parental rights over the child.
- There is substantial evidence that the child would be at risk of harm if released to the parent or legal guardian.

In some cases, a child enters the United States with their biological child. In those cases, ORR identifies a sponsor for the child as well as for the biological child. In most instances, it is in the **best interests** of the child and their biological child to be released to the same sponsor. In cases where the relationship between the unaccompanied child parent and the sponsor and the infant and the sponsor fall under different sponsor categories, ORR assigns the sponsor category representing the closer relationship in the infant's case. For example, if the relationship between the unaccompanied child parent and the sponsor falls under Category 2A and the relationship between the sponsor and infant falls under Category 3, then category assigned in the infant's case would be Category 2A.

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2.2.2 Contacting Potential Sponsors

The child's care provider facility is responsible for implementing safe screening methods when contacting and communicating with potential sponsors. These methods are to ensure that a potential sponsor does not pose a risk to the unaccompanied child, to other children in the care provider facility or to care provider staff.

Safe screening methods include:

- Use of appropriate interpreters
- Proof of sponsor's identity is obtained
- Verification of family relationships
- Coordination with the unaccompanied child's parents, legal guardians, or closest relatives prior to contacting non-relative adult potential sponsors
- Screening for exploitation, abuse, trafficking, or other safety concerns
- Engaging the child to communicate openly with care provider staff about their own sense of safety

Effective 02/13/2024

2.2.3 The Family Reunification Application

All potential sponsors must complete an application in order for a child to be released to them from ORR custody (the "Family Reunification Application").

Within 24 hours of identification of a potential sponsor for a child, the care provider or the ORR National Call Center sends the sponsor a package with the application and related documents (called the **Family Reunification Packet** or FRP).

The application package includes the following documents:

- Family Reunification Packet Cover Letter
- Authorization for Release of Information
- Family Reunification Application (FRA)
- **Sponsor Care Agreement**
- A flyer with contact information on organizations offering a Legal Orientation Program for Custodians (LOPC)
- A flyer with contact information for the UC Sexual Abuse Hotline
- Fingerprint instructions
- Sponsor Handbook
- Letter of Designation for Care of a Minor (If parent or legal guardian wishes to specify)
- A flyer warning sponsors of potential fraud schemes

The care provider is available to help the potential sponsor complete the application. ORR may require certain sponsors to fill out the FRA and other documents based on concerns related to safety, including sponsor motivation. ORR may in its discretion require the sponsor to submit their own FRA if there has been a safety concern identified that indicates that the sponsor should file the FRA without the **case manager's** assistance OR if the sponsor indicates that they prefer to submit the FRA by themselves.

The care provider case manager or other care provider staff or volunteer may assist the sponsor by filling out the FRA with a sponsor over the phone.

The case manager or other care provider staff or volunteer must read the attestation of perjury that is found in the FRA to the sponsor. The completed FRA is sent to the sponsor for verification. Sponsors must verify and sign the FRA and submit back to the case manager with any corrections. Copies, including photographs, and/or electronic signatures are accepted.

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2.2.4 Required Documents for Submission with the Application for Release

In addition to completing and signing the Family Reunification Application (FRA) and the Authorization for Release of Information (ARI), potential sponsors must provide documentation of identity, address, and relationship to the child they seek to sponsor.³ Potential sponsors must also submit documentation verifying the identity of the children they seek to sponsor, and evidence verifying the identity of all adults residing with the sponsor and all adult caregivers identified in a sponsor care plan. In addition to their use as evidence of the foregoing, all documentation submitted under this section is used as part of the overall sponsor assessment process. See **Section 2.4 Sponsor Assessment Criteria and Home Studies**. As a result, ORR may in its discretion require potential sponsors to submit additional documentation beyond the minimums specified below.

Proof of Sponsor Identity

To verify their identity, all potential sponsors must submit original versions or legible copies of government-issued identification documents. They may present either one (1) selection from List A or two (2) or more documents from List B. If a potential sponsor presents selections from list B, at least one (1) selection must contain a legible photograph. Expired documents are acceptable for the purpose of establishing identity.

LIST OF ACCEPTABLE DOCUMENTS

LIST A

U.S. Passport or U.S. Passport Card

Permanent Resident Card or Alien Registration Receipt Card (Form I-551)

Foreign Passport that contains a photograph

Employment Authorization Document that contains a photograph (Form I-766)

U.S. Driver's License or Identification Card

OR

LIST B

U.S. Certificate of Naturalization

U.S. Military Identification Card

Birth Certificate

Marriage Certificate

Court order for name change

Foreign national identification card

Consular passport renewal receipt that contains a photograph

Mexican consular identification card

Foreign driver's license that contains a photograph

Foreign voter registration card that contains a photograph

Canadian border crossing card that contains a photograph

Mexican border crossing card that contains a photograph with valid Form I-94


Refugee travel document that contains a photograph

Foreign driver's license that contains a photograph

Other similar documents (includes ORR Verification of Release form with a photograph for individuals under the age of 21⁴)

Proof of identify of adult household members and adult caregivers identified in a sponsor care plan

As a general matter, ORR prioritizes the **placement** of unaccompanied children with parents and legal guardians available to provide care and custody in the United States (i.e., Category 1 sponsors). Where there are no safety concerns, ORR does not require proof of identify for household members and adult caregivers of Category 1 sponsors, so long as:

- The child is not determined to be especially vulnerable through ORR's screening and assessment process;
- The child is not subject to a mandatory [Trafficking Victims Protection Reauthorization Act of 2008 \(TVPRA\)](#)  (PDF) [home study](#) (See [Section 2.4.2 Home Study Requirement](#)); and
- There are no other safety concerns present in the case, including relating to abuse or [neglect](#).

When an individual is simultaneously sponsoring multiple closely related children for whom they would be a Category 1 and Category 2A or Category 2B sponsor, the proof of identity for Household Member(s) (HHM) and adult caregiver is not required so long as there are no safety concerns as described above. All other potential sponsors that do not meet the criteria above must submit documentation verifying the identity of non-sponsor adults in their household and adult caregivers named in the sponsor care plan. Potential sponsors must submit at least one (1) identification document that contains a photograph for all such adults. The document may be from either List A or List B above and may be an original version or a legible copy of the document. Expired documents are acceptable for the purpose of establishing identity.

Proof of Address

All potential sponsors must submit at least one (1) form of documentation verifying their current address. Acceptable forms of documentation include original versions or legible copies of:

- A current lease or mortgage statement dated within the last two (2) months before submission of the FRA;
- A valid, unexpired state ID with current address and photo;
- A utility bill, addressed in the sponsor's name and dated within the last two (2) months before submission of the FRA;
- A bank statement dated within the last two (2) months before submission of the FRA;
- A payroll check stub issued by an employer, dated within the last two (2) months before submission of the FRA;
- A piece of mail from a county, state, or federal agency (with the exception of ORR) with the sponsor's name and residential address and dated within the last two (2) months before submission of the FRA;
- A notarized letter from a landlord on the business stationery of the real property owner confirming the sponsor's address; and
- Other similar documents reliably indicating that the sponsor resides at the claimed address, dated within the last two (2) months before submission of the FRA.

ORR may use alternative methods to verify address. For example, ORR may send a letter containing specific instructions to the address given by the sponsor and provide a timeline by which the sponsor must comply with the instructions.

Proof of Child's Identity

The potential sponsor or child's family must provide the unaccompanied child's birth certificate or a legible copy of the child's birth certificate.

Proof of Sponsor-Child Relationship

The potential sponsor must provide at least one (1) form of evidence verifying the relationship claimed with the child.⁵ Acceptable documents include original versions or legible copies of:

- Birth certificates;
- Marriage certificates;
- Death certificates;
- Court records;
- Guardianship records;

- Hospital records;
- School records;
- Written affirmation of relationship from Consulate; and/or
- Other similar documents.

Category 2A potential sponsors providing evidence of “primary caregiver”

Category 2A sponsors who are not grandparents or adult siblings must prove they are or were the child’s primary caregiver. A primary caregiver is defined as any person who is primarily entrusted with the child’s care and who lives with the child.

If the potential sponsor has any guardianship documents or other documents from a state or foreign government, they must submit this with the Family Reunification Application. ORR also accepts sworn affidavits from potential sponsors in addition to corroborating interviews the case manager has with the child, potential sponsor, and other family members to establish whether the potential sponsor was a primary caregiver to the child.

Category 3 potential sponsors without a bona fide pre-existing relationship

Category 3 potential sponsors who are unable to provide verifiable documentation of a familial relationship with the unaccompanied child must submit evidence that reliably and sufficiently demonstrates a bona fide social relationship with the child and/or the child’s family that existed before the child migrated to the United States. Care providers must attain sufficient corroboration to be confident that they have received needed verification of the relationship between the potential sponsor and the child or child’s family.

If a Category 3 potential sponsor does not submit evidence that reliably and sufficiently demonstrates a bona fide preexisting social relationship between the potential Category 3 sponsor and the child and/or the child’s family, ORR may take this into account when determining the suitability of the case for release. In such cases ORR may require that the potential Category 3 sponsor, the child, and the child’s family, establish ongoing regular contact while the child is in ORR care, prior to a release recommendation.

Criminal History

If a potential sponsor has been charged with or convicted of any crime or investigated for the **physical abuse**, **sexual abuse**, **neglect**, or **abandonment** of a child, they must provide related court records and police records, as well as governmental social service records or proof of rehabilitation related to the incident where there has been a substantiated finding or a conviction.

Fraud

If a sponsor, household member, or adult caregiver provides any false information in the application of release and/or accompanying documents or submits fraudulent documents for the purposes of obtaining sponsorship of the child, ORR will report the incident to the U.S. Department of Health and Human Services ([HHS](#))/Office of the Inspector General (OIG). Fraudulent documents include documents on which the address, identity, or other relevant information is false or documents that have been manufactured or altered without lawful authorization. ORR may deny release if it is determined that fraudulent documents were submitted during the application of release process.

Effective 08/01/2024

2.2.5 Legal Orientation Program for Custodians

All potential **sponsors** of children under the care of ORR should attend a presentation provided by the Legal Orientation Program for Custodians (LOPC). The purpose of this program is to inform potential sponsors of their responsibilities in ensuring the child's appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking, as provided under the Trafficking Victims Protection Reauthorization Act of 2008. The program also provides information about possible free legal counsel (pro bono legal services) for the child during the immigration court process.

The Office of Legal Access Programs (OLAP), within the Executive Office for Immigration Review (EOIR) at the U.S. Department of Justice, manages the LOPC and contracts with legal service organizations around the country to provide LOPC services to potential sponsors in their local communities or in metropolitan areas served by the program. EOIR is the entity in the federal government that is also responsible for adjudicating immigration cases by fairly, expeditiously, and uniformly interpreting and administering the nation's immigration laws.

The unaccompanied child's case manager is responsible for informing potential sponsors about all procedures related to the child's case—including attendance at an LOPC presentation. The Family Reunification Packet (FRP) that goes to each potential sponsor includes an *Authorization for Release of Information* that the sponsor must sign before the case manager may schedule an appointment for LOPC services. All potential sponsors should submit the *Authorization for Release of Information* immediately and prior to submitting the complete FRP to ensure timely scheduling of their LOPC session.

Upon receipt of the *Authorization*, the case manager schedules an appointment for a potential sponsor to attend a presentation with one (1) of the LOPC providers around the country. Alternatively, the case manager contacts the **LOPC National Call Center at (888) 996-3848** and arranges for the Call Center to schedule an LOPC appointment for the potential sponsor or mail an LOPC Information Packet to the sponsor.

When evaluating family members and other potential sponsors, ORR considers whether they have attended an LOPC presentation. Attendance at an LOPC presentation is a factor in the release assessment.

Revised 12/4/2017

2.2.6 Additional Questions and Answers about this Topic

Q1: Will sponsors receive the Family Reunification Packet through the mail or electronically?

A1: Case managers will work with sponsors to identify the best way to get the packets to them, whether electronically or by fax transmission or postage paid overnight mail.

Q2: Do sponsors need assistance from an attorney or a paid representative to complete the packet?

A2: No. The unaccompanied child's case manager will be able to help the potential sponsor complete the form and explain the process.

Q3: Is it possible for an unaccompanied child's spouse to be a sponsor?

A3: ORR considers release to an unaccompanied child's adult spouse on a case-by-case basis.

Q4: Is it possible for family members in the United States to proactively contact ORR about children who may have entered the country unaccompanied?

