



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

Immigration Legal Services for Unaccompanied Children Enrolled in the Unaccompanied Refugee Minors Program

Dear Colleague Letter 22-22

August 24, 2022

Dear Colleague:

ORR has long contracted with partners to provide immigration legal services to unaccompanied children who are in or released from ORR custody, pursuant to 8 U.S.C. § 1232(c)(5). Effective March 30, 2022, ORR has contracted with its unaccompanied children legal service contract holder, Vera Institute of Justice, to extend the provision of immigration-related legal assistance to any child ORR serves through the Unaccompanied Children program who subsequently is accepted and enters into the Unaccompanied Refugee Minors (URM) program, for the purpose of assisting them to attain lawful status in the United States and other related immigration benefits.

Eligible Populations: Any child ORR serves through the Unaccompanied Children program who subsequently is accepted and enters into the Unaccompanied Refugee Minors (URM) program, who does not have lawful status. This includes children who have trafficking eligibility letters; children who have Special Immigrant Juvenile (SIJ) classification; Cuban or Haitian entrants; and unaccompanied Afghan or Ukrainian minors.¹ This also includes children who were in ORR custody, discharged into the community, and then subsequently accepted into the URM program.

Ineligible Populations: (A) Children who were never served through the Unaccompanied Children program and were therefore never in ORR custody and (B) children who have received lawful status. This includes refugee minors referred directly to the URM program from overseas; minors referred by community members in the U.S. and accepted into the URM program; or minors who were previously in the Unaccompanied Children program and receive lawful immigration status prior to transferring to the URM program.

Initiation of Legal Assistance: Legal assistance can be initiated prior to or after the transfer of the unaccompanied child into the URM program.

Age Limitation: ORR has the authority to initiate legal assistance for a child until the child reaches the age of 18. After a child's 18th birthday, ORR no longer has the authority to initiate legal assistance.

¹ ORR-eligible populations are delineated within ORR Policy Letters 16-01, 22-02, and 22-13.

Duration of Legal Assistance: ORR has the authority to continue legal assistance for unaccompanied children and URM children to whom it began to provide legal assistance prior to the age of 18 until they achieve lawful status, including concluding pursuit of ancillary benefits like an Employment Authorization Document.

Form of Legal Assistance: Legal assistance will extend to legal services related to the child's immigration case, including areas falling under the jurisdiction of immigration judges as defined in Chapter 1, Section 1.5 of the Immigration Court Practice Manual and in other areas where the child may seek adjustment of status allowing them to obtain temporary or permanent lawful status in the United States. Covered activities include assistance and/or legal representation in pursuit of:

- SIJ classification, a Special Immigrant Visa (SIV), Victims of Trafficking in Persons non-immigrant status (known as a T visa), U non-immigrant status (known as a U visa), status under the Violence Against Women Act;
- Deferred action;
- Relief based on activities related to acting as a material witness;
- Other immigration-related forms of asylum and family-based petitions for which children may be eligible, as well as appeals of immigration decisions, if allowable under the unaccompanied children legal service contract; and
- Employment authorization based on their underlying petitions.

The immigration legal assistance in some circumstances also may include legal services related to custody orders before state courts.

Legal service providers will adhere to ethics rules governing attorneys when carrying out all legal assistance and services under this contract, including representing a child's expressed interest or legal interest, as required by attorney-ethics rules.

The legal service contract holder, Vera Institute of Justice, will designate a legal service provider to serve each URM program. For more information on which legal service provider is assigned to a specific URM program, please reach out to ucpOPQA@acaciajustice.org.

Resources: Please direct any questions about this DCL or about allowable immigration legal services to UCLegalServicesSupport@acf.hhs.gov.

We appreciate all of your work to support the wellbeing of the children we serve together.

Sincerely,

Andrea Chapman
Acting Director
Office of Refugee Resettlement