



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
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Washington, D.C. 20447

Office of Refugee Resettlement Division of Unaccompanied Children's Services (DUCS)

GENERAL BACKGROUND

On March 1, 2003, the Homeland Security Act of 2002, Section 462, transferred functions under U.S. immigration laws regarding the care and placement of unaccompanied alien children (UAC) from the Commissioner of the Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement (ORR). A new office was created in ORR called the Division of Unaccompanied Children's Services (DUCS). Currently, 23 staff members oversee the nationwide program, with 19 based at the Central office and 4 based in field positions.

DUCS GUIDING PRINCIPLES

- All UAC should be treated with dignity, respect, and special concern for their particular vulnerability.
- UAC must be placed in the least restrictive setting appropriate to their age and special needs.
- All UAC shall be provided care and services free from discrimination based on race, religion, national origin, sex, handicap, or political beliefs.
- DUCS personnel shall take into account the unique nature of each child's situation in making placement, case management, and release decisions.

DUCS POLICIES AND PROCEDURES ARE BASED UPON:

- The *Flores v. Reno Settlement Agreement* set forth nationwide policy and standards for handling UAC. DUCS's own regulations have been drafted and are in the process of review at the agency level. The Regulations will be published in the Federal register for comments in the near future.
- State licensing standards
- Section 462 of the Homeland Security Act of 2002

DUCS RESPONSIBILITIES

- Making and implementing placement decisions.
- Identifying sufficient qualified facilities to house UAC.
- Ensuring that the interests of the child are considered in decisions related to the care and custody of UAC.
- Reuniting UAC with guardians and/or sponsors, when appropriate.
- Overseeing the infrastructure and personnel of UAC facilities.
- Conducting investigations and inspections of facilities housing UAC.
- Collecting and comparing statistical information on UAC.
- Compiling and updating a state-by-state list of entities qualified to provide legal representation for UAC.

GENERAL STATISTICS

- UAC come into DUCS's care by referral from DHS agents following encounters along the border, at ports of entry and airports, as well as from local or state law enforcement agency referrals to DHS.
- Approximately 1050 children are currently under DUCS' care
- During FY 2005
 - Average time that a child remained under ORR/DUCS' care was 45 days
 - 7787 UAC were placed by DUCS, with 74% male and 26% female, as well as 26% below the age of 14
- Most UAC come from Honduras, Guatemala, and El Salvador. Others come from Mexico, Brazil, Ecuador, and China.

PLACEMENT OPTIONS AND QUALITY OF CARE

DUCS has developed a full continuum of care for UAC, such as shelter care, staff secure, foster care, and more innovative secure settings, as well as residential treatment care.

- Majority of children are cared for through a network of shelter care facilities, most of which are located close to high apprehension areas (Phoenix, Texas, Miami, California). Facilities are state licensed and must meet ORR requirements.
- From FY 2003 to FY 2005, DUCS discontinued placing UAC in county lock-down juvenile detention centers and reduced the number of secure placement facilities from 23 to 3. Most UAC are placed in shelters and group homes; others needing more behavior management are placed in staff-secure facilities.
- If a child requires a higher level of care due to a documented criminal history, secure placement options are available.
- For children with special needs (young age, pregnant/parent, mental health concerns), or who have no viable sponsor to reunite with while going through immigration proceedings, long-term foster care is available through the refugee foster care program network. For FY 2006, the number of long term foster care placements available was increased to 100. Some shelter care facilities also operate short-term foster care options. Also, DUCS has designated facilities to provide both short-term and long-term placements for children with acute medical and mental health needs.
- The facilities, which operate under cooperative agreements and contracts, provide children with education, health care, socialization/recreation, mental health services, family reunification, access to legal services, and case management. Case Management at these facilities use screening tools to assess children for mental health and victim of trafficking issues.

DUCS CENTRAL OFFICE STAFF

- The Central Office is located in Washington, DC, which houses the Director, the Deputy Director, the Case Management team, the Project Officer team, and an Operations team. There is also a staff member in charge of special projects.

FIELD PRESENCE

- In FY 2005, DUCS added 4 federal employees to the field (Phoenix, Harlingen, Houston, and Miami) to carry out inherently federal functions and to coordinate efforts between DHS, DOJ/EOIR, ORR and other agencies and stakeholders.
- For FY 2006, DUCS plans to increase the federal field presence to a total of 10 staff.
- Since FY 2004, DUCS in conjunction with Voluntary Agencies (Volags) placed 16 Field Coordinators in the highest apprehension areas across the U.S. (Seattle, California, Arizona, Texas, Florida, and Chicago). These Field Coordinators review family reunification requests, and make preliminary recommendations to DUCS as to whether the child's potential sponsor is a viable, appropriate release option. They also meet with children, identify alternate placement options, and do crisis intervention work.