A4: Yes. Family members may call the ORR National Call Center, at (800) 203-7001.

2.3 Key Participants in the Release Process

ORR's sponsor assessment and release decision process requires coordination among care provider staff, nongovernmental third-party reviewers (**Case Coordinators**), ORR staff, other Federal agencies, stakeholders, and **Child Advocates**, where applicable.

Case Managers communicate with potential sponsors, gather necessary information and documentation, talk to any relevant stakeholders, and assess sponsors to formulate a recommendation to the Case Coordinator. Case Coordinators concurrently review all assessment information on an unaccompanied child and sponsor to also make a recommendation. Once Case Managers and Case Coordinators agree on a particular recommendation for release, the **ORR Federal Field Specialist (ORR/FFS)** makes a final release decision. If the Case Manager and Case Coordinator cannot agree on a recommendation, the case is elevated to the ORR/FFS for further guidance.

Revised 06/18/2019

2.3.1 ORR/Federal Field Specialists

ORR Federal Field Specialist (ORR/FFS) are ORR's field staff located regionally throughout the country and are assigned to a group of care providers within a particular geographic region. ORR has final authority on transfer and release decisions. ORR/FFS act as agents of HHS/ORR to approve all unaccompanied children transfer and release requests. In addition, ORR/FFS have authority to oversee care providers to ensure all services are properly provided and implemented and serve as a local liaison to community stakeholders, including other Federal agencies, local legal service providers, communities, Child Advocates, etc. ORR/FFS also provide guidance, direction, and technical assistance to care providers.

Acting as agents of HHS/ORR, ORR/FFS also make final decisions as to whether home studies are conducted and/or post-release services are provided.⁶ ORR/FFS coordinate all aspects of a child's case with care provider staff, Case Coordinators, stakeholders, and other Federal agencies.

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2.3.2 Case Managers

Care provider case managers perform a variety of duties, including coordinating the completion of assessments of unaccompanied children, completing **individual service plans**, assessing potential sponsors, making transfer and release recommendations, and coordinating the release of unaccompanied children from ORR care and custody. Care providers are required to provide case management services, at minimum, during normal business hours. ORR may also require care providers to extend service hours to evenings and weekends (e.g., requiring availability of case management services seven (7) days a week, including holidays, 8am through 10pm local time). Care providers must have case managers based on site at the facility. The care provider also provides a range of services through other trained staff that are described in **Section 3: Services**.

The role of the case manager within the release process is to initiate and maintain ongoing communication with the potential sponsor, gather sponsor information, and assess whether the potential sponsor is a suitable sponsor who can safely provide for the physical and mental well-being of the child. When communicating with the potential sponsor, the case manager:

- Provides direct assistance on completing the sponsor application packet and ensuring provision of supporting documentation;
- Involves the sponsor in making a plan for individualized services for the child, as appropriate;
- Keeps the sponsor informed of the child's progress and current functioning;
- Provides the sponsor with detailed information about the child's needs in order to fully assess the sponsor's ability to provide care and services, including completing a sponsor care plan, when necessary;
- Discusses services that are available in the sponsor's community for the child; and
- Shares relevant information on the child in accordance with applicable privacy and information-sharing policies, including policy related to a child's pregnancy or abortion decision as found in [Policy Memorandum: Medical Services Requiring Heightened ORR Involvement](#) (PDF), and in collaboration with the child and the child's [clinician](#) in a way that best serves the child's safety and well-being.

The case manager's role is also to ensure that information is gathered or shared with the appropriate staff and stakeholders during the sponsor assessment process. The case manager participates in weekly case management staffings with the child's assigned case coordinator and ORR Federal Field Specialist (ORR/FFS) on the progress in achieving a safe and timely release with family members as well as potential challenges that may delay a release. The [Child Advocate](#) may attend case staffings, at the request of the FFS. Case management staffings may occur monthly for children in [Long-Term Foster Care \(LTFC\)](#) if they are not being considered for reunification to a sponsor.

The case manager provides weekly status updates (monthly for children in LTFC if they are not being considered for reunification to a sponsor) to the child on the child's case and provision of services, preferably in person. The child may have their attorney of record and Child Advocate present for these case management updates, if applicable.

The case manager provides [legal service providers](#) (LSPs), attorneys of record, and Child Advocates, if applicable, weekly updates on case management decisions concerning the progress of a child's case, which includes the following:

- Notification that a child may not have a potential sponsor,
- Change in sponsor categories,
- Any final release decisions, and
- When a child has been recommended for, has initiated, or is pending transfer to a different level of care (specifically [long-term foster care](#)), and when a child's transfer request has been approved.

LSP and attorneys of record information requests for a child's [case file](#) information beyond these updates must go through the established case file request process in [Section 5.10.1 UC Case File Request Process](#).

Case managers may share case information with ORR post-release and home study providers and Unaccompanied Refugee Minors (URM) providers if a child is being referred for those services.

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2.3.3 Case Coordinators

Case Coordinators are non-governmental contractor field staff assigned to one (1) or more care provider, primarily to review unaccompanied children cases and provide transfer and release recommendations to ORR staff. The Case Coordinator is responsible for integrating all areas of assessment from the **Case Manager**, **Child Advocates**, where applicable, and other stakeholders into a release plan that will provide for the unaccompanied child's physical and mental well-being. After staffing and reviewing a case, Case Coordinators and Case Managers must agree on a release recommendation. If there is a disagreement or a particularly complex case, then the case will be elevated to the ORR/Federal Field Specialist (ORR/FFS) for further guidance.

- Providing timely review and assessment of potential sponsors and unaccompanied children to make recommendations for release to ORR in conjunction with the Case Manager;
- Assisting ORR in ensuring that children are placed in the least restrictive setting while receiving all appropriate services;
- Meeting with individual unaccompanied children and care provider staff at designated ORR-funded care provider sites;
- Providing targeted child welfare-based assistance to care provider staff, as directed by ORR staff;
- Making recommendations for home study and post-release services for at-risk children;
- Making placement recommendations for children who require more specialized levels of care, such as long-term foster care and **residential treatment centers**;
- Participating in collaborative meetings with local stakeholders; and
- Participating in staffing of cases with care providers and designated ORR staff.

Revised 08/1/2016


2.3.4 Child Advocates

ORR may appoint **Child Advocates** for victims of trafficking and other vulnerable children. Child Advocates are third parties who make independent recommendations regarding the **best interests** of a child. Their recommendations are based on information that is obtained from the child and other sources (e.g., the child's parents, potential **sponsors**, government agencies, legal service providers, **protection and advocacy system** representatives in appropriate cases, representatives of the unaccompanied child's care provider, health professionals, and other stakeholders).

An interested party may refer an **unaccompanied child** for a child advocate when the unaccompanied child is currently, or was previously in, ORR's care and custody, and when that child has been determined to be a victim of trafficking or especially vulnerable. (Interested parties may include, for example, individuals or organizations involved in the care, service, or proceeding involving an unaccompanied child, including but not limited to, ORR Federal or contracted staff; an immigration judge; U.S. Department of Homeland Security (**DHS**) Staff; a legal service provider, attorney of record, or U.S. Department of Justice (DOJ) accredited representative; an ORR care provider; healthcare professional; or a child advocate organization). ORR shall make an appointment decision within five (5) business days of receipt of recommendation for a new child advocate appointment, except under exceptional circumstances which may delay a decision regarding an appointment.

Child Advocates formally submit their recommendations to ORR and/or the immigration court in the form of Best Interests Determinations (BIDs). ORR considers BIDs when making decisions regarding the care, placement, and release of unaccompanied children, but it is not bound to follow BID recommendations. ORR presumes that child advocates are acting in

good faith with respect to their advocacy on behalf of unaccompanied children and does not retaliate against a child advocate for actions taken within the scope of their responsibilities. For example, ORR does not retaliate against child advocates because of any disagreement with a BID in regard to an unaccompanied child, or because of a child advocate's advocacy on behalf of an unaccompanied child.

As required by the [Trafficking Victims Protection Reauthorization Act of 2008 \(TVPRA\)](#)  (PDF), ORR provides Child Advocates with access to information necessary to effectively advocate for the best interests of children with whom they are working. After providing proof of appointment, Child Advocates have access both to their clients and to their clients' records. Child advocates are provided access to their clients during normal business hours at an ORR care provider facility and are provided access to all their client's case file information and may request copies of the case file directly from the unaccompanied child's care provider without going through ORR's standard case file request process. Child advocates must keep the information in the case file, and information about the child's case, confidential from non-ORR grantees, contractors, and Federal staff. Further, they may participate in case staffings.

Child Advocates and ORR maintain regular communication, informing each other of considerations or updates that impact service provision and release planning.

Child Advocates' duties include:

- **Client Visits:** The Child Advocate meets with the unaccompanied child regularly and speaks with the child's care provider staff in order to understand the child's background and current situation.
- **Decision Making:** The Child Advocate helps the unaccompanied child understand legal and care-related issues, explains the consequences of decisions made in response to those issues, and assists the child in making decisions when the child requests such help.
- **Best Interests Advocacy:** The Child Advocate develops a service plan containing best-interest recommendations with respect to the care, placement, and release options; and keeps the care provider, ORR, and the legal service provider or attorney of record apprised of the plan and advocacy efforts.
- **Case updates:** The Child Advocate collaborates and regularly communicates with the care provider, ORR, and other stakeholders in the planning and performance of advocacy efforts. For children who have been released from ORR care, Child Advocates provide timely updates as appropriate or as requested by ORR.

In most cases, ORR appoints Child Advocates while children are in its custody. However, in its discretion, ORR may appoint Child Advocates for unaccompanied children after their release from ORR care. ORR does not appoint child advocates for unaccompanied children who are not in or were not previously in ORR care and custody.

Care provider facilities must make qualified interpretation and/or translation services available to unaccompanied children and child advocates upon request while unaccompanied children are being provided with those services. Such services must be available to unaccompanied children in enclosed, confidential areas.

Child advocate appointments terminate:

- Upon the closure of the unaccompanied child's case by the child advocate;
- When the unaccompanied child turns 18; or
- When the unaccompanied child obtains lawful immigration status.

2.4 Sponsor Assessment Criteria and Home Studies

As noted in the [Section 2.2 Sponsor Application Process](#), the application process for release of an unaccompanied child involves a number of steps, including background checks (see [Section 2.5 Sponsorship Assessment Background Check Investigations](#)) and submission of the application by the sponsor. This section describes the criteria ORR uses to assess each potential sponsor's ability to provide for the physical and mental well-being of the unaccompanied child, and the role of home studies in the process.

The sponsor assessment reviews a sponsor's strengths, resources, risk factors and special concerns within the context of the unaccompanied child's needs, strengths, risk factors, and relationship to the sponsor. ORR also determines whether to conduct a home study, as required by the law or as necessary to ensure the welfare of the child.

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2.4.1 Assessment Criteria

ORR considers the following factors when evaluating family members and other potential sponsors:

- The nature and extent of the sponsor's previous and current relationship with the unaccompanied child and the unaccompanied child's family, if a relationship exists. Lack of a pre-existing relationship with the child does not categorically disqualify a potential sponsor, but the lack of such relationship will be a factor in ORR's overall suitability assessment.
- The sponsor's motivation for wanting to sponsor the unaccompanied child.
- The unaccompanied child's parent or legal guardian's perspective on the release to the identified potential sponsor (for cases in which the parent or legal guardian has designated a sponsor).
- The unaccompanied child's views on the release and whether they want to be released to the individual.
- The sponsor's understanding of the unaccompanied child's needs, as identified by ORR and the care provider.
- The sponsor's plan to provide adequate care, supervision, awareness of and ability to access to community resources, and housing to meet the unaccompanied child's needs.
- The sponsor's ability to provide the child with a stable home environment and a sense of permanency, to include whether the sponsor has an outstanding order of removal.
- The sponsor's understanding of the importance of ensuring the unaccompanied child's presence at all future hearings or proceedings, including immigration court proceedings, and the sponsor's attendance at a Legal Orientation Program for Custodians (LOPC) presentation. See [Section 2.2.5 Legal Orientation Program for Custodians](#).
- The sponsor's understanding and awareness of responsibilities related to school attendance and U.S. child labor laws.
- The linguistic and cultural background of the unaccompanied child and the sponsor, including cultural, social, and communal norms and practices for the care of children.
- The sponsor's strengths, resources, and mitigating factors in relation to any risks or special concerns of the unaccompanied child or sponsor, such as a criminal background, history of substance abuse, mental health issues, or domestic violence and child welfare concerns.

