

Who's Who in the UC World?

A Guide to Identifying and Working with Stakeholders

As you embark on assistance to or representation of a UC, it is key to know who is who in their world. Who can you contact if a child wants to talk by phone with a relative but has been unable to do so? What if a child is about to age out of ORR custody and wants to avoid adult detention, where do you focus your advocacy? How do you find out who your opposing counsel will be in immigration court? Where do you send an appeal of USCIS' denial of a UC's petition for special immigrant juvenile status? This guide is intended to answer these and other questions to ensure effective assistance and representation, as well as help you build strong relationships with the many key UC stakeholders.

I. Stakeholder Identification

The following agencies all have some involvement in the apprehension, processing, custody, and/or adjudication of UC claims. Below each agency in bold are additional related entities and/or stakeholders you should be aware of as well. It may be helpful to refer to the attached **Appendix A** as you review this information.

- A. **DHS (U.S. Department of Homeland Security)** – Note that the following agencies all fall under DHS, and you can request records from any of these agencies by submitting a Freedom of Information Act (FOIA) request.¹
 - a. **CBP** (Customs & Border Protection) – CBP is the agency apprehending a UC shortly after entry into the U.S., near the border. A CBP officer will conduct an interview of the child and classify him/her as a UC. The interview is recorded on Form I-213, which is entered into evidence as part of the child's removal proceedings, as part of the government's efforts to meet its burden of proving the UC's removability.
 - b. **ICE** (Immigration & Customs Enforcement) – ICE is typically the agency apprehending a UC who is taken into custody internally (not near the border). In addition, ICE is the agency that files the charging document, or Notice to Appear, with the immigration court, in order to initiate removal proceedings. The opposing counsel in removal proceedings is an ICE attorney, often called the trial attorney or TA. When a detained UC is about to turn 18, ICE is also the agency that will take custody of him/her to place him/her in adult detention, though it has discretion to allow for release instead.
 - i. **ERO** (Enforcement & Removal Operations) – ERO is the division of ICE that handles apprehension and removal of individuals from the U.S. Their website offers a detainee locator, but this only applies to individuals in ERO custody, which means only adults. UC cannot be located in this manner. Instead, ORR (discussed below) must be contacted.

¹ For more information, see <https://www.dhs.gov/steps-file-foia> or contact CILA for technical assistance. You can write to CILA at cila@abacila.org. A FOIA request may be especially helpful if, for example a UC does not know whether a family member previously petitioned for him/her, the status of the UC or a relative of the UC is unclear, or the child's prior immigration history (prior entries) is unclear.

1. **Field Offices** – ERO has 24 field offices nationally. In Texas, there are field offices in El Paso, San Antonio, Dallas and Houston. Each office is responsible for a certain area of the state. If seeking to avoid adult detention for a detained UC who will soon turn 18 and thereby “age out” of ORR custody, you should contact the local field office. Contact information for the field office (including an e-mail address) can be found here: <https://www.ice.gov/contact/ero>. You need to contact the juvenile coordinator, specifically.
- ii. **OPLA** (Office of Principal Legal Advisor) – also known as the Office of the Chief Counsel, these are the legal offices under which ICE attorneys (who serve as **trial attorneys** in the immigration courts and your opposing counsel) are organized. There are numerous offices in Texas, and it is at their address that all service on opposing counsel should take place. For example, the Houston office is listed as follows:

Office of Chief Counsel
126 Northpoint Drive, Room 2020
Houston, TX 77060
Phone: 281-931-2046