PROJECTS AND PARTNERSHIPS TO IMPROVE QUALITY OF SERVICES FOR UAC

- Implementation of an electronic national tracking and management system to streamline operations and case management functions and provide statistics.
- Initiating a pro-bono attorney outreach project to pilot pro-bono outreach models in major apprehension areas to provide legal representation to UAC in ORR custody.
- Continuing the child protection advocacy pilot project in Chicago with a secondary pilot site planned for Houston.
- Continue working closely with the ORR Trafficking Team to identify victims of trafficking in the UAC population.
- Continue working closely with representatives from the Department of Homeland Security, Immigration and Customs Enforcement (ICE) and Customs and Border Patrol; the Department of Justice, Executive Office for Immigration review (EOIR); and pro-bono community agencies to coordinate efforts to ensure the legal representation of UAC.
- Holding quarterly telephone conferences with legal advocates nationwide.

FAQs

Frequently Asked Questions About the Division of Unaccompanied Children's Services (DUCS)

1. What is DUCS?

The Division of Unaccompanied Children's Services (DUCS) is a part of the U.S. Office of Refugee Resettlement (ORR), which is a part of the Administration for Children and Families within the U.S. Department of Health and Human Services. DUCS has legal custody of all undocumented and unaccompanied children who are found in the United States and referred to ORR by the Department of Homeland Security. These alien minors are commonly known as DUCS minors. DUCS makes all decisions regarding care arrangements and educational, medical and mental health services for these minors while they are in federal custody.

2. Who are DUCS minors?

DUCS minors are undocumented and unaccompanied children, under age 18, who have been placed in immigration proceedings. Most are recent arrivals who were apprehended at the U. S. borders and airports by Department of Homeland Security agents. Others were living in the United States and found to be undocumented by the U.S. Juvenile Court System. Of the more than 7,000 undocumented, unaccompanied children apprehended each year, most are from Central America, but some also come from other regions of the world. Some have parents or other relatives in the United States, but others have no one.

3. Why do they come to the United States?

DUCS minors have come to the United States for many reasons: reuniting with family, pursuing education or employment, escaping family violence or abuse, fleeing political or religious persecution, and seeking protection from gang violence or recruitment. Some children are brought here by adults seeking to exploit them for commercial sex work, domestic servitude or other forced labor. The reason a particular child comes to the United States could be a combination of several of these reasons or other reasons not listed.

4. Where does DUCS keep these minors?

ORR/DUCS contracts with care providers throughout the United States, mainly in areas of high migration arrivals. There are various types of settings: large residential programs, group homes, juvenile justice programs, residential treatment programs and community-based group or family foster care. Likewise there are different levels of security and supervision ranging from the least restrictive community-based foster care to a juvenile justice lock down facility.

5. What happens to the DUCS minors?

Most of the DUCS minors are released to live with family members while they continue through the immigration court process. Others return voluntarily or are deported back to their country of origin within a few weeks of placement. Some DUCS minors will be able to stay in the United States because they receive a form of legal relief such as political asylum, adjustment of status to legal permanent residence through a citizen or permanent resident family member, special immigrant juvenile status, a T-Visa for trafficking victims or a U-Visa for crime victims. Unfortunately, these children often aren't aware of what immigration relief may be available to them. And they often don't know the legal status of their parents or other family members, which might have a bearing on their cases. Legal representation is therefore very important to ensure that they receive the appropriate legal remedy. Legal representation can also ensure that the return to the country of origin is carried out safely. Most children receive some form of legal orientation from nonprofit legal projects located near the ORR/DUCS programs, but we estimate that fewer than half of the children receive individual representation either from legal projects or through pro bono or paid private attorneys.

6. Who are the DUCS field coordinators?

DUCS field coordinators are child welfare professionals employed by LIRS or the United States Conference of Catholic Bishops (USCCB) through a cooperative agreement with ORR/DUCS. Although they carry out their work on behalf of ORR, they are not federal employees.

