

FAQ regarding Unaccompanied Minors in the United States:

1. Under what circumstances is a minor (17 years old and under) considered an unaccompanied minor under U.S. immigration law?

A person, 17 years of age or younger, who lacks immigration status who is present in the United States either without a parent or legal guardian or whose parent or legal guardian is unable/not available to provide care and physical custody.

2. Under what circumstances does a minor become unaccompanied if s/he entered the United States with his/her parent/s?

A child may be designated as unaccompanied because the immigration authorities:

1. Deem the child at risk;
2. Need to confirm that there is a parent/child relationship;
3. Pursue criminal charges against the parent;
4. Re-instate a prior removal/deportation order against the parent;
5. Decide to detain the parent pending removal proceedings in an adult detention facility.

3. What happens to the minor?

The immigration authorities follow what are known as Unaccompanied Alien Child (UAC) process and procedures, which have been in place for many years. Within 72 hours, the minor must be transferred from immigration authorities to the Office of Refugee Resettlement of the Department of Health and Human Services. The minor will be placed in the "least restrictive environment" depending on the minor's needs and the danger the minor presents to him/herself and the community. All said minors are placed in removal proceedings, which means the immigration authorities will seek to remove them from the United States.

4. What happens to an adult who has been separated from their child?

If the adult presented him/herself at a port of entry and asked for asylum, s/he will likely be processed for detention at an immigration detention facility. Once in the detention facility, s/he will be interviewed by an asylum officer. If the officer finds the claim credible and finds it possible that the individual will qualify for asylum or other protection, the individual will be placed in removal proceedings. If the officer finds otherwise, the individual has a very limited opportunity to present his claim to an immigration judge. If s/he declines to see the immigration judge, the individual will be removed.

If the individual attempted to cross between ports of entry, s/he is subject to the 'zero tolerance' policy regardless of the reason for attempting to enter the United States or attempting to enter at an undesignated point of entry. S/he will be detained, charged with and prosecuted for unlawful entry (or reentry depending on the individual's immigration history). As of 06/20/2018, it is unclear where and under what circumstances s/he will be detained.

5. Who is providing immigration legal services and representation to the minors and the adults?

In San Diego County, Casa Cornelia Law Center provides free quality legal services and representation to all detained minors. Casa Cornelia is also committed to providing these services to minors who have been released and live in our community.

Additionally, Casa Cornelia represents both detained and non-detained adults facing removal proceedings who have humanitarian claims to protection from deportation. Adults who are detained in San Diego County can access Casa Cornelia's services by telephone, email or fax. All of our services are free of charge.