- The unaccompanied child's current functioning and strengths in relation to any risk factors or special concerns, such as an unaccompanied child who is a victim of sex or labor trafficking, or other crime, or is considered to be at risk for such trafficking due, for example, to observed or expressed current needs (e.g., expressed need to work to earn money); are a parent or are pregnant; have individualized needs, including those related to **disabilities** or other medical or behavioral/mental health issues; have a history of criminal or juvenile justice system involvement (including evaluation of the nature of the involvement, for example whether the child was adjudicated and represented by counsel, and the type of offense), or gang involvement; or a history of behavioral issues, violence, or substance abuse.

Revised 08/01/2024

2.4.2 Home Study Requirement

The care provider screens each case to determine whether to recommend a home study of the potential sponsor as required under the **Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)** [PDF](#) (as codified at 8 USC § 1232(c)(3)(B)) or ORR's policy. Information about the child is collected during initial placement into an ORR facility and throughout their stay. The care provider then uses the information collected about and from the child and sponsor to determine whether to conduct a home study.

TVPRA Mandatory Home Studies

The TVPRA requires home studies in the following circumstances:

1. The child is a victim of a severe form of trafficking in persons;
2. The child has a **disability** as defined by the Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12102) and requires particularized services or treatment;
3. The child has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or
4. The child's sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking, to the child based on all available objective evidence.

ORR Mandated Home Studies

ORR requires a home study before releasing any child to a sponsor in the following circumstances:

1. The potential sponsor is seeking to concurrently sponsor two (2) or more children (regardless of whether the potential sponsor has previously sponsored or sought to sponsor a child) **and at least one (1) of the children is unrelated to the potential sponsor;**
2. The potential sponsor has previously been the sponsor of two (2) or more children and is now seeking to sponsor one (1) or more additional children (**regardless of whether the previous or current children are related to the potential sponsor**); or
3. The potential sponsor is seeking to sponsor an unrelated child who is 12 years or under.

DISCRETIONARY HOME STUDIES

In circumstances in which a home study is not required by the TVPRA or ORR policy, the case manager, and case coordinator may recommend that a home study be conducted if they agree that the home study may provide additional information to determine that the sponsor is able to care for the health, safety and well-being of the child. See [Footnote 6](#).

The care provider must inform the potential sponsor whenever a home study is conducted, explain the scope and purpose of the study and answer the potential sponsor's questions about the process. In addition, the care provider must provide the home study report to the potential sponsor if the release request is denied. See also [Section 2.7.7 Notification of Denial](#).

Home Study Report and Final Recommendation

The purpose of a home study is to:

1. Assess the potential sponsor's ability to meet the child's needs;
2. Educate and prepare the potential sponsor for the child's release; and
3. Corroborate information gathered on the sponsor assessment.

A home study consists of interviews, a home visit, and a written report containing the home study case worker's findings.

The final recommendation must present a comprehensive and detailed assessment of the sponsor's ability to care for the needs of the child and identify any information that emerges regarding the sponsor, the sponsor's household or the child. This may include information that raises child welfare concerns. The home study report may identify areas where additional services, resources, or information are needed to support a successful sponsorship. The [home study provider](#) makes a recommendation to ORR about release to the sponsor. The ORR Federal Field Specialist (ORR/FFS) takes the home study provider's recommendation into consideration when making a release decision. ORR has final authority on release decisions. ORR/FFS acts as agents of HHS/ORR to approve all unaccompanied children release requests.

The home study provider must accept the home study referral from ORR and staff the case with a case manager within three (3) calendar days of ORR's referral. The home study provider must contact the care provider within 24 hours of home study referral acceptance and contact the sponsor to schedule the home visit within 48 hours of referral acceptance.

The home study provider conducts the home visit in person. In exceptional circumstances, where conducting the visit virtually would be in the best interests of the child, the home study provider may request ORR's case-by-case approval to conduct a virtual visit. The home study provider submits the written report within 10 calendar days of receipt of the referral. Any requests by the home study provider to extend beyond 10 calendar days or to cancel a home study must be submitted in writing to the ORR/FFS for consideration.

All releases following home studies require post-release services.

If the case manager learns new information that raises child welfare concerns after the home study provider has submitted their final report, the ORR/FFS has the authority to request a home study addendum from the original home study provider to gather more information for an informed release decision. The FFS may request an addendum any time after the final home study report has been submitted, but in some circumstances, it may be necessary to request a new home study if the sponsor's circumstances have significantly changed or if the home study was completed over a year prior to the current date. Home studies are only valid for one (1) year.

Q1: Must a child receive a Trafficking Eligibility or Interim Assistance Letter from HHS prior to being referred for a TVPRA-mandated home study under #1 above?

A1: No, a child does not need to receive a Trafficking Eligibility Letter from HHS prior to being referred for a home study. A care provider may refer a child for a home study under #1 above if, during the assessment for trafficking, the care provider determines the child is a victim of a severe form of trafficking in persons.

In determining whether a TVPRA-mandated home study is required under #3 above, care providers consider the following questions:

Q2: What is physical abuse?

A2: Physical abuse is an act that results in physical injury, such as red marks, cuts, welts, bruises, broken bones, missing or broken teeth or muscle strains. Acts of physical abuse include but are not limited to punching, beating, kicking, biting, hitting (with a hand, stick, strap, or other object), burning, strangling, whipping, or the unnecessary use of **physical restraint**.

Q3: Is physical abuse intentional?

A3: Generally, physical abuse is intentional; however, physical abuse can occur when physical punishment goes too far. In other words, an accidental injury of a child may be considered physical abuse if the act that injured the child was done intentionally as a form of punishment.

Q4: Must a child have physical injuries to meet the standard for physical abuse under #3?

A4: No, in some cases, a child may not have physical injuries at the time the care provider makes an assessment. Children may be in various stages of the healing process or thoroughly healed from the physical abuse by the time they arrive in ORR care.

Q5: For the purposes of #3, who can physically or sexually abuse a child?

A5: A parent, legal guardian, caregiver or other adult with a special relationship to the child can physically or sexually abuse a child.

Q6: Who is considered to be a caregiver or adult with a special relationship?

A6: A caregiver is defined as any person who is entrusted with the child's care and who lives with the child. Other adults with a special relationship to the child could include a teacher, priest, or health care provider.

Q7: What is sexual abuse?

A7: Sexual abuse of a child by a parent, legal guardian, caregiver or other adult with a special relationship to the child includes any of the following acts, with or without the consent of the child:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;

- Contact between the mouth and any body part where the adult has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument where the adult has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks where the intent is to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by the adult to engage in the activities described above;
- Any display by the adult of their uncovered genitalia, buttocks, or breast in the presence of the child; and

State laws on statutory rape are not the standard in assessing whether a child has been sexually abused for the purposes of #3. Care providers use the definition from the ORR rule concerning sexual abuse and harassment; however, for the purposes of determining when a home study is required, the perpetrator is limited to a parent, legal guardian, caregiver or other adult with a special relationship to the child.

Q8: Under what circumstances is a child's health or welfare considered to have been significantly harmed or threatened?

A8: Care providers assess the totality of the circumstances in determining whether a child's health or welfare has been significantly harmed or threatened. In evaluating a specific case, care providers take into consideration not only the definitions of physical and sexual abuse listed above, but also the circumstances surrounding the incident and any behaviors that the child exhibits as a result of the abuse. Circumstances to consider include but are not limited to: the amount of time that has passed since the abuse, the period of time in which the abuse occurred, the cultural context in which the abuse occurred, the age of the child at the time of the abuse, and the relationship between the child and the perpetrator.

Care providers take into consideration the situations and behaviors listed below, but do not make a determination based solely on the presence or absence of one (1) of them.

- The child experiences on-going medical issues from physical injuries.
- The child exhibits negative or harmful behaviors, thoughts or emotions, such as, but not limited to, excessive hostility or aggression towards others, fire setting, cutting, depression, eating disorders suicidal ideation or substance abuse.

In evaluating difficult cases, the care provider should consult with their ORR/FFS.

Revised 08/01/2024

2.4.3 Additional Questions and Answers on This Topic

Q1: What happens if a new sponsor is identified during the sponsor assessment process?

A1: If there are multiple potential sponsors, the ORR-funded care provider will exhaust all efforts to facilitate a release to a parent or legal guardian while also contacting and evaluating other potential sponsors concurrently. ORR has release order preferences and will evaluate sponsors concurrently in accordance with the preference orders to determine the best placement for the child.

Q2: Must a child receive a Trafficking Eligibility or Interim Assistance Letter from HHS prior to being referred for a TVPRA-mandated home study under #1 above?

A2: No, a child does not need to receive a Trafficking Eligibility Letter from HHS prior to being referred for a home study. A care provider may refer a child for a home study under #1 above if, during the assessment for trafficking, the care provider determines the child is a victim of a severe form of trafficking in persons.

In determining whether a TVPRA-mandated home study is required under #3 above, care providers consider the following questions:

Q3: What is physical abuse?

A3: Physical abuse is an act that results in physical injury, such as red marks, cuts, welts, bruises, broken bones, missing or broken teeth or muscle strains. Acts of physical abuse include but are not limited to punching, beating, kicking, biting, hitting (with a hand, stick, strap or other object), burning, strangling, whipping, or the unnecessary use of physical restraint.

Q4: Is physical abuse intentional?

A4: Generally, physical abuse is intentional; however, physical abuse can occur when physical punishment goes too far. In other words, an accidental injury of a child may be considered physical abuse if the act that injured the child was done intentionally as a form of punishment.

Q5: Must a child have physical injuries to meet the standard for physical abuse under #3?

A5: No, in some cases, a child may not have physical injuries at the time the care provider makes an assessment. Children may be in various stages of the healing process or thoroughly healed from the physical abuse by the time they arrive in ORR care.

Q6: For the purposes of #3, who can physically or sexually abuse a child?

A6: A parent, legal guardian, caregiver or other adult with a special relationship to the child can physically or sexually abuse a child.

Q7: Who is considered to be a caregiver or adult with a special relationship?

A7: A caregiver is defined as any person who is entrusted with the child's care and who lives with the child. Other adults with a special relationship to the child could include a teacher, priest, or health care provider.

Q8: What is sexual abuse?

A8: Sexual abuse of a child by a parent, legal guardian, caregiver or other adult with a special relationship to the child includes any of the following acts, with or without the consent of the child:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the adult has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument where the adult has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks where the intent is to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by the adult to engage in the activities described above;
- Any display by the adult of their uncovered genitalia, buttocks, or breast in the presence of the child; and

State laws on statutory rape are not the standard in assessing whether a child has been sexually abused for the purposes of #3. Care providers use the definition from the ORR rule concerning sexual abuse and harassment; however, for the purposes of determining when a home study is required, the perpetrator is limited to a parent, legal guardian, caregiver or other adult with a special relationship to the child.

Q9: Under what circumstances is a child’s health or welfare considered to have been significantly harmed or threatened?

A9: Care providers assess the totality of the circumstances in determining whether a child’s health or welfare has been significantly harmed or threatened. In evaluating a specific case, care providers take into consideration not only the definitions of physical and sexual abuse listed above, but also the circumstances surrounding the incident and any behaviors that the child exhibits as a result of the abuse. Circumstances to consider include but are not limited to: the amount of time that has passed since the abuse, the period of time in which the abuse occurred, the cultural context in which the abuse occurred, the age of the child at the time of the abuse, and the relationship between the child and the perpetrator.

Care providers take into consideration the situations and behaviors listed below, but do not make a determination based solely on the presence or absence of one (1) of them.

- The child experiences on-going medical issues from physical injuries.
- The child exhibits negative or harmful behaviors, thoughts or emotions, such as, but not limited to, excessive hostility or aggression towards others, fire setting, cutting, depression, eating disorders suicidal ideation or substance abuse.

In evaluating difficult cases, the care provider should consult with their ORR/FFS.

Revised 03/28/2023

2.5 Sponsorship Assessment Background Check Investigations

One of ORR’s priorities is ensuring the safe **release** of **unaccompanied children** to an appropriate **sponsor**. Consistent with ORR’s mission and in compliance with requirements found at 8 U.S.C. 1232(c)(3)(A) to perform an independent finding that a potential sponsor has not engaged in any activity that would indicate a potential risk to the child, ORR requires a background check of all potential sponsors and for any of their adult household members, which includes, at a minimum, an investigation of public records sex offender registry conducted through the U.S. Department of Justice National Sex Offender public website

for all sponsors and adult residents of the potential sponsor's household, and include a public records background check and/or an FBI National Criminal history check based on fingerprints for some potential sponsors and adult residents of the potential sponsor's household, except where indicated below.