7. What do the field coordinators actually do?

Each regionally based field coordinator oversees the best interest of children in ORR care regarding care and release decisions. The field coordinator

- acts as a liaison in a designated geographical area among contracted care providers and ORR,
- continuously assesses the level of care necessary for each child,
- makes placement recommendations to ORR
- reviews applications for release to family in the United States and makes appropriate recommendations, and
- facilitates the provision of a range of services.

For example, as a field coordinator routinely reviews cases, he or she may recommend that a child be transferred from a more restrictive program to a less restrictive one, or that a survivor of severe trauma be moved to a placement where intensive therapeutic services are available.

8. How many field coordinators are there?

Nationally, there are currently 12 field coordinators, four program assistants, one part-time field coordinator, and many national-level LIRS and USCCB staff who support the field coordinators' efforts and operation in the field. The number of field staff is evaluated on an ongoing basis to assure adequate provision of services nationwide.

9. Where are the field coordinators placed?

Field coordinators are strategically placed near ORR-contracted programs and providers in areas where there are large numbers of unaccompanied children entering the United States. Current field sites are Chicago, Los Angeles, Miami, New York, Phoenix, Seattle, and four sites in Texas: El Paso, Harlingen, Houston and San Antonio.

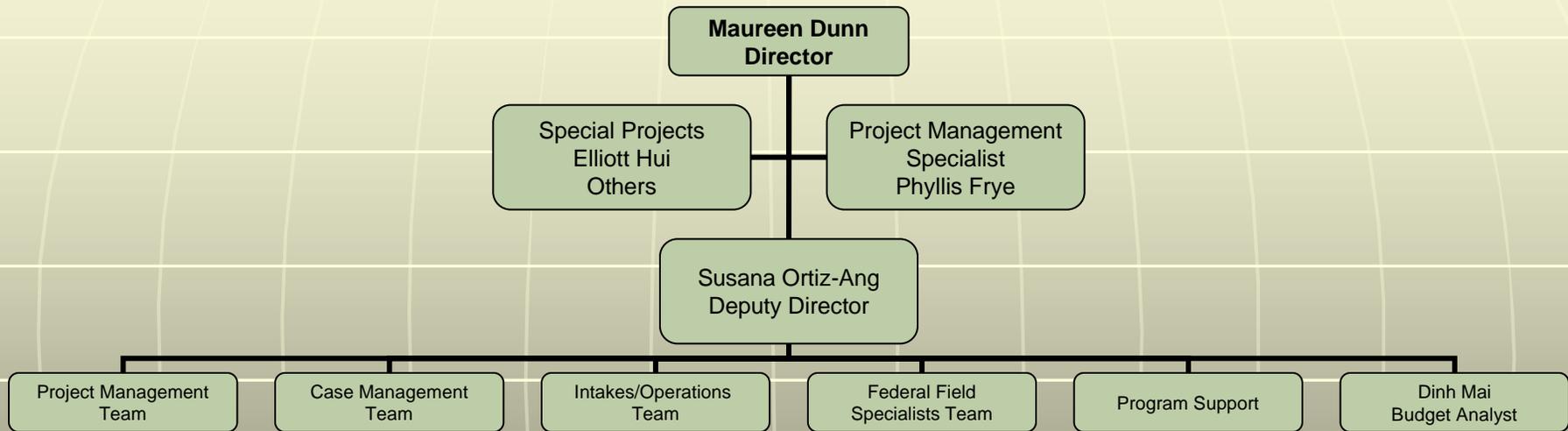
10. What are the qualifications of the field coordinators?

DUCS field coordinators are experienced child welfare professionals with master's degrees in social work or equivalent field experience. Many have prior experience working with refugee and immigrant children or children in detention.

11. What is the role of the DUCS field coordinators in relation to immigration attorneys and legal projects?

The field coordinator's role is to assess each child's situation to make recommendations for placement and treatment. The attorney's role is to advise and represent children in their pursuit of legal immigration relief. The field coordinator consults with the attorney in order to determine how the child's immigration court proceedings might impact the child's care arrangements, including release to family. Likewise the field coordinator may be able to assist the attorney in understanding the longer-term implications of a particular strategy on the child's best interest.

Organizational Chart



March 31, 2006

Where can I get more information or assistance on serving undocumented children?

