

# OFFICE OF REFUGEE RESETTLEMENT

An Office of the Administration for Children & Families

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## Requests for UAC Case File Information

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#### 8.101 INFORMATION SHARING: REQUESTS FOR UAC CASE FILE INFORMATION

EFFECTIVE DATE: REV. 09/23/2013 (ORIGINAL 04/03/2009)

Outside entities, attorneys, or other individuals (hereinafter referred to as “requesting parties”) seeking UAC case file information must make a request to ORR under the following policies and procedures. Requesting parties should not make a FOIA request for UAC case file information.

### POLICY

- 1) Requesting parties seeking copies of UAC case files, specific information contained in a UAC case file, or other confidential information pertaining to a UAC or sponsor must make their request in writing to the ORR/DCS Division Director at **Requests.DUCS@acf.hhs.gov**. Requesting parties also must file an **Authorization for Release of Records (ORR UAC/C-5)** ([https://www.acf.hhs.gov/sites/default/files/orr/authorization\\_for\\_release\\_of\\_records.docx](https://www.acf.hhs.gov/sites/default/files/orr/authorization_for_release_of_records.docx)) according to the instructions on the form and include all supporting documentation as necessary.<sup>1</sup>
- 2) ORR, in its discretion, may reject requests for case file information if the request is incomplete, does not follow ORR policies and procedures, for safety reasons, or for other reasons, as necessary.

### PROCEDURES

- 1) All requests for information regarding a UAC must be made in writing and emailed to **Requests.DUCS@acf.hhs.gov** with the UAC’s full name and Alien Number in the subject line. Requesting parties should NOT submit duplicate requests in the mail, by fax, or via a Freedom of Information Act (FOIA) request.
- 2) In addition to a written request, the requesting party also must complete and attach to the email request an **Authorization for Release of Records (https://www.acf.hhs.gov/sites/default/files/orr/authorization\_for\_release\_of\_records.docx)** (ORR UAC/C-5) (“ARR”). The ARR can be found on the **ORR website (https://www.acf.hhs.gov/sites/default/files/orr/authorization\_for\_release\_of\_records.docx)**.
  - a) **UAC in ORR custody:** The ARR must be signed by the UAC if the UAC is 14 years of age or older. ORR may consent, in its discretion, to release information about UAC who are younger than 14 years old or who do not have the capacity to consent.
  - b) **UAC previously in ORR custody:** The ARR must be signed by UAC 14 years of age or older or by the UAC’s caregiver, if the UAC is under 14 years of age. If the ARR is signed by the UAC’s caregiver, then the caregiver’s name, relationship to the minor, address, and phone number must be printed below the signature. Please note that a sponsor who is not the UAC’s parent or legal guardian cannot provide permission to release medical records pertaining to HIV/STD information.
  - c) **Witness Signatures:** All ARR’s also must be signed by a witness, and the witness’ name and relationship, if any, to the UAC must be printed below the signature.
- 3) In addition to the ARR, the requesting party may be required to submit supporting documentation, depending on what type of individual or entity is making the request:
  - a) If the requesting party is an attorney or a BIA accredited representative representing the UAC in immigration court, he/she must submit a complete **G-28, EOIR-27, or EOIR-28**, signed by the UAC. These forms confirm that, the UAC is competent, and that the attorney represents the UAC before the immigration courts, the BIA, or DHS.<sup>2</sup>

- b) If the requesting party is an attorney representing a UAC, the attorney must provide a **written statement or a court document** (e.g., a Notice of Appearance) confirming that he/she represents the UAC. The statement must be written on the attorney's firm/organization's official letterhead confirming that he/she represents the UAC. The statement must also be signed by the UAC.
- c) If the UAC is in ORR custody and is represented by a legal service provider, pro bono attorney, volunteer attorney, or staff person that receives Federal funding pursuant to a contract or sub- contract with ORR or if the UAC was formerly in the custody of ORR and a legal service provider, pro bono attorney, volunteer attorney, or staff person is currently receiving post-release legal service funding through a contract or sub-contract with ORR, **no additional documentation is required**. ORR, however, will make efforts to confirm the identity of the requesting party, and use its discretion in determining whether to release the information requested.
- d) If the requesting party is a non-ACF government agency, **no additional supporting documentation is required unless a specific request is made by ORR** for more information. ORR, will make efforts to confirm the identity of the requesting party, and use its discretion in determining whether to release the information requested.

4) To flag a request as urgent, requesting parties must include the word "URGENT" in the subject line of their email. Requests may be expedited under the following circumstances:

- a) The UAC has a court date within 30 days of the request. A **Notice of Hearing or other document** confirming the court date must be attached to the request, or
- b) The UAC is turning 18 years old in less than 30 days.

Requests marked "URGENT" for any other reason are subject to the discretion of the ORR/DCS Division Director after consideration of exigent circumstances.

## APPENDIX

### • Authorization for Release of Records (ORR UAC/C-5)

([https://www.acf.hhs.gov/sites/default/files/orr/authorization\\_for\\_release\\_of\\_records.docx](https://www.acf.hhs.gov/sites/default/files/orr/authorization_for_release_of_records.docx))

## Footnotes:

<sup>1</sup>Please note that information and documentation submitted by sponsors in the Family Reunification Packet (FRP), assessments and/or Home Studies or Post-Release Studies will not be released to a requesting party without the written consent of the sponsor. Please also note that information and documentation submitted by a foster parent connected with an ORR grantee, contractor, or care provider will not be released to a requesting party without the written consent of the foster parent.

<sup>2</sup>The G-28, EOIR-27, or EOIR-28 must have been filed with DHS or the immigration court as appropriate.

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Last Reviewed: December 8, 2017