As a general matter, ORR prioritizes the placement of unaccompanied children with parents and legal guardians available to provide care and custody in the United States. Where there are no safety concerns, ORR does not require a public records background check or national criminal history FBI fingerprint background checks or proof of identify for household members and adult care givers when the sponsor is a parent or legal guardian (Category 1), so long as:

- the child is not determined to be especially vulnerable through ORR's screening and assessment process;
- the child is not subject to a mandatory [Trafficking Victims Protection Reauthorization Act of 2008 \(TVPRA\)](#) [\(PDF\)](#) home study; and
- there are no other safety concerns present in the case, including relating to abuse or [neglect](#).

A Category 2A or 2B sponsor who is simultaneously sponsoring multiple children related to them undergo the background check requirements of the child most closely related to them. For example, a sponsor who is the parent to one child and an uncle to another child, undergo the unification requirements as a Category 1 sponsor for both children.

All potential sponsors undergo a public records background check of criminal history and sex offender registry databases. Adult household members of potential sponsors in Category 2A, 2B, 3, and in some cases Category 1, must also undergo public records background check of criminal history and sex offender registry databases. Sponsors in Categories 2B and 3, as well as some Category 1 and 2A sponsors, adult household members, and adult caregivers identified in a sponsor care plan require fingerprint background checks that are processed through the U.S. Department of Justice's (DOJ) Federal Bureau of Investigation (FBI).

ORR transmits fingerprint submissions (if required) to the U.S. Department of Justice's (DOJ) Federal Bureau of Investigation (FBI) to perform criminal history checks.⁷ The FBI submits the results to the U.S Department of Health and Human Services/Program Support Center (HHS/PSC). HHS/PSC provides the results and notifies ORR that the biometric and biographic checks conducted by the FBI are complete. HHS/PSC also provides copies of the results to ORR.

In some cases, ORR requires sponsors, adult household members, and adult caregivers to undergo a background check search of state child abuse and neglect (CA/N) registries maintained by individual states. In these cases, HHS/PSC works with the relevant state agency or directs the subject of the check to request results from the relevant state agency in compliance with state law and regulation.

Revised 07/09/2024

2.5.1 Background Check Requirements

To begin the background check process, the potential [sponsor](#) and adult household members must first complete the Authorization for Release of Information form (if applicable) ⁸ and submit fingerprints and provide a copy of a valid government issued photo identification (if required). Adult caregivers identified in a sponsor care plan also require background checks, as outlined in the chart below. The type of background checks performed on a sponsor, adult household members, and adult caregivers is dependent in part on the sponsor's relationship, if any, with the child. See [Section 2.2.1 Identification of Qualified Sponsors](#) for a description of sponsor categories.

The following table lists the types of background checks performed, and explains when they are performed, based on the potential sponsor's relationship to the unaccompanied child and other release considerations. The table only indicates the minimum requirements for the background check process for sponsors and others. ORR may require additional checks, verifications, or procedures for sponsors and others in any category if there are any unresolved issues or questions related to the well-being of the child.

TYPE OF BACKGROUND CHECK	PURPOSE	PERSONS CHECKED	WHEN PERFORMED
Public Records Check	Identifies arrests or convictions of sponsors, adult household members, or others. If a check reveals a criminal record or safety issue, it is used to evaluate the sponsor's ability to provide for a child's physical and mental well-being.	<p>Potential Sponsors in Categories 1-3.</p> <p>Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.</p>	<p>For all sponsors, regardless of category.</p> <p>In all cases for household members and adult caregivers identified in a sponsor care plan. for category 2A, 2B, and 3.</p> <p>For category 1 household members, only where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study.</p>
Sex Offender Registry Check, conducted through the U.S. Department of Justice National Sex Offender Public Website	Identifies sponsors and others that have been adjudicated as sex offenders through a national search and, if available, a local public registry search.	<p>Potential Sponsors in Categories 1-3.</p> <p>Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.</p>	In all cases
FBI National Criminal History Check, based on digital fingerprints or digitized paper prints	Determines whether a sponsor or adult household member (as applicable) has a criminal history, has a profile in DHS IDENT, has been convicted of a sex crime, or has been convicted of other crimes that compromise the sponsor's ability to care for a child.	<p>Potential Sponsors in Category 1 and Category 2A.</p> <p>Potential Sponsors in Categories 2B and 3.</p>	<p>Where a public records or sex offender check reveals possible disqualifying factors under Section 2.7.4 Deny Release Request; or where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study.</p> <p>In all cases.</p>

TYPE OF BACKGROUND CHECK	PURPOSE	PERSONS CHECKED	WHEN PERFORMED
Child Abuse and Neglect (CA/N) Check, obtained on a state by state basis as no national CA/N check repository exists	Checks all localities in which the sponsor or household member has resided in the past 5 years.	Non-sponsor adult household members and adult caregivers identified in a sponsor care plan. Potential Sponsors in Categories 1-3 Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	Where a public records or sex offender check reveals possible disqualifying factors under Section 2.7.4 ; or where there is a documented risk to the safety of the unaccompanied child, the child is especially vulnerable, and/or the case is being referred for a home study In cases that require a home study, and cases where a special concern is identified. In any case where a sponsor is required to undergo a CA/N check.
State Criminal History Repository Check and/or Local Police Check	Assists in locating police or arrest records, or other criminal offense details, as needed.	Potential Sponsors in Categories 1-3. Non-sponsor adult household members and adult caregivers identified in a sponsor care plan.	Used on a case-by-case basis when there is an unresolved criminal arrest or issue that is still in process.

Fingerprint Exception for Category 2B Cases with Qualifying Category 1 or 2A Sponsors

Fingerprints for a Category 2B sponsor of a case related to a Category 1 or Category 2A case may not be required, provided that all of the following conditions apply:

1. The children are screened and determined to not be especially vulnerable;
2. The children are not otherwise subject to a mandatory TVPRA home study; and
3. There are no other red flags present in the case, including red flags relating to abuse or neglect.

If one (1) of the cases falls under one (1) of these categories and the other(s) does not, the case manager and case coordinator will make a recommendation to the FFS whether to separate the cases for purposes of processing. Case managers will document the exception in all children in the family units' Release Request documents.

Effective 02/13/2024

2.5.2 Results of Background Checks on Release Decisions

ORR uses the results from background checks to determine whether [release](#) to a potential [sponsor](#) is safe. A potential sponsor may be denied based on the results of a background check, and a release decision may remain undecided until ORR obtains the results of a potential sponsor's criminal history or child abuse and neglect reports.

The biometric and biographical information, including fingerprints, are shared with FBI to investigate criminal history through the National Criminal Information Center and may be used consistent with their authorities. Biometric and biographical information may be shared with federal, state or local law enforcement or state child welfare agencies, as necessary, to conduct criminal history searches, or search for adverse child welfare findings.

Criminal History and Adverse Child Welfare Finding Results

In the event that a background check of a potential sponsor or, if applicable, adult household member, reveals criminal history or a safety risk, the care provider and ORR evaluate this information and request the potential sponsor to provide any additional information that may demonstrate the potential sponsor's ability to provide for the child's physical and mental well-being.

If release is not barred by [Section 2.7.4 Deny Release Request](#), the decision to release a child to a sponsor in these circumstances is based on all the following considerations:

- The severity of the criminal and/or child abuse/neglect history;
- The length of time that has passed since the criminal act or child abuse/neglect allegation occurred;
- The relationship of the potential sponsor and other adult household members to the child; and
- The evidence, if any, of rehabilitation since the criminal act or child abuse/neglect allegation occurred.

In cases where the proposed sponsor or an adult household member has been charged with, but not convicted of, a crime, ORR may postpone a final release decision until the legal issue is resolved.

In cases where ORR has released a child and later obtains derogatory information on a sponsor or sponsor household member, ORR determines whether the information if known prior to release would have led to a denial of sponsorship or presents some other high risk child welfare concern. In these instances, ORR contacts state CPS and/or local law enforcement (as necessary) with jurisdiction over the sponsor's home and provides them with ORR's findings. ORR may contact the sponsor in certain situations to inform them of child welfare concerns post release in these instances, especially where it concerns an individual in the sponsor's home.

Summary Table of Results of Background Checks and Next Steps

The following table shows procedures following the results of background checks.

BACKGROUND CHECK RESULTS	NEXT STEPS
No arrest record; check completed	Proceed with release decision-making process. See Section 2.7 Recommendations and Decisions on Release .
Criminal arrest record and/or substantiated adverse child welfare findings; check completed	Determine whether release is barred. See Section 2.7.4 Deny Release Request . If release is not barred, elevate safety issues for third party review. For any findings that could affect safe release, care provider and/or ORR will obtain additional documents to determine current situation (e.g., sponsor is on probation, criminal charges are resolved, etc.). Final release decision must take into account the criminal records and all other relevant information that is available.
Criminal history pending results; check not complete	ORR/FFS will provide instructions to care provider
CA/N pending results	ORR may choose to release a child pending CA/N results if there are no significant child welfare concerns associated with the sponsor or an adult in the sponsor's home, with the child or other children.

2.5.3 Commonly Asked Questions on the ORR Background Check Process

Q1: Where can a sponsor get their fingerprints taken?

A1: ORR funds a network of digital fingerprint providers at locations that are not affiliated with law enforcement entities. Sponsors may also go to any local police department for paper fingerprinting services in the event a digital fingerprint provider is not conveniently located near a sponsor's location. Fingerprinting services are not available at ORR headquarters or at HHS/PSC offices.

Q2: Are potential sponsors required to disclose to the care provider that they have a record of a criminal charge or child abuse?

A2: Yes. The sponsor must immediately advise the care provider of this situation and gather detailed documentation of the charges, dispositions, police reports, and evidence of rehabilitation.

Q3: What happens if a public records or sex offender registry check returns disqualifying findings for a sponsor, adult household member, or adult caregiver identified in the sponsor care plan?

A3: The Case Manager informs the sponsor and provides the sponsor with a copy of the results. The sponsor and household member/adult caregiver may dispute the results and provide further evidence or information that a check was not performed correctly (e.g., the wrong date of birth was used, the individual's name was spelled incorrectly, etc.). The Case Manager reruns the check using the corrected information. If further information is required, such as additional background checks, the Case Manager contacts the sponsor and household member/adult caregiver to obtain the information or make other arrangements so that the safety risk to the unaccompanied child is mitigated (e.g., taking steps so that the household member no longer resides in the sponsor's home, identifying a new adult caregiver, etc.).

Q4: What happens if an adult household member refuses to cooperate with a background check?

A4: ORR may deny release when an adult household member refuses to cooperate with a background check. In such cases, ORR considers the totality of the circumstances, including the adult household member's refusal and all other relevant and available information to determine whether the release process may continue. ORR determines the best interests of a child and does not release any child to a sponsor until ORR has determined that it is safe to do so.

Q5: Do background checks expire?

A5: Yes. The FBI National Criminal History Check, Child Abuse and Neglect (CA/N) Check, and State Criminal History Repository Check and/or Local Police Check all expire 270 days from the day results are received. The Public Records Check and Sex Offender Registry Check expire 90 days from the day ORR receives results. ORR requires new background checks if the previous results have expired prior to ORR approving the child's release; this includes obtaining a new set of fingerprints (re-fingerprinting) when applicable.

Q6: Does ORR share the results of the FBI fingerprint checks with other parties?

A6: ORR does not release the results of the FBI fingerprints to outside organizations or individuals, or to ORR care providers. The FBI searches **DHS** databases that may contain overlapping records. The FBI system automatically initiates a notification to the DHS system if a particular record has been searched.

2.6 Sponsor Immigration Status and Release of Unaccompanied Children

ORR does not disqualify potential **sponsors** based solely on their immigration status or for law enforcement purposes.

ORR does not collect information on immigration status directly from the sponsor. However, the Federal Bureau of Investigation (FBI) searches Department of Homeland Security (DHS) databases as part of the FBI national criminal background check (see **Section 2.5 Sponsorship Assessment Background Check Investigations**) and ORR may obtain immigration status information through background check results. ORR does not share FBI background check results, or any immigration status information contained therein, with outside individuals or with ORR care providers (see **Section 2.5.3 Commonly Asked Questions on the ORR Background Check Process**). In addition, ORR does not use or share any information for immigration enforcement purposes (see **Section 5.10 Information Sharing**).