Recommendations to the Federal Government

Field Coordinators assess and make best interest recommendations to ORR/DUCS for the children who are in federal custody within their region. Recommendations are based on child welfare principles, protocols for best practices created by USCCB and LIRS, ORR/DUCS policy, and input from all parties relevant to a child's case. As a liaison, Field Coordinators are in a unique position to access relevant information from facility staff, therapists, legal representation, and the children themselves. The Field Coordinators use a multidisciplinary and holistic approach with an "independent eye" on the child.

National in Scope

Through coordination with offices nationwide, Field Coordinators are able to identify national trends in the status of unaccompanied children in custody and work with the federal government to advocate for the best decision-making, care, and placement of children in custody. Field Coordinators have access to a variety of placement resources throughout the U.S., allowing for the best placement and treatment options of each child.

LIRS and USCCB staff can assist with guidance in navigating the various systems involved. Contact one of the following for more information:

Contact Information
USCCB/MRS Children Services 202-541-3349 or 202-541-5409 mrs@usccb.org
LIRS Children Services 410-230-2700 childrenservices@lirs.org

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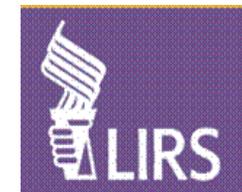
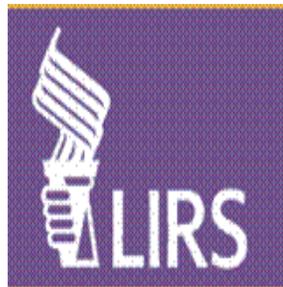
THE FIELD COORDINATOR PROGRAM

Mission Statement

The mission of the Field Coordination program is to utilize a holistic approach in serving the best interests of unaccompanied children who enter the United States. We strive to promote the care, safety, and well-being of these vulnerable children by ensuring that each child has access to a physically and emotionally safe environment, receives timely and consistent support services and care, and has the opportunity to participate in the decisions regarding their futures.

Vision Statement

We envision a Field Coordination program that supports and encourages child welfare best practices and promotes the long-term stability and quality of life for unaccompanied children. We envision a program whose partnerships, services and advocacy efforts honor and uphold the rights of the children in care.



Field Coordinators:

Serving the Best Interest of the Child

LIRS and USCCB – Assisting Migrating People From Throughout the World

Both LIRS and USCCB have decades of experience resettling refugees and providing services to migrating children from throughout the world. National in scope, both are authorized by the Department of Health and Human Services (HHS) to provide service to unaccompanied, undocumented children.

Undocumented, Unaccompanied Children

Undocumented children are apprehended daily in the United States by agents of the Department of Homeland Security at borders, ports of entry and the interior. They are placed in the legal custody of the federal government and the physical custody of child-friendly facilities across the U.S. Their reasons for migration vary — economic, educational, to reunite with family in the U.S., fleeing family violence/abuse, fleeing political/religious persecution, fleeing gang violence or recruitment. Each child has his or her own story, needs, and goals.

ORR/DUCS Field Coordinators

Field Coordinators are child welfare professionals hired by Lutheran Immigration and Refugee Service (LIRS) or the United States Conference of Catholic Bishops/International Catholic Migration Commission (USCCB/ICMC) through a cooperative agreement from the U.S. Department of Health and Human Services, Office of Refugee Resettlement/Division of Unaccompanied Children's Services (ORR/DUCS) to oversee the best interests of unaccompanied, undocumented children in custody. Regionally based, Field Coordinators liaise with local facility staff, the child, ORR/DUCS, legal representatives for the children, Department of Homeland Security, and others to ensure the best interest of the child in placement and care decisions.

Professional Child Welfare Staff

Together LIRS and USCCB/ICMC recruit, train, and manage the Field Coordinator program, ensuring the program is well-staffed with competent child welfare professionals who have experience with migrants and refugees. Among the current Field Coordinators are graduate and doctorate level professionals in social work, counseling, and other related fields.