The contact information for other offices can be found at <https://www.ice.gov/contact/legal>. If you need to find out who the specific trial attorney will be when you go to an immigration court hearing, you can call the OPLA and ask.
- iii. **HSI** (Homeland Security Investigations) – Though less commonly a stakeholder in UC cases, in the past, some family members of UC received notices from this investigative office of ICE requesting that they appear for an interview. At the interview, they were questioned about possible smuggling with respect to the UC. HSI is responsible for investigating all types of cross-border criminal activity, including but not limited to human rights violations, smuggling and trafficking, gang activity, and immigration document and benefit fraud. Each HSI office has its own geographical area of jurisdiction. Note that HSI qualifies as a law enforcement certifying agency for U and T nonimmigrant visas.
- c. **USCIS** (U.S. Citizenship & Immigration Services) – is the agency that adjudicates petitions for immigration benefits. In the case of UC seeking asylum or anyone seeking asylum affirmatively, it is the agency with initial jurisdiction over the application. USCIS has a well-organized, highly informative website that can be accessed here: <https://www.uscis.gov/>.
 - i. **Service Centers** – almost all petitions and applications filed with USCIS will go through a lockbox and are then routed to the appropriate service center. Different service centers adjudicate different types of petitions, i.e. the National Benefits Center adjudicates petitions for Special Immigrant Juvenile and the Vermont Service Center Adjudicates most crime victim related forms of relief.
 1. **USCIS Adjudicating Officer** – beyond asylum officers are other adjudicating officers who consider applications for relief. In many instances, applications are centrally routed (as is the case with special

immigrant juvenile status, U visas, and T visas). These applications will not be considered locally, but at the national office by USCIS officers there. The officers may or may not be attorneys.

- ii. **Field Offices** – these local offices handle scheduled interviews on non-asylum related applications. They also provide limited information and applicant services that supplement those provided by website and by phone. To find the field office serving a particular zip code, go to <https://www.uscis.gov/about-us/find-uscis-office/field-offices>.
 - iii. **Application Support Centers**—many benefits applications require that biometrics be taken prior to approval so that USCIS may confirm an individual’s identity and run background and security checks. If your UC client receives a biometrics services appointment, he/she will be asked to appear by notice (including a specific date, time and location) at a local Application Support Center in order to provide biometrics.
 - iv. **Houston Asylum Office** – the Houston office reviews all asylum claims filed in Texas, and those filed in several other jurisdictions as well.
 - 1. **Asylum Officer** – a UC seeking asylum will typically be scheduled for an asylum interview with an officer. He/she will review the application and documents submitted and issue a decision. UC asylum cases that are not granted by the asylum officer are referred to the immigration judge for adjudication after a hearing on the merits.
 - v. **AAO (Administrative Appeals Office)**—this is the appellate body which hears appeals filed from USCIS denials. The AAO has jurisdiction over the denial of a petition for special immigration juvenile status, for example. Note, however, that if your UC client’s asylum application is denied, the case will be referred to the immigration judge. You cannot appeal the denial to the AAO. More information on the AAO, including prior decisions and the practice manual can be found here: <https://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-aa0>.
 - vi. **USCIS Ombudsman**—offering an “impartial and independent perspective,” the ombudsman’s office can be contacted if you have concerns about delays in the processing of a case. The entity has also issued special recommendations regarding how certain petitions, including those for special immigrant juvenile status, should be processed. For case assistance, see <https://www.dhs.gov/case-assistance>. Ombudsman Recommendations can be found here: <https://www.dhs.gov/recommendations>.
- B. **HHS (U.S. Department of Health and Human Services)**
- a. **ACF (Office of the Administration for Children and Families)** – a division of the Department of Health and Human Services, within which is ORR.
 - i. **ORR (Office of Refugee Resettlement)** – ORR is the entity responsible for caring for detained UC, pursuant to the Homeland Security Act of 2002. ORR is also responsible for reunification of UC with approved sponsors. Finally, ORR administers the URM program for unaccompanied refugee minors, which benefits certain especially vulnerable who are eligible for relief from removal

and are without caregivers. The ORR manual, detailing their policies, is available online at: <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied>. ORR also has a separate guide specific to unaccompanied refugee minors (URM), available at <https://www.acf.hhs.gov/orr/resource/orr-guide-to-eligibility-placement-and-services-for-unaccompanied-refugee-minors-urm>. If speaking to ORR personnel about a child, note that you will likely need to provide a signed G-28 before ORR staff will discuss a child's situation with you. Also note that each UC will have an ORR file. With consent, you can request records from a child's ORR file by following the procedures here: <https://www.acf.hhs.gov/orr/resource/requests-for-uac-case-file-information>.