If ORR learns through background check results that the sponsor has an outstanding or pending order of removal that is related to an underlying criminal act, the decision to **release** a child to a sponsor in these circumstances is based on the considerations described in **Section 2.5.2 Results of Background Checks on Release Decisions**.

Revised 01/30/2023

2.7 Recommendations and Decisions on Release

Absent complicating factors, ORR adjudicates completed sponsor applications as follows:

- Category 1 or Category 2A Sponsors — within 10 calendar days of receipt
- Category 2B Sponsors — within 14 calendar days of receipt

ORR care providers must make a recommendation to **release** a child to a potential **sponsor** after the care provider has completed the full assessment of the sponsor, including completed background checks, and collected necessary documentation to prove the sponsor's identity and relationship to the child. The recommendation must take into consideration all relevant information, including the report from a **home study**, if conducted; the **child advocate's** recommendation, if appointed; The ORR Division of Health of Unaccompanied Children (DHUC)'s recommendation, if the child has a complex medical or mental health related issue which implicates whether a child may be released safely to a sponsor with available community supports; laws governing the process; and other factors in the case. The ORR care provider makes a recommendation for release if the care provider concludes that the release is safe, and the sponsor is capable of providing for the physical and mental well-being of the child.

- The **Case Manager** and the **Case Coordinator** must make a recommendation to the **ORR Federal Field Specialist (ORR/FFS)** on the release of the unaccompanied child to a particular sponsor. If the case manager and case coordinator cannot agree on a particular recommendation, or if the case is particularly complicated, they may refer the case directly to an ORR/FFS for guidance on how to proceed.

- Note: For child separated from their parent or legal guardian under Section **2.10 Separation Cases Under Ms. L. Settlement**, the case manager makes a recommendation to the FFS on the decision on release; no third-party review is conducted by a Case Coordinator.
- After receiving the recommendation, the **ORR/FFS** and/or other ORR designated staff reviews the recommendation.
- Acting as an agent of HHS/ORR, the FFS makes a release decision in consideration of the recommendations from the care provider, the case coordinator, DHUC, and other stakeholders, including the home study provider and the child advocate, where applicable.

Only ORR (or **Administration for Children and Families**) has the authority to make the final decision on a release. FFS act as agents of **HHS/ORR** to approve unaccompanied children release requests. The case manager, case coordinator, and other stakeholders have an important role in making recommendations. In some cases, the FFS may remand a case back to the case coordinator and case manager to obtain additional information before they make a final release decision.

The ORR/FFS must make one (1) of the following release decisions:

- Approve release to sponsor
- Approve release with post-release services
- Conduct a home study before a final release decision
- Deny release
- Remand for further information

Release of Children with an Identified or Suspected Disability

In general, a referral for an evaluation or an incomplete evaluation for a disability should not delay the release of a child from the UC Bureau unless the evaluation is necessary to inform ORR's release decision. Likewise, ORR cannot delay the release of a child to a sponsor or entity because an **Individualized Section 504 Service Plan** is incomplete or pending development. This includes releases to the Unaccompanied Refugee Minor (URM) Program. Therefore, it is essential that care providers commence planning for needed services, supports, and reasonable accommodations— including assisting otherwise suitable potential sponsors in accessing and coordinating available post-release services for every child that is suspected of having one or more disabilities or identified as having one or more disabilities. This support and assistance provided to a potential sponsor must be documented in the child's case file in ORR's online case management system. ORR will not delay the release of the child if post-release services are not in place before the child's release unless the particular needs of the child require it.

ORR's evaluation of a potential sponsor for a child with one or more identified disabilities must explicitly include consideration of the potential benefits to the child of release to a community-based setting. Correspondingly, ORR's evaluation of a potential sponsor's ability to meet the physical and emotional needs of the child must necessarily include explicit consideration of the impact of the child's disability (or disabilities), as well as the availability of post-release services to meet the child's needs.

Revised 01/15/2025

2.7.1 Approve Release Decisions

A recommendation for a **release** without a **home study** or post-release services is made after a thorough assessment of the **sponsor**, the sponsor's family unit, and the needs of the child are taken into consideration. The **ORR Federal Field Specialist**

(**ORR/FFS**), acting as an agent of HHS/ORR, makes this release decision when they determine that the release is a safe release, the sponsor can care for the health and well-being of the child, and the sponsor understands that the child is to appear for all immigration proceedings.

Posted 03/28/2023

2.7.2 Approve Release with Post-Release Services

The **ORR Federal Field Specialist (ORR/FFS)**, acting as an agent of HHS/ORR, may approve a **release** with post-release services when the release is determined to be safe and appropriate, but the **unaccompanied child** and **sponsor** need additional assistance to connect them to appropriate resources in the community or to address other concerns, such as mental health or other needs that could benefit from ongoing assistance from a social welfare agency. The sponsor must consent before services may be provided and may withdraw their consent at any time after services have begun, since post-release services are a voluntary service. See **Section 6.2 Post-Release Services**.

Revised 08/01/2024

2.7.3 Conduct a Home Study Before a Final Release Decision Can Be Made

The **Case Manager** and **Case Coordinator** will recommend to the **ORR/Federal Field Specialist (ORR/FFS)** that a home study be conducted prior to making a release recommendation. If the ORR/FFS agrees then, acting as an agent of HHS/ORR, they will approve that a home study be conducted before a final release decision can be made. The home study provider uses a standardized template to complete the review; however, the provider may include any additional supporting documentation regarding the **sponsor** or the child, as applicable.

Once the Case Manager and Case Coordinator receive the home study results, they will review the case in light of the home study and make a release recommendation to the ORR/FFS (**See Section 2.4.2 Home Study Requirement.**)

Posted 03/28/2023

2.7.4 Deny Release Request

ORR *will* deny **release** to a potential **sponsor** if any one (1) of the following conditions exists:

- The potential sponsor is not willing or able to provide for the child's physical or mental well-being;
- The physical environment of the home presents risks to the child's safety and well-being;
- Release of the unaccompanied child would present a risk to themselves, the sponsor, household, or the community; or,

ORR may deny release to a Category 1 potential sponsor, and will deny release to a Category 2A/2B or Category 3 potential sponsor, if any one of the following conditions exists:⁹

The potential sponsor or a member of the potential sponsor's household:

- Has been convicted of (including plea of no contest to) a felony involving child abuse or neglect, spousal abuse; a crime against a child or children (including child pornography); or a crime involving violence, including rape, sexual assault or homicide;
- Has been convicted within the last five (5) years of a felony involving physical assault, battery, or drug-related offenses;
- Has been convicted of a misdemeanor for a sex crime, an offense involving a child victim, or a drug offense that compromises the sponsor's ability to ensure the safety and well-being of the child;
- Has been convicted of alien smuggling or a crime related to trafficking in persons; or
- Has other criminal history or pending criminal charges or child welfare adverse findings from which one could reasonably infer that the sponsor's ability to ensure the safety and well-being of the child is compromised; or
- A potential sponsor or a member of the potential sponsor's household has one (1) of the following substantiated adverse child welfare findings:¹⁰
 - Severe or chronic abuse or neglect;
 - Sexual Abuse or other sexual offenses;
 - Abuse or neglect of other children in the household;
 - Long-term mental illness or deficiency;
 - Long-term alcohol or drug induced incapacity; or
 - Involuntary termination of the parental rights to another child.

Revised 06/18/2019

2.7.5 Remand Release Request — Decision Pending

The **ORR Federal Field Specialist (ORR/FFS)** may remand the release request, which means that the ORR/FFS is sending the recommendation back to the **Case Manager** for additional information or additional actions before a final release decision can be made. ORR records the date of the remand and the decision will be pending further review until the documentation is provided or actions are taken.

Posted 01/27/2015

2.7.6 Issues Related to Recommendations and Decisions

Safety Plan

Case Managers, in consultation with **Case Coordinators**, prepare a safety plan, as needed, to address any outstanding needs the child may have after they are released and to ensure the child's safe and successful integration into the sponsor family unit and community. The goal of the safety plan is to ensure the child's safety. The safety plan also has guidance for sponsors on participating in post-release services and on other areas of care critical to the child's adjustment in the family and the community, such as maintaining mental health services for the unaccompanied child, accessing any needed special education, helping the child avoid drugs and alcohol, and using appropriate parenting techniques.

Sponsor Care Plan

A sponsor care plan identifies an adult caregiver who will assume care of an unaccompanied child if the sponsor becomes unable to care for the child. ORR requires a sponsor care plan for all potential sponsors. The goal is to ensure an unaccompanied child has a caregiver, despite any complications that may arise after release to their sponsor.

The plan:

- Identifies an adult caregiver, and their relationship to the child and sponsor, if any;
- Includes copies of the adult caregiver's vetting information (background check results, identifying documentation, etc.);
- Includes the adult caregiver's contact information;
- Discusses how the adult caregiver is notified that a transfer of care is required, if required;
- Provides that the adult caregiver will abide by the terms of the **Sponsor Care Agreement**;
- Includes the date the child's Case Manager discusses the plan with the child's sponsor and the adult caregiver identified in the plan; and,
- Includes additional information and materials (e.g., a Safety Plan), as appropriate or when required by ORR.

A copy of the sponsor care plan is maintained in the child's case file, provided to the sponsor, and to the adult caregiver identified in the plan.

Revised 01/30/2023

2.7.7 Notification of Denial

If ORR denies the reunification application of a potential Category 1, 2A, or 2B sponsor, the **ORR Director**, or their neutral and detached designee, sends that potential sponsor a Notification of Denial Letter after receiving all the required information and documentation in a specific case. If the sole reason for denial of release is related to a concern that the **unaccompanied child** is a danger to themselves or the community, the ORR Director sends to the child and their attorney of record a copy of the Notification of Denial Letter that was sent to the potential Category 1, 2A, or 2B sponsor.

The Notification of Denial Letter includes:

- An explanation of the reason(s) for the denial;
- Evidence and information supporting ORR's denial decision, with instructions for obtaining a copy of the child's case file;
- Instructions for requesting an appeal of the denial (see **Section 7.8 Appeal of Release Denial**);
- Notice that the potential sponsor may submit additional evidence, in writing before a Hearing occurs, or orally during a hearing;
- Notice that the potential sponsor may present witnesses and cross-examine ORR's witnesses, if such witnesses are willing to voluntarily testify; and
- Notice that the potential sponsor may be represented by counsel in proceedings related to the release denial at no cost to the federal government.

If ORR denies sponsorship to a potential Category 3 sponsor, the care provider notifies the potential sponsor, providing the reasons for the denial verbally. If the sole reason for denial of release is a concern that the unaccompanied child is a danger to

themselves or the community, the ORR Director sends a Notification of Denial Letter to the child as described above.

Revised 07/21/2023

2.7.8 Appeal of Release Denial

Category 1, 2A, or 2B sponsor applicants may seek an appeal of ORR's denial decision by submitting a written request to the Assistant Secretary, Administration for Children and Families, or their neutral and detached designee within 30 business days of receipt of the final decision from ORR. The appeal request must follow the instructions that accompanied the Notification of Denial Letter that was sent to the potential sponsor by the ORR Director or the ORR Director's designee. The Notification of Denial Letter includes information as set forth in [Section 2.7.7 Notification of Denial](#).

The requestor may seek an appeal with a hearing or without a hearing. The Assistant Secretary or their neutral and detached designee will acknowledge the request for appeal within five (5) business days of receipt. The appeal process must be completed within 30 calendar days of receipt of the appeal request unless an extension of time is warranted to accommodate the schedule of either the potential sponsor or the Assistant Secretary or their neutral and detached designee.

Without a Hearing:

If the requester seeks an appeal without a hearing, the Assistant Secretary or their neutral and detached designee will consider only:

- The Notification of Denial Letter and any information referenced therein;
- The appeal request; and
- Any additional supporting materials or information submitted by the requester.

The Assistant Secretary or their neutral and detached designee will notify the requester of a decision within 30 calendar days of receiving the request unless an extension was warranted to accommodate the schedule of either the potential sponsor or the Assistant Secretary or their neutral and detached designee. If more information is needed to make a decision, or for good cause, the Assistant Secretary or their neutral and detached designee may stay the request until they have the information needed. In these cases, the Assistant Secretary or their neutral and detached designee will send a written explanation to the potential sponsor, communicating a reasonable process and timeframe for addressing the situation and making a determination.