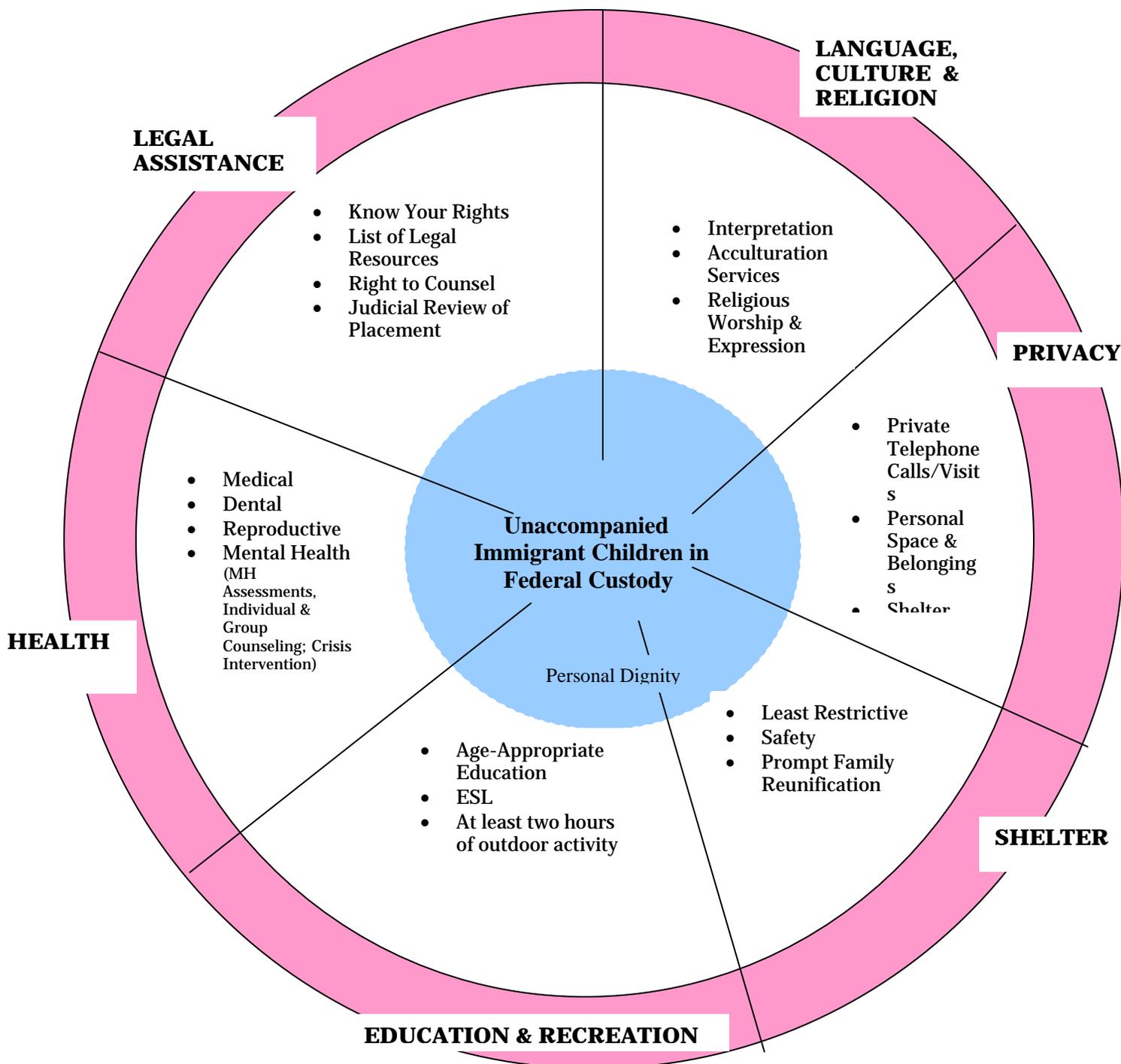
Regular Visits to Children

Field Coordinators make regular visits to the facilities ranging in size from individual foster care families to large institutions that care for as many as 50 or more children at a time. The Field Coordinators meet with children to learn about their individual needs and situations. The children seek out the Field Coordinators with any concerns or questions. Children come to recognize the Field Coordinator as someone who has their best interest in mind and will work on their behalf.

Safe Guard

Field Coordinators keep their eyes open to the medical, mental health, and/or psychosocial needs of each child. Field Coordinators are also trained in the identification of victims of human trafficking and know the steps to take when a child is a suspected victim. They are child welfare professionals who are alerted to safety concerns of each child and assist in developing appropriate safety plans.

RIGHTS UNDER *FLORES*



Lutheran Immigration and Refugee Service
Ensuring the Safety and Well-being of Unaccompanied Immigrant Children
The Suitability Assessment Process

Lutheran Immigration and Refugee Service (LIRS) has been assisting the federal government to ensure the safety and well-being of unaccompanied minors in federal custody through the family reunification process since 1993. In this endeavor, LIRS has provided suitability assessment and follow up services for hundreds of minors over the years. The goal of family reunification is always to ensure that the child will be reunified with a safe, caring, and appropriate care-giver. Regarding working with smuggled children, LIRS has gained expertise in this area through its extensive experience in handling the cases of Chinese and Indian children in particular, whose cases are automatically referred by the Office of Refugee Resettlement Division of Unaccompanied Children's Services (ORR/DUCS) for a Suitability Assessment and follow up services. This automatic referral process is in place given the well-known dangers encountered by these children and their families as a result of the enormous debt that is owed to the highly organized and dangerous crime rings that secure their passage to the United States.