1. **Care provider** – care provider refers to any ORR funded program that is licensed, certified or accredited by an appropriate State agency to provide residential care for children, including shelter, group, foster care, staff-secure, secure, therapeutic or residential treatment care for children.
2. **Case manager** – case managers are care provider staff that coordinate assessments of UC, individual service plans, and efforts to release UC children from ORR custody. Case Managers also ensure all services for children and youth are documented and maintain case files for UC.
3. **Clinician** – Clinicians are care provider staff that provides clinical and/or counseling services for UC and provides oversight for the UC's mental and emotional health
4. **FFS** (Federal Field Specialists) – FFS are field staff who act as the local ORR liaison with care providers and stakeholders; an ORR/FFS is assigned to multiple care providers within a determined region and serves as the regional approval authority for UC transfer and release decisions.

Note that the roles as defined above were taken from the ORR website. For additional ORR staff roles and key terms, see <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms>.

- ii. **GDIT (General Dynamics Information Technology)** – you may find that some individuals supporting the shelters/detention centers in their work are actually employees of the for-profit contractor GDIT, which has been supporting ORR in its work since 2010. According to one report, “GDIT employs child welfare professionals to conduct the review of family reunification or transfer documents and to make recommendations regarding release.” GDIT's traditional areas of expertise have been in defense, engineering, and information technology.²

² For more information on GDIT's role, including concerns, see page 17 of the July 2015 LIRS Roundtable report, “At the Crossroads for Unaccompanied Migrant Children: Policy, Practice & Protection,” available at: https://www.lirs.org/assets/2474/lirs_roundtablereport_web.pdf.

- C. Young Center for Immigrant Children’s Rights – in those cases in which a referral is made by staff at either a legal service provider or ORR care provider (shelter), the Young Center can currently assist in providing a child advocate for a detained UC. They are an independent non-profit organization (not part of ORR), and make recommendations to various stakeholders regarding the best interest of a child. The organization recruits and trains volunteers to serve as child advocates in many cities nationwide, including Houston, San Antonio and Harlingen in Texas.
- D. EOIR (Executive Office for Immigration Review) – within the Department of Justice, this is the immigration court system. Cases are styled, *In the Matter of RESPONDENT’S NAME* and includes the respondent’s alien number. You can access basic case information (including a next court date) by calling the court hotline at 1-800-898-7180 if you have a UCs alien number. By filing a Form E-28 with the court (entering your appearance as counsel), you can also request information about a UC’s case and review the court’s file). In immigration court cases, the opposing party is DHS, as represented by the ICE trial attorney. Cases are initiated when an ICE attorney files the Notice to Appear, or charging document, with the immigration court. EOIR issues Operating Practice and Policy Memoranda (OPPM) that you should be aware of. In addition, it has a detailed, published practice manual. Court decisions are not published. The OPPM and practice manual can be found here: <https://www.justice.gov/eoir/oppm-log> and <https://www.justice.gov/eoir/office-chief-immigration-judge-0>.
- a. IJ (Immigration Judge) – Note that unlike other judges considered Article I judges, IJs are Article III judges. In other words, constitutionally they fall under the executive branch, not the judicial branch of our three-branched government. Information on each immigration court, including the name of each court’s administrator, can be found here: <https://www.justice.gov/eoir/eoir-immigration-court-listing>. Some courts have specialized dockets like the detained dockets or UC case dockets. Note that if seeking information on a UC’s case, you are unlikely to get it until you file a form E-28 with the court. Note that statewide or regionally there are Assistant Chief Immigration Judges (ACIJ) that play a supervisory role over other IJs.
 - b. Court Administrator – each immigration court has a court administrator that is listed on the EOIR website’s court listing, referenced above. The administrator serves all the judges at a particular local immigration court. It may be helpful to contact him/her when you have an urgent scheduling issue, asylum clock issues, or an issue that has not been resolved by the law clerk.
 - c. Court Clerk – each immigration judge has non-lawyer clerks to assist with court proceedings and case management. It may be helpful to inquire with a court clerk about a judge’s preferred procedures.
 - d. Law Clerk – each court also typically has law clerks participating in the DOJ Honors Attorney Program. These are typically recent law graduates who rotate among the judges and assist them with case management, including legal research, case file review and the drafting of orders.
 - e. BIA (Board of Immigration Appeals) – this is the appellate body that hears appeals from either party of decisions made by immigration judges. It is located at EOIR headquarters in Falls Church, Virginia. The BIA does not typically conduct courtroom proceedings, but instead reviews cases on paper. On rare occasions, it does hear oral arguments. More

information on the BIA, including prior decisions and the practice manual can be found here: <https://www.justice.gov/eoir/board-of-immigration-appeals>.