With a Hearing:

If the requester seeks a hearing, the Assistant Secretary or their neutral and detached designee will schedule a teleconference or video conference, per the potential sponsor's preference, at which time the potential sponsor (or the potential sponsor's representative) may explain the reasons why they believe the denial was erroneous. In addition, the potential sponsor may offer evidence or additional material in support of the request to reverse the release denial.

The Assistant Secretary or their neutral and detached designee will consider the testimony and evidence presented at the hearing, in addition to the original denial letter and information referenced therein, to make a determination. The Assistant Secretary or their neutral and detached designee will notify the requester of the decision in writing within 30 calendar days of receiving the request for the hearing unless an extension was warranted to accommodate the schedule of either the potential sponsor or the Assistant Secretary or their neutral and detached designee.

The Assistant Secretary or their neutral and detached designee makes a determination based on the relevant law, regulations, and policies concerning release decisions (see [Section 2.7.4 Deny Release Request](#) for the basis of a release denial). Any evidence submitted to the Assistant Secretary or their neutral and detached designee by ORR is shared with the requester in compliance with privacy protections. The Assistant Secretary or their neutral and detached designee conducts a de novo review and may affirm or overturn the ORR Director's or their designee's decision or send the case back to ORR for further action. Appeal hearings are recorded, and the requester may request a copy of the recording.

The Assistant Secretary's or their neutral and detached designee's decision to affirm or overrule the ORR Director's or their designee's decision to deny release to a potential sponsor is the final administrative decision of the agency on the application that had been under consideration. However, if there is new information or a change in circumstances regarding the reunification application, or regarding the unaccompanied child's circumstances, a new reunification application may be submitted that highlights the change(s) and explains why such changes should alter the initial decision. Similarly, if ORR discovers new information or becomes aware of a change in the circumstances of the potential sponsor and/or the unaccompanied child, ORR may assess the case anew.

Denial for sole reason that the unaccompanied child is a danger to themselves or the community

If the sole reason for denial of release is concern that the unaccompanied child is a danger to themselves or the community, the unaccompanied child may seek an appeal of the denial as described above, provided the Category 1, 2A, or 2B potential sponsor is not seeking an appeal (see [Section 2.7.7 for Notification of Denial](#)). If the child expresses a desire to seek an appeal, ORR encourages the child to consult with their attorney of record or a legal service provider for assistance with the appeal. The unaccompanied child may seek such appeal at any time after denial of release while the child is in ORR custody.

Revised 08/01/2024

2.7.9 90-Day Review of Pending Family Reunification Applications

ORR reviews the cases of all pending sponsor applications for [unaccompanied children](#) in ORR custody for 90 days. The purpose of this review is to identify and resolve the reasons that a Family Reunification Application remains pending in a timely manner. Upon completion of the review, [Case Managers](#) will update the sponsor and unaccompanied child on the status of the case, highlighting the reasons that the family reunification process is incomplete. In addition, the Case Manager will work with the sponsor, relevant stakeholders, and the ORR/Federal Field Specialist (ORR/FFS) on a plan to address the portions of the application that remain incomplete in accordance with [Section 2.2.3 The Family Reunification Application](#).

For cases that are not resolved after the initial 90-Day Review, ORR FFS Supervisors will conduct additional reviews every 90 days until the pending sponsor application is resolved in accordance with [Section 2.7 Recommendations and Decisions on Release](#). ORR may, in its discretion and subject to resource availability, conduct additional reviews on a more frequent basis than every 90 days.

Revised 08/01/2024

2.8 Release from Office of Refugee Resettlement (ORR) Custody

Release from the ORR custody is a three-step process:

- After care planning, which occurs during the entire safe and timely release process.
- Transfer of physical custody of the child, which occurs as soon as possible once an unaccompanied child is approved for release.
- Closing the case file, which occurs within 24 hours of the unaccompanied child's **discharge**.


Revised 08/01/2024

2.8.1 After Care Planning

Throughout the release process, care providers work with the child and **sponsor** so that they can plan for the child's after care needs. This involves working with the sponsor and the child to:

- Prepare them for post-ORR custody
- Assess the sponsor's ability to access community resources
- Provide guidance regarding safety planning, sponsor care plans, and accessing services for the child

Once the sponsor assessment is complete and a sponsor has been approved, the sponsor enters into an agreement with the Federal government in which he or she agrees to comply with the following provisions (see **Sponsor Care Agreement**):

- Provide for the physical and mental well-being of the child, including but not limited to, food, shelter, clothing, education, medical care and other services as needed.
- Enroll the child in school and ensure their attendance, following the requirements of the state in which you live, and otherwise support their academic success. For example, the child may benefit from supplemental classes or services, such as English as a Second Language (ESL), tutoring, or summer school.
- For those who are not the child's parent or legal guardian, make best efforts to establish legal guardianship with the local court within a reasonable time.
- Attend a legal orientation program provided under the Department of Justice/Executive Office for Immigration Review's (EOIR) Legal Orientation Program for Custodians (Sponsors), if available where they reside.¹¹
- Depending on where the child's immigration case is pending, notify the local Immigration Court or the Board of Immigration Appeals within five (5) days of any change of address or phone number of the child by using DOJ's Change of Address form (Form EOIR-33). In addition, if necessary, file a Change of Venue¹² motion on the child's behalf.
- Notify the Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services within 10 days of any change of address by filing DHS's Change of Address Card (AR-11) or electronically at uscis.gov/ar-11 . Sponsors in need of assistance may call or text the ORR National Call Center at 1-800-203-7001 or email information@ORRNCC.com.
- Notify ORR immediately if the child permanently leaves the sponsor's custody and provide updated contact information for the child by calling or texting the ORR National Call Center at 1-800-203-7001, or emailing information@ORRNCC.com
- Notify ORR within 30 days of any change of address and provide updated contact information by calling or texting the ORR National Call Center at 1-800-203-7001, or emailing information@ORRNCC.com. The sponsor must continue to notify ORR of any change of address for a period of three (3) years after the child is released into their custody or while the sponsor is receiving post-release services, whichever come later. However, if the child if the

child turns 18, their immigration case is resolved, or they permanently leave the sponsor's custody before three (3) years, the sponsor does not need to continue notifying ORR of address changes.

- Ensure the child's presence at all future proceedings before the DHS/Immigration and Customs Enforcement (ICE) and the DOJ/EOIR.
- Ensure the child reports to ICE for removal from the United States if an immigration judge issues a removal order or voluntary departure order. The child is assigned to a Deportation Officer for removal proceedings.
- Notify the U.S. Department of Labor, Wage and Hour Division if the sponsor or the child are being forced to work against their will, to repay a debt, or in unsafe conditions by calling 1-866-4-USWAGE (1-866-487-9243) or visiting <https://webapps.dol.gov/contactwhd> .
- Notify local law enforcement or state or local Child Protective Services if the child has been or is at risk of being subjected to abuse, abandonment, neglect or maltreatment or if the sponsor learns that the child has been threatened, has been sexually or physically abused or assaulted, or has disappeared. Notice should be given as soon as it is practicable or no later than 24 hours after the event or after becoming aware of the risk or threat.
- Notify the National Center for Missing and Exploited Children at 1-800-843-5678 and the ORR National Call Center at 1-800-203-7001 or information@ORRNCC.com if the child disappears, has been kidnapped, or runs away. Notice should be given as soon as it becomes practicable or no later than 24 hours after learning of the child's disappearance.
- Notify ICE at 1-866-347-2423 if the child is contacted in any way by an individual(s) believed to represent a smuggling syndicate, organized crime, or a human trafficking organization. Notice should be provided as soon as possible or no later than 24 hours after becoming aware of the information.
- In case of an **emergency** (serious illness, destruction of home, etc.), temporarily transfer physical custody of the child to another person who will comply with the terms of the **Sponsor Care Agreement**.

In the event that a sponsor who is not the child's parent or legal guardian is no longer able and willing to care for the child and is unable to temporarily transfer physical custody to an alternative caregiver, and the child meets the definition of an unaccompanied child, notify the ORR National Call Center at 1-800-203-7001 or information@ORRNCC.com.

The agreement includes the notice that the release of the child to the sponsor's care does not grant the child any legal immigration status and that the child must present himself or herself for immigration court proceedings.

The care provider also provides the sponsor with a Sponsor Handbook that outlines the responsibilities in caring for the child's needs for education, health, obtaining legal guardianship, finding support to address traumatic stress, keeping children safe from child abuse and neglect and from trafficking and exploitation. The handbook reiterates the importance of continuing with immigration proceedings and includes links to EOIR's website and forms. The handbook discusses laws related to employment, such as the Federal law prohibiting children under the age of 18 from working in hazardous occupations.

After care planning includes the care provider explaining the following to the child and the sponsor:

- The U.S. child abuse and neglect standards and child protective services that are explained on the Administration for Children and Families **Child Welfare Information Gateway** [↗](#)
- Human trafficking indicators and resources
- Basic safety and how to use the 9-1-1 number in emergency situations.

The care provider notifies all stakeholders of the child's **discharge** date and change of address and venue, as applicable. Where applicable, ORR also provides **child advocates** with access to their clients' documents and forms and helps child advocates to

remain informed about their clients' after-care plans and legal proceedings. The care provider coordinates with the legal service provider or attorney of record to help complete the necessary legal forms. Stakeholders notified of the change of address and, if applicable, request for change of venue for the immigration case include the U.S. Immigration and Customs Enforcement (ICE) Office of Chief Counsel and the U.S. Executive Office for Immigration Review (EOIR) Immigration Court Administrator.

Revised 03/25/20 24

2.8.2 Transfer of Physical Custody

When ORR plans to release an **unaccompanied child** from its care to a **sponsor**, ORR assists in making transportation arrangements without undue delay. Once ORR approves an unaccompanied child for release, the care provider collaborates with the sponsor to ensure physical **discharge** happens as quickly as possible (within 3 calendar days after ORR approves the release). The care provider notifies **DHS** prior to the physical release to allow DHS an opportunity to comment on the imminent release as well as time to prepare any DHS paperwork for the ICE Chief Counsel's office.

The care provider ensures that all the child's belongings—including those they had at the time they entered ORR custody and any they acquired during their stay—are given to the child and sponsor at time of release. The care provider also makes sure that the child and sponsor have copies of files or papers needed for the child to obtain medical, educational, legal or other services following release.

Whenever possible, sponsors are expected to come to the care provider or to an offsite location designated by the care provider for the transfer of physical custody of the child. In its discretion, ORR may require the care provider facility to transport an unaccompanied child. In these circumstances, ORR may, in its discretion, either reimburse the care provider facility or directly pay for the child and/or sponsor's transportation, as appropriate, to facilitate timely release.

Escorting Children to a Sponsor

Under extenuating circumstances (e.g., a sponsor cannot travel due to a medical condition), ORR may approve an unaccompanied child to be escorted to a sponsor. Similarly, if a sponsor pick-up would result in delay of a timely release of the child, ORR may approve an escort for an unaccompanied child.

ORR care provider facilities must comply with all relevant State and local licensing requirements and state and Federal regulations regarding transportation of children, such as meeting or exceeding the minimum staff/child ratio required by the care provider facility's licensing agency, maintaining and inspecting all care provider vehicles used for transportation, etc. ORR care provider facilities or contractors must conduct all necessary background checks for individuals transporting unaccompanied children (see **Section 4.3.3 Employee Background Investigations**).

ORR care provider facilities must transport an unaccompanied child in a manner that is appropriate to the child's age and physical and mental needs, including proper use of car seats for young children.

To the greatest extent possible under the circumstances, if a care provider facility is transporting an unaccompanied child, it must assign at least one (1) transport staff of the same gender as the child being transported.

If an unaccompanied child's final destination involves air travel and the sponsor will not be traveling with the child, the care provider must follow the procedures in the table below concerning care provider escorts and airline escorts.

Unaccompanied children who are under the age of 14 years old traveling via air may only be escorted by care provider staff, unless an ORR/FFS Supervisor has approved the use of an airline escort in advance.

Sponsors are not required to use a travel agent proposed or used by a care provider if they are able to find lower airfare using another agent or airline, provided escort conditions are met.

When arranging for children to travel with airline escorts, care providers should also refer to the U.S. Department of Transportation recommendations for unaccompanied minors traveling by air (“[When Kids Fly Alone](#)”).

The following table summarizes procedures for each method of transfer.