A Suitability Assessment is an intensive process designed to assess the suitability of a sponsor to care for a child. The process involves 3 main phases:

1. Background Investigation of the sponsor
2. An assessment in the sponsor's home
3. Three months of Follow Up services post-release

LIRS has highly-trained Suitability Assessment caseworkers to investigate potential sponsors through a series of procedures that seek to confirm authentic, safe relationships and to detect any suspicious ones in order to avoid situations of potential harm to the child. The areas of assessment throughout the Suitability Assessment process include:

- Authenticity and closeness of the sponsor's relationship to the minor.
- Motivation and commitment level of the sponsor and sponsor's family.
- Sponsor's ability to care for the minor
- Appropriateness and safety of living conditions
- Adequate supervision plan

During an intensive background investigation process, caseworkers often quickly detect when a sponsor is not an authentic, true-blood relative or is not viable due to other reasons (too distant of a relationship, unworkable living situation, does not seem able to care for the minor, etc). If a sponsor does seem to be a true relative and to be a viable candidate for sponsorship, per guidelines of the ORR, LIRS requests an immigration check on the sponsor and an FBI criminal background check on all adults (18 and over) residing in the sponsor's home.

Once the background or investigation phase has been completed, caseworkers conduct a home visit to the residence of the sponsor in order to meet the sponsor and the sponsor's family face-to-face and to assess the suitability of the living environment.

After the home visit, a report is written and then thoroughly reviewed by LIRS National headquarters.

The following areas are reviewed before sending Suitability Assessment reports to ORR/DUCS:

- Consistency
Check consistency throughout the case from background investigation to final review:
 1. Income verification
 2. Employment verification
 3. Family Relationships
 4. Household composition
- Appropriateness:
 1. Gender appropriateness
 2. Sleeping Arrangements
 3. Validity of Family Tie
 4. Supervision
 5. Attitude of the household
 6. Ability to care for minor
- Motivation of Sponsor
 1. Why is the sponsor wishing to care for this child?
 2. Does the sponsor seem to be genuinely concerned about the child and sincere in his/her desire to care for him/her?
 3. Does the motivation seem to come from a sense of family obligation? If so, does this sense of obligation deepen the sponsor's sense of responsibility and seriousness or does it seem to be an added burden that the minor would rather not have? Is the sponsor trying to "say no without saying no?"
 4. Does the sponsor seem hesitant about the sponsorship? If so, does this hesitation indicate a positive consideration of the full responsibilities of sponsorship or does it indicate an unwillingness to care for the child?
 5. If there are other relatives in the US, why was this particular relative chosen to sponsor the minor?
- Minor and Minor's Parents' Request
 1. Does the minor wish to be reunified with the sponsor?
 2. Do the minor's parents want their son/daughter to be reunified with this relative?

ORR/DUCS then makes a determination regarding release of the child to the sponsor based on all of the information of the case. If ORR DUCS releases the child to the sponsor, LIRS caseworkers provide 3 months of follow up services to the minor and the sponsor.

Follow Up Services

Follow up services are a critical component to assessing the on-going safety and appropriateness of a placement and for providing valuable support services to the reunified family. These services are designed to lead to better community integration—an outcome that enhances on-going safety and support for the child. The follow up consists of 4 visits and 3 reports over a three-month period. The core services addressed in follow up are:

- Assistance with necessary immunizations and school enrollment.
- Assistance with accessing a medical provider, if needed.
- Assistance accessing mental health services, if needed.
- Making sure that the youth is safe and well-cared for in the home.
- Orientation to other local community services.
- Orientation to DHS expectations regarding the child's immigration proceedings and referrals to pro-bono legal services providers, if needed.

Follow up services provide on-going protection and safety for the child, as caseworkers have additional opportunities to build rapport with the children, observe the family interactions and to monitor the case. If concerns about the placement arise post-release, the caseworker can assist the child and family as needed to ensure the on-going safety and well-being of the child.