- E. State Courts – these local courts may be involved in making the findings required by statute for a child to obtain special immigrant juvenile status. In smaller jurisdictions these may be courts of general jurisdiction that hear all kinds of cases. In bigger cities like Houston, they are likely to be more specialized courts presiding specifically over family matters and child welfare cases, or juvenile justice matters. When working with state courts it is important to look up the court’s local rules, often available online, and to become familiar with court personnel, including the presiding judge, any associate judge, court coordinator and clerks, as well as filing clerks (those who handle the filing of pleadings/documents in a case). For example, if filing a case in the Houston family court system, you must electronically file. Your case may land with the 308th. If it does, information about that court (including policies and procedures) can be found here: <https://www.justex.net/Courts/Family/FamilyCourt.aspx?crt=55>. Appeals from decisions made in these cases would go to one of fourteen Texas district courts of appeal, which have their own rules as well. In Texas, there are several decisions from various district courts of appeal in cases involving SIJ findings that practitioners should be aware of.
- F. Federal Courts – These courts might be involved with UC clients or their relatives in a number of ways. Adults may be criminally prosecuted for illegal re-entry, smuggling or drug trafficking crimes in federal court, and be sentenced to time in prison. In addition, federal courts are the appropriate jurisdiction for *habeas corpus* petitions seeking to challenge the length or conditions of an individual’s detention. Finally, federal courts have jurisdiction over certain immigration appeals. In the case of a UC seeking asylum, if the asylum office refers her case to the immigration judge, and the judge also denies the case, then she can appeal to the BIA. If the BIA affirms the immigration judge’s denial, she can still appeal to the circuit court of appeals. In Texas, that would be the Fifth Circuit. Federal courts may also become involved in immigration cases where there is a challenge based on an unlawful agency decision or action under the Administrative Procedures Act. In Texas, for example, federal courts have been involved in review of the legality of USCIS’ denial of petitions for special immigrant juvenile status at the district court level, and then subsequently at the Fifth Circuit Court of Appeals in *Budhathoki v. Nielsen*, 898 F. 3d 504 (5th Cir. 2018). In California, federal courts have been involved in adjudicating claims relating to UC in landmark litigation like *Flores* and *Perez-Olano*.

II. Stakeholder Relations

Knowing who is who is half the battle. Once you can understand a stakeholder’s role and goals with respect to your UC client, you can work on establishing a good working relationship with him/her, as you will likely encounter the individual time and time again. Some suggestions for effective stakeholder relations are provided below.

- **Start and End with Civility.** It may feel like you are on the side of good, and everyone else is on the side of evil, but many stakeholders are doing their best to assist UC, just like you. Approach stakeholders with civility. Civility comes in many forms. One aspect is being respectful in how you communicate with others. It may be easy to write a biting e-mail, but don’t make it personal. Say what you need to say about the case or issue, without attacking the other person. Some good advice is to draft the e-mail you want to write, delete it, and then re-write the more civil e-mail. Another good tip is to use “I”

statements so that you don't make assumptions about other people's feelings or actions. It may help you to remember to distinguish "impact" from "intent". In other words, what you think might be someone's motivation is not always true even if there was a harmful impact. Even if you correctly assessed intent, however, you may be more likely to keep the conversation open if you don't put someone on the defensive. Civility also comes in the form of respecting other's time, so do your best to arrive where you need to be when you are scheduled, and to offer as much advance notice as possible when circumstances change, and you simply won't make it. Civility also means saying thank you when appropriate. Practicing civility does not mean less than zealous advocacy for your client. Know that it is always okay to raise concerns where you feel like a stakeholder is not doing his/her job, or is overstepping their role, but you can better document those concerns if you have fairly given the stakeholder an opportunity to respond to your concern/request.