METHOD OF TRANSFER	PRE-TRANSFER STEPS	AT POINT OF TRANSFER
Sponsor pick-up at care provider facility	<ul style="list-style-type: none"> Case manager collaborates with the sponsor on selecting a date and time for the sponsor to pick-up the child Case manager notifies the sponsor that they are required to bring the same valid government issued photo identification previously submitted by the sponsor in the FRP (see Section 2.2.4 Required Documents for Submission with the Application for Release) 	<ul style="list-style-type: none"> Care provider checks the sponsor’s identification upon arrival by comparing it to the identification previously submitted by the sponsor in the FRP (see Section 2.2.4) If the sponsor’s identification matches the identification previously submitted, care provider gives the sponsor the unaccompanied child’s release documents and personal possessions Care provider advises the sponsor, if traveling by airplane, to check in the child at the ticket counter with a copy of the child’s DHS form I-862, Notice to Appear Care provider may not release the child unless the sponsor presents the same valid government issued photo identification they submitted in the FRP.
Care provider escort to offsite transfer location	<ul style="list-style-type: none"> Case manager collaborates with the sponsor in selecting a time and location for transfer, and flights for the child and care provider escort Case manager notifies the sponsor that they are required to bring the same valid government issued photo identification previously submitted by the sponsor in the FRP to the transfer location Case manager arranges or assists in arranging the child and care provider escort’s transportation, including airline tickets where applicable Case manager prepares a copy of the sponsor’s identification that was submitted in the FRP, for the care provider escort to take to the transfer location 	<ul style="list-style-type: none"> If traveling by air, at the departure airport, care provider escort checks in the child at the ticket counter with a copy of the child’s DHS form I-862, Notice to Appear At the transfer location, care provider escort compares the sponsor’s identification with the copy previously submitted by the sponsor in the FRP. If the identification documents correspond, care provider escort releases the child to the sponsor and provides the sponsor with the release documents and the child’s personal effects and papers Care provider escort may not release the child unless the sponsor presents the same valid government issued photo identification they submitted in the FRP. If the sponsor does not produce valid identification, if the care provider escort has concerns regarding the sponsor’s identity, or if the care provider escort has concerns regarding the safety of the situation upon meeting the sponsor, the care provider escort will return with the child to the care provider facility

METHOD OF TRANSFER	PRE-TRANSFER STEPS	AT POINT OF TRANSFER
Travel via airline's unaccompanied minor escort policy (only for children 14 years of age and older)	<ul style="list-style-type: none"> • Case manager contacts the airline to obtain information on airline escort requirements, in order to ensure that they are adequate to protect the safety of the child, and to ensure that both the sponsor and the care provider can meet the requirements • Case manager arranges or assists in arranging the child and care provider escort's transportation, including airline tickets where applicable • Case manager ensures that the government issued photo identification submitted by the sponsor in the FRP will be acceptable to the airline to complete custody transfer • The care provider instructs the sponsor to meet the unaccompanied child and escort at the airport with the identification they submitted in the FRP, and to follow the requirements of the airline's unaccompanied minors escort policy 	<ul style="list-style-type: none"> • At the departure airport, care provider checks in the unaccompanied child at the ticket counter with a copy of the DHS form I-862, Notice to Appear, and a copy of the approved identification of the sponsor picking up the child • At the departure airport, care provider gives the child their personal possessions and documents and a copy of the sponsor's approved identification, and mails an additional copy of the release documents to the sponsor • At the destination airport, the sponsor arrives two (2) hours before the child's arrival time, and contacts the care provider immediately to check in. • The airline follows its standard procedures for escorting a child traveling alone to the designated parent or guardian • The care provider contacts the sponsor shortly after the child's scheduled arrival time to confirm the child's transfer from the airline representative to the sponsor • If the sponsor fails to arrive at the airport or fails to contact the care provider upon arrival at the airport, the care provider will notify the ORR/FFS and the Project Officer, and the child will either be returned to the care provider or taken to another nearby care provider facility.

Revised 08/01/2024

2.8.3 Closing the Case File

The care provider completes a Discharge Notification form within 24 hours of the physical **discharge** of a child, and then emails the form to **DHS** and other stakeholders. Once a child is released to a sponsor, ORR's custodial relationship with the child terminates.

Although the custodial relationship ends, the care provider keeps the case file open for 30 days after the release date in order to conduct the Safety and Well-Being Follow Up Call (see **Section 2.8.4 Safety and Well-Being Follow Up Call**) and document the results of the call in the case file. The care provider closes the case file record after completing the Safety and Well-Being Follow Up Call.

Revised 03/14/2016

2.8.4 Safety and Well-Being Follow Up Call

Care providers must conduct a Safety and Well-Being Follow Up Call with an **unaccompanied child** and their **sponsor** 30 days after the release date. The purpose of the follow up call is to determine whether the child is still residing with the sponsor, is enrolled in or attending school, is aware of upcoming court dates, and is safe. The care provider must document the outcome of the follow up call in the child's case file, including if the care provider is unable to contact the sponsor or child after reasonable efforts have been exhausted. If the follow up call indicates that the sponsor and/or child would benefit from additional support or services, the care provider must refer the sponsor or child to the ORR National Call Center and provide the sponsor or child the Call Center contact information. If the care provider believes that the child is unsafe, the care provider must comply with mandatory reporting laws, State licensing requirements, and Federal laws and regulations for reporting to local child protective agencies and/or law enforcement.

Revised 03/14/2016

2.8.5 Requesting Specific Consent from ORR Regarding Custody Proceedings

An **unaccompanied child** in ORR custody is required to request specific consent from ORR if the child seeks to invoke the jurisdiction of a juvenile court to determine or alter the child's custody status or release from ORR custody. If an unaccompanied child seeks to invoke the jurisdiction of a juvenile court for a dependency order to petition for Special Immigrant Juvenile (SIJ) classification or to otherwise permit a juvenile court to establish jurisdiction regarding a child's placement and does not seek the juvenile court's jurisdiction to determine or alter the child's custody status or release, the unaccompanied child does not need to request specific consent from ORR.

Prior to a juvenile court determining or altering the unaccompanied child's custody status or release from ORR, attorneys or others acting on behalf of an unaccompanied child must complete a request for specific consent. ORR acknowledges receipt of the request within two (2) business days.

Consistent with its duty to promptly place unaccompanied children in the least restrictive setting that is in the **best interests** of the child, ORR considers whether ORR custody is required to:

- Ensure a child's safety; or
- Ensure the safety of the community.

ORR makes determinations on specific consent requests within 60 business days of receipt of a request. When possible, ORR expedites urgent requests.

ORR informs the unaccompanied child, the unaccompanied child's attorney, or other authorized representative of the decision on the specific consent request in writing, along with the evidence used to make the decision.

The unaccompanied child, the unaccompanied child's attorney of record, or other authorized representative may request reconsideration of ORR's denial with the Assistant Secretary for Children and Families within 30 business days of receipt of the ORR notification of denial of the request. The unaccompanied child, the unaccompanied child's attorney, or authorized representative may submit additional (including new) evidence to be considered with the reconsideration request. The Assistant Secretary, or their designee, considers the request for reconsideration and any additional evidence and sends a final administrative decision to the unaccompanied child, or the unaccompanied child's attorney, or other authorized representative within 15 business days of receipt of the request.

2.8.6 Release for Children with Legal Immigration Status

Some **unaccompanied children** may obtain legal immigration status while in ORR care. ORR may also discover during the process of placing and providing services to a child that they already have legal immigration status or are a U.S. citizen. By law, ORR is not authorized to have custody of children with legal immigration status or U.S. citizenship. Therefore, these children cannot remain in ORR's care, and ORR must promptly release them from ORR-funded care provider facilities.

As soon as ORR determines that an unaccompanied child may be eligible for legal status, ORR begins development of a Post Legal Status Plan. The **case manager** develops the plan, and ORR approves it, tailoring it to the needs and pending immigration status of the child.

As is the case for all unaccompanied children, ORR continually makes efforts to reunify children who have promising immigration cases with family members. However, if no parent, legal guardian, relative, or other suitable adult is available, ORR and the care provider, as part of the development of the Post Legal Status Plan, identify alternative placements for the child, including specialized programs, state or county entities or licensed nonprofit organizations that will take custody of the child. In limited circumstances, children with certain types of immigration status may be eligible for release into ORR's **Unaccompanied Refugee Minors (URM) Program**. Placement in the URM Program is limited by type of immigration status and the availability of appropriate placement options. ORR will not release children on their own recognizance under any circumstances.

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2.8.7 Release of Saravia Class Members

Generally, ORR must release a child to the previous **sponsor** within three (3) calendar days of a successful Saravia hearing unless one (1) of the following exceptions applies:

- The sponsor is physically unavailable (e.g., has been removed from the United States, imprisoned, cannot be located, or is unwilling to take the child back);
- There has been abuse or neglect (e.g., ORR has evidence that the prior sponsor, or individuals in the sponsor's household, have abused or neglected the child or other children in the sponsor's home); or
- The child was previously released to a Category 2B or Category 3 sponsor but the child was not living with that sponsor immediately prior to arrest. (For children who are arrested by ICE after serving time in a local jail, ORR releases to the previous Category 2B or Category 3 sponsor within three (3) calendar days if the child was living with that sponsor immediately prior to their arrest by local authorities.)

Where release is not possible for one (1) of the reasons above, ORR follows the standard safe and timely release process (see **Section 2: Safe and Timely Release from ORR Care**). However, this process must not take into account any prior allegations of gang affiliation that existed at the time of a Saravia class membership determination.

If a Saravia class member returns to ORR custody after not having prevailed at their Saravia hearing, ORR follows its normal policies and procedures for release of the child.

2.9 Risk Determination Hearings for Unaccompanied Alien Children

Unaccompanied children have the opportunity to seek a Risk Determination hearing before an independent and neutral Hearing Officer at the Departmental Appeals Board (DAB) of the Department of Health and Human Services (HHS). In a Risk Determination hearing, the independent and neutral Hearing Officer decides whether the child would present a risk of danger to self or to the community if released from ORR care and custody.

Children placed in restrictive placements are automatically afforded a Risk Determination hearing unless the child declines in writing. Restrictive placements include secure, heightened supervision, and residential treatment center (RTC) facilities, whether within ORR's network of providers or at Out of Network (OON) providers. A Risk Determination hearing does not determine the child's placement while in ORR care and custody.

The majority of children in ORR custody are placed in non-restrictive settings, such as shelters and group homes. For these children, a Risk Determination hearing is not necessary but may be requested.

Neither ORR nor the Departmental Appeals Board require payment of any money for a Risk Determination hearing.

Automatic Risk Determination Hearings

At the time a child is placed in a restrictive placement, ORR automatically begins the Risk Determination hearing process, unless the child declines the hearing in writing. Similarly, if a child receives a Notification of Release Denial letter based on a determination that the child presents a risk of danger to self or to the community if released from ORR care, ORR will automatically begin the Risk Determination hearing process, unless the child declines the hearing. A child may decline a Risk Determination hearing by submitting the *Risk Determination Hearing Opt-Out* form to their case manager. A child who declines a Risk Determination hearing may request a hearing at a later time, including after consultation with counsel.

Requesting a Risk Determination Hearing

Any child in ORR care, including children not currently placed in restrictive settings, may request a Risk Determination hearing, or their attorney of record, their parent, or their legal guardian may make a request on their behalf. To request a Risk Determination Hearing, any of the above parties will submit the Request for Risk Determination Hearing form to the child's case manager. A child may be represented at this hearing by a person of their choosing, by submitting an *Appointment of Representative for Risk Determination Hearing* form to the case manager.

Risk Determination Hearing Proceedings

Risk Determination hearings are held via video conferencing software in front of a Hearing Officer from the Departmental Appeals Board at HHS. ORR will ensure that a child in ORR custody has access to the necessary technology to participate in the hearing.

ORR bears the burden of proof to establish by clear and convincing evidence that an unaccompanied child would present a risk of danger to self or to the community if released from ORR care and custody.

If the Hearing Officer finds an unaccompanied child does not present a risk of danger to self or to the community if released, and ORR does not appeal, then ORR follows its sponsor assessment and release procedures as described in [Section 2: Safe and Timely Release from Care](#). However, release from ORR custody cannot occur until ORR has identified, evaluated, and approved an appropriate sponsor in accordance with [Section 2](#) of this policy guide. Therefore, a Hearing Officer does not rule on any of the following:

- A determination that a sponsor is suitable;
- The unaccompanied child's placement or conditions of placement while in ORR custody; or,
- releasing the child on his or her own recognizance.

