Protections & Information for Unaccompanied Children and Youth

Recent news reports indicate that Immigration & Customs Enforcement (ICE) agents may be prioritizing unaccompanied children who are not currently in removal proceedings. Being informed is key, as is talking to an immigration lawyer. Have questions? Read more about steps you can take to protect your rights.

Am I considered an unaccompanied child?

You may be if you were under 18 when you entered the United States and entered without a parent or legal guardian. An unaccompanied child is defined by law, and most will have spent time in an immigration detention facility or shelter. The border agents determine who is considered to be "unaccompanied" and transfers these children to the care of the Office of Refugee Resettlement (ORR).

What if I'm over 18 and/or I'm living with one or both parents?

You can still be considered an unaccompanied child who is entitled to certain legal protections, even if your circumstances change and you are now living with a parent or turn 18 years old. You can still make your case against deportation before an immigration judge, and you can still file your application for asylum with the United States Citizenship & Immigration Services (USCIS).

What protections exist for unaccompanied children?

The law provides you with certain protections. You have the right to be put in removal proceedings, which is a legal process before an immigration judge. You cannot be put in expedited removal, and you must get the chance to see a judge before a decision is made. If you are applying for asylum, you also have the right to have your asylum application decided by an asylum officer at USCIS, rather than an immigration judge (even if you are in removal proceedings). These are two key rights and protections for unaccompanied children. Talk with an attorney about others.

How do I know if I am currently in removal proceedings before an immigration court?

You can check to see if you have an open case or a removal order to leave the country by calling the immigration court's case information system at **1-800-898-7180**. The hotline is automated and does not require you to speak to anyone. You'll need your A number which starts with an A and consists of nine digits. The number would have been assigned to you at the time you were apprehended by immigration authorities, and you can find it on your immigration paperwork. Some youth think they are in removal proceedings because they were detained at the border, but they might not be if they were never given a Notice to Appear (the charging document that starts removal proceedings) or a Notice of Hearing with a date to appear at immigration court. It's also possible for removal proceedings to be dismissed or terminated or to end if the immigration judge granted relief.

What if I missed an immigration court hearing or am not sure if I did?

You should call the immigration court's case information system at **1-800-898-7180** to find out the status of your case and to see if you missed a hearing. It's possible to have missed a hearing because you never received notice of it. There can be serious consequences for failing to appear at a hearing, including the immigration judge issuing a removal order.

What if there is a removal order in my case?

The judge may have issued a removal order in your case if you did not appear in court or if the judge decided not to grant you relief. If there is a removal order in your case, you should seek legal assistance quickly to determine your options and protect yourself from deportation. In some cases, it is possible to ask the immigration judge to rescind (meaning cancel) the removal order.

What should I do if ICE agents come to my home or approach me outside my home? What if the police come to my home or approach me outside my home?

You have rights under the United States Constitution, even if you have a removal order. These rights are not specific to unaccompanied children —they apply to anyone—regardless of age. Share the information with those you know. The ACLU has helpful information on encounters with ICE or the police, and in various settings. The information is available in a number of languages here: https://www.aclu.org/know-your-rights/immigrants-rights. It's a good idea to print out a red card and keep it with you at all times—in your backpack, purse, or wallet. You can access the red cards here: https://www.ilrc.org/red-cards-tarjetas-rojas. If you have an attorney, always have your attorney's contact information or business card with you at all times. Notify them ASAP regarding any interaction with ICE or other law enforcement. Be aware that ICE agents may be looking for someone else but encounter you. If that happens, remember your rights.

What if ICE detains me or someone else in my home or family?

If ICE takes you into custody and you are under 18, you may not remain in ICE custody. If appropriate, ICE will quickly transfer you to the care of the Office of Refugee Resettlement (ORR). If you are over 18, ICE may take you to an adult immigration detention facility. If you are detained and already have an attorney, notify them ASAP. You have the right to call an attorney when detained. If someone you know is detained, you can use these resources to try and confirm where they are: ORR – Call **1-800-203-7001** or email information@ORRNCC.com; ICE – Search the online Detainee Locator System https://locator.ice.gov/odls/#/search.

What if I am afraid to return to my country of origin?

If you are afraid to return to your country of origin, you may be eligible for asylum, withholding of removal, or protection under the Convention Against Torture (CAT). You can express that fear before you are detained or once you are detained. Depending on the circumstances in your case, you may be interviewed while detained about your fear and/or able to present your asylum claim before the asylum office or an immigration judge. It may be that you are protected by a lawsuit called the J.O.P. litigation. A video in Spanish about the litigation can be found here: https://nipnlg.org/work/litigation/jop-v-dhs. While it is not required, it is highly recommended and critical to seek legal assistance from an immigration lawyer (not a notario) if you are afraid to return to your country of origin.

I do not have an attorney. How do I find legal assistance?

Reach out to free or low-cost legal service providers near you for help understanding the status of your immigration proceedings, if any, and what options are available to you. You may have spoken with a legal provider in the past and lost touch, or facts in your case may have changed with time. Reach back out to be able to re-evaluate your options. For a list of legal service providers by zip code, check here: https://www.immigrationadvocates.org/legaldirectory/. Here is another list of legal service providers maintained by the immigration courts: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

ABA AMERICAN BAR ASSOCIATION
CILA Children's Immigration Law Academy

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