- **Seize Opportunities to Communicate and Educate.** You are taking the time to try and understand the roles of other stakeholders, but not everyone will have the opportunity, or seek to do the same. Some stakeholders may not understand your role, or what you are trying to do for the UC you serve. Some may understand your role, but not realize that their actions are unnecessarily interfering with your ability to do your job. When consistently encountering misinformation and problems, use it as an opportunity to educate agency staff, build stronger relationships and remind your fellow stakeholders of common ground. Some legal service providers have found it very helpful, for example, to conduct training with shelter staff who will assist UC with Motions to Change Venue (COV) or Change of Address (COA) forms. The training is a good opportunity for folks to get to know each other outside of a (potentially tense) case-specific issue. Other legal service providers have done mock Know Your Rights (KYR) for shelter staff in order to help drive home the different roles of stakeholders in a UC's world.
- **Pick up the Phone!** Although e-mails may seem like the fastest way to get things done, sometimes you simply need to pick up the phone or, when necessary, schedule an in-person meeting. An e-mail is easily ignored, accidentally sent to junk mail, or simply overlooked inadvertently on an overwhelming day. If you need something from a stakeholder, never be afraid to get on the phone. In a world where we are often communicating with folks we have never seen or heard, it can be a great way to build rapport and a good working relationship. If you have a phone conversation that would like documented, you might send a follow up e-mail that thanks the person for speaking with you and summarizes your conversation.
- **Find the Stars.** There are people who really enjoy being helpful, and if you know who they are, they can go a long way to helping you get done what you need done for your UC client's case. Talk to others who practice in your area and find out who the stars are at the agency offices you deal with. Knowing which person to direct your inquiry/request to can make all the difference. In addition, you can refer to your star contact's good practice when working through a conflict with another agency staff person and hoping to change their ways to better suit your needs. For example, in the shelter context, you might say, "The way I have been receiving information from [Star] about Category 4 children and children slated to reunify locally is [provide specifics]. This was very helpful and we would greatly benefit from continuing to receive information this way."
- **Attend Meetings or Organize Them.** At a local and national level, many government agencies meet regularly with stakeholders, including legal service providers, to discuss issues and provide information

regarding agency changes in staff and policy. For example, there may be national teleconferences to hear from USCIS about new procedures, as well as Houston Asylum Office meetings addressing policies locally. There also may be regular opportunities in your area to meet with the immigration court staff, less frequent opportunities to meet with an ACIJ, or opportunities to meet with ORR. Attend these liaison calls or meetings when you can, or send someone else from your organization and have them report back. Use these meetings as an opportunity to raise concerns if possible, but also to show appreciation for an agency's efforts and improvements. If you see a need for meetings that are lacking, take the time to connect with stakeholders and set them up. The time invested will be well spent for all if current inefficiencies and other issues are resolved systematically, rather than on a case by case basis. The agencies often appreciate concrete examples so they can look further into why an issue arose. And even if a government agency will not agree to meet with you, know that communicating with other legal service providers may be helpful in developing strategies for addressing specific issues.

- **Know the Stakeholders' Rules.** The agencies outlined above often have policies and procedures in place. Know them and review them. When necessary, it can be a very effective form of advocacy to remind stakeholders of their own policies and procedures.
- **Be Prepared for the Time Involved.** Systems have been put in place to streamline processes, so be aware of what they are, how long they typically take, and be prepared to follow the systems. Due to circumstances beyond your control, you will sometimes need to ask for expedited consideration of a child's application or other request. That is understandable, but beware of being the representative who always "cries wolf." Put simply, if everything is an emergency, you may lose credibility with stakeholders and they may stop reacting when you really need their help.
- **Understand Confidentiality.** Information is not likely to be released to you unless you have proof that you are the UC's representative and have authorization to obtain the information requested. Likewise, be careful as to what information you provide. You owe a duty of confidentiality to your child client, whether or not you are the attorney. You should not reveal confidences without his/her permission except under very limited circumstances provided for in the Texas Disciplinary Rules of Professional Conduct and Texas Family Code (relating to mandatory reporting). You may need to explain these rules to other stakeholders, and should not assume that those you are speaking with are familiar with the ethical rules governing lawyers and those they supervise.
- **Address Concerns.** We all make mistakes. If another stakeholder raises a concern with you or your organization, respond with civility and try to get to the bottom of the matter so that future issues of the same nature are avoided. Be as transparent as possible, but keep your duty of confidentiality in mind. Again, whenever possible, use issues that arise as an opportunity to educate.

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