Because ORR cannot release a child until it identifies a suitable sponsor, a Hearing Officer's finding that the unaccompanied child does not present a risk of danger to self or to the community if released does not automatically result in release of the child.

Age-Outs, Discharges, and Releases

If an unaccompanied child turns 18 years old, is released to a sponsor, or is otherwise discharged from ORR care and custody during the pendency of a *Risk Determination* hearing, ORR will provide the child's Discharge Notification form to the DAB, and the DAB will cancel the hearing and close the case.

Appeals

Either party may appeal the Hearing Officer's decision to the Assistant Secretary of ACF or their designee by filing a Request for *Appeal of a Risk Determination* Hearing form. The Assistant Secretary will reverse a Hearing Officer's decision only if there is a clear error of fact, or if the decision includes an error of law.

If an unaccompanied child turns 18 years old, is released to a sponsor, or is otherwise discharged from ORR care and custody during the pendency of a Risk Determination Hearing Appeal, ORR will provide the child's Discharge Notification form to the Assistant Secretary of ACF, and the Assistant Secretary will close the case.

Further Requests for Risk Determination Hearing

If a Hearing Officer (or Assistant Secretary or their designee, when appealed) determines that an unaccompanied child presents a risk of danger to self or to community if released from ORR care and custody, such decision is final unless the child can demonstrate a material change in circumstance to support a request for a new Risk Determination hearing.

Additional Information for Risk Determination Hearings

Additional Risk Determination hearing information will be available to parties involved in a Risk Determination hearing through the DAB Electronic Filing System (DAB E-File).

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2.10 Separation Cases Under Ms. L. Settlement

The *Ms. L.* settlement¹³ limits the permissible reasons that DHS may separate a child from their parent or legal guardian who were apprehended together and transfer the child to ORR custody. The limited permissible circumstances for separation are the following:

1. U.S. Customs and Border Protection (CBP) determines that the child or accompanying parent or legal guardian presents a public safety or national security risk to the U.S. at the time of the separation.
2. The parent or legal guardian is taken into custody by another law enforcement entity to serve as a material witness and it is impossible or unsafe for a child to remain with the parent or legal guardian. Though in cooperation with other agencies and where practicable, DHS must make every effort to avoid detention, if such detention would result in separating the child and parent or legal guardian.
3. The parent or legal guardian poses a threat to the safety of the child. DHS must document the risk at the time of the separation.
4. The parent or legal guardian is the subject of an active federal, state, or local warrant and the relevant authority is taking active steps to extradite the parent or legal guardian.

5. The parent or legal guardian is referred for prosecution for a felony (other than solely for a felony as described under 8 U.S.C. 1325(a), including improper entry, an immigration-related crime).
6. The parent or legal guardian or child requires hospitalization or outside medical care.
7. When otherwise required by law.

These policies also apply when DHS has separated a child from an adult on the basis that the adult is not the parent or legal guardian of the child.

For children who have been separated from their parent or legal guardian by DHS for any of the limited permissible reasons under the *Ms. L. Settlement* listed above, ORR staff and care providers must monitor the cases and ensure the appropriate reunification process is followed.

Posted 01/15/2025

2.10.1 Identification of Separation Case and Facilitating Communication between Child and Parent or Legal Guardian

When ORR learns of a *Ms. L.* separation case, the case must be documented in the child's case file following incident reporting requirements in **Section 5.8 Reporting Child-Level and Program-Level Events**.

Upon placement, the care provider must work diligently to locate the separated parent or legal guardian as set forth in **Section 2.10.4**. See also **Section 3.2.1 Admission for Unaccompanied Children** and **Section 3.3.10 Calls, Visitation, Mail and Email**). Their efforts must be documented in case management notes in the child's case file.

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2.10.2 Communication with Legal Service Provider, Attorney of Record, and/or Child Advocate

Within three (3) business days of learning of a separation case, the care provider must notify the child's attorney of record, or Legal Service Provider (LSP) if not represented, and the Child Advocate, if appointed, that a child transferred to ORR custody was separated from a parent or legal guardian.

As part of the notification, the care provider must include the following in the notice:

- The location of the separated parent or legal guardian including updates, as ORR is informed;
- The reason for the separation, including facts which, as available from DHS, explain the separation unless national security/public safety prohibits their disclosure;
- Any available contact information for the separated parent or legal guardian, including current detention facility or hospital where the parent or child is receiving medical care, as applicable; and
- Information about a trusted third party, if the parent or legal guardian chose to designate such a trusted third party, to receive information about their location and the child's location.

If ORR or its care provider learns of additional or updated information on the separation, the child's attorney of record, or Legal Service Provider (LSP) if not represented, and the Child Advocate, if appointed, must be notified within three (3) business days

of receipt of the updated information.

Within three (3) business days of learning of a separation case, the care provider must make a referral for Child Advocate (see [Section 2.3.4 Child Advocates](#)) and provide the above information in the referral.

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2.10.3 Communication with DHS and Other Law Enforcement

ORR must communicate the following limited information with Immigration and Customs Enforcement (ICE), U.S. Marshals Service (USMS), or state or local agency, depending on the custody status of the separated parent or legal guardian, within 24 hours of placement:

- The contact information of the care provider and assigned case manager;
- The contact information of the child's attorney of record, or LSP if not represented, and the Child Advocate, if appointed; and
- The location where the child is in care. If a child is transferred to another ORR care provider, DHS or other law enforcement agency must be notified within 24 hours of their location and the above information.

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2.10.4 Ms. L. Reunification Process

ORR and the care provider must ensure reunification is treated with urgency. The care provider must diligently work to reunify the separated parent or legal guardian and the child **upon admitting the child into care** so that the reunification can occur promptly once the underlying reason for separation is resolved. The Ms. L streamlined reunification process must apply in any of the situations described in Section 2.10 when the separated parent or legal guardian is seeking to reunify with the child.

Family Reunification Application and Proof of Address

ORR only requires information pertaining to the separated parent or legal guardian within the Family Reunification Application (FRA). In addition, separated parent or legal guardian do not need to provide a proof of address.

Background Checks

Separated parents and legal guardians must undergo the public records background check and sex offender registry check required under [Section 2.5 Sponsorship Assessment Background Checks Investigation](#). In the event that such checks reveal the parent or legal guardian may be unfit or a danger to the child, parents or legal guardians undergo further background checks under [Section 2.5](#), and may require a home study, pursuant to [Section 2.4.2 Home Study Requirement](#).

Assessments

Care providers must prioritize and complete the Initial Intake Assessment, Assessment for Risk, UC Assessment, and Initial Medical Exam to the extent practicable for appropriate provision of care of the child while in ORR custody, if these can be

completed without delaying the reunification. (See [Section 3.2 Care Provider Admissions and Orientation for Unaccompanied Children](#) and [Section 3.3 Care Provider Services](#)). In no event should completing assessments be required if they would delay the reunification, except to the extent they are seeking information relevant to whether the parent or legal guardian is unfit or a danger to the child.

Recommendation of Release

No third-party Case Coordinator review of the case is required for these cases (see [Section 2.7 Recommendations and Decisions on Release](#)).

Post-Release Services

Care providers must refer *Ms. L.* separated cases for post-release services once released from ORR custody under [UC Policy Guide Section 6.2.1 Referrals and Eligibility](#). However, ORR cannot provide post-release services for repatriated children.

Denial of Reunification Due to Child Safety Concern

Denial of reunification in separation cases must be based on a determination that the separated parent or legal guardian poses a substantial safety risk to their child. If a care provider recommends denying reunification of a child with their parent or legal guardian in a separation case, the FFS must ensure that the reasons for denial are well-documented. The care provider must follow the policies and procedures outlined in [UC Policy Guide Section 2.7.7 Notification of Denial](#) to notify the parent or legal guardian of the decision to deny reunification. The FFS must also ensure that the parent or legal guardian, or their representative is sent the Notification of Denial letter and are provided with instructions on the process outlined in [UC Policy Guide 2.7.8 Appeal of Release Denial](#) for appealing the denial of reunification.

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2.10.5 Joint Removal of Parent or Legal Guardian and Child

A separated parent or legal guardian may request to be removed from the United States with their child, and if that is requested, Immigration and Customs Enforcement (ICE) may facilitate removal. ORR will be notified by DHS, and joint removal may be appropriate when there is not a risk to the child and the child requests the removal through their attorney of record or assigned LSP.

Joint Removal of Parent and Child in ORR Care

The ORR must notify the attorney of record, or LSP if not represented, and the Child Advocate, if appointed, within one (1) business day of receiving the request from DHS that the separated parent or legal guardian is requesting a joint removal. The child and their attorney of record, or LSP if not represented, will make the joint removal decision and inform ORR.

- If the child requests removal with their parent or legal guardian, ORR will support child and their attorney, or LSP if not represented, as they coordinate with ICE in the joint removal.
- If the child objects to removal with their parent, ORR must proceed through the standard ORR policies under [Section 2.2 Sponsor Application Process](#) regarding sponsorship.

Joint Removal of Child No Longer in ORR Care

Where the child has been released from ORR custody, ORR must notify the attorney of record, or LSP if not represented, and the Child Advocate, if appointed, within one (1) business day of receiving the notice from ICE that the separated parent or legal guardian is requesting a joint removal.

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Footnotes

1. As per the release order preference outlined in Flores v. Reno Stipulated Settlement Agreement, No. 85-4544-RJK (Px) (C.D. Cal., Jan 17, 1997).
2. These categories were created for program use, to help identify potential **sponsors**. They are not intended to replace the legal order of preference established in Flores.
3. The care provider may offer assistance to potential sponsors in securing necessary documentation, but it is ultimately the potential sponsor's responsibility to find and submit them.
4. Potential sponsors, adult household members, and adult caregivers identified in a sponsor care plan may submit an original version or legible copy of an *ORR Verification of Release* form, but only to verify the identity of adults under the age of 21, and only if the form contains a photograph. ORR will not accept a Verification of Release as proof of identity if it does not contain a photograph and/or is for anyone 21 and older.
5. Verification of the potential sponsor's relationship to the child is a minimum step required by the **Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)** [\(PDF\)](#) (PDF to determine a potential sponsor's suitability and capability of providing for the child's physical and mental well-being. See 8 U.S.C. § 1232. As a result, as stated above, ORR may in its discretion require the submission of multiple forms of evidence.
6. The **ORR Director** delegates final authority for approving discretionary home studies to ORR/FFS Supervisors who act as agents of HHS/ORR. (See **Section 4.2 Home Study Requirement**).
7. An *Authorization for Release of Information* is not required for sponsors, adult household members, or adult care givers identified in a sponsor care plan undergoing a sex offender registry check. An *Authorization for Request of Information* also is not required for sponsors, adult household members and adult caregivers identified in a sponsor care plan undergoing a public records check. However, sponsors will receive notice that public records and sex offender registry checks will be performed and will have an opportunity to explain the results of these checks to ORR. ORR will also provide a method for disputing the results of checks. (See **Section 2.5.3 Commonly Asked Questions on the ORR Background Check Process**, Q4)
8. As part of the FBI background check process, DHS databases are searched. The FBI also forwards biographic information to ICE's Law Enforcement Support Center (LESC). Neither HHS/PSC or ORR verify any records produced by DHS for background check purposes.
9. ORR will also reject any sponsor care plans that identify an adult care giver who has any of the disqualifying criteria.
10. See U.S. Dept. of Health and Human Services, Children's Bureau. Grounds for involuntary termination of parental rights, at 2. Washington, DC: Child Welfare Information Gateway, Jan. 2013.

11. Sponsors are provided a Legal Orientation Program for Custodians Overview flyer as part of the Family Reunification Package that contains further information.

12. “Change of venue” is a legal term for moving an immigration hearing to a new immigration court location. The Change of Venue motion must contain information specified by the Immigration Court. A Change of Venue motion may require the assistance of an attorney. For guidance on the “motion to change venue,” see the Immigration Court Practice Manual at [justice.gov/eoir/reference-materials/ic](https://www.justice.gov/eoir/reference-materials/ic) . For immigration case information please contact EOIR’s immigration case information system at 1-800-898-7180. Visit EOIR’s website for additional information at: www.justice.gov/eoir

Ms. L., et al., v. U.S. Immigration and Customs Enforcement (ICE), et al., No. 18-cv000428 (S.D. Cal. filed Dec. 1, 2023) (Settlement Agreement), available at: <https://www.justice.gov/media/1319516/dl?inline> .

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