

The Office of Refugee Resettlement currently places UAC in one of two ways:

- 1) with an individual (parent, relative, or friend) who applies to the Office of Refugee Resettlement to sponsor the UAC. However, this sponsorship does not confer on the individual the right to make decisions such as enrolling in school or obtaining medical care for the UAC; or
- 2) in a federally operated facility that is located on federally owned or leased property or a facility that is licensed by the state. For example, UAC can be placed with state licensed General Residential Operations such as Baptist Child and Home Ministries or in a facility owned or leased by the federal government and operated by persons employed by the federal government. An example of the latter is Lackland Air Force Base in San Antonio.

Q: How might these cases appear in my courtroom?

A: Circumstances involving UAC that may affect Texas courts include:

- 1) Child Protective Services (CPS) investigates an allegation of abuse or neglect by a person who has been given sponsorship of a UAC by the Office of Refugee Resettlement. If the allegations are confirmed, CPS might file a Suit Affecting the Parent Child Relationship (SAPCR) seeking custody of the UAC and place that child in a state-regulated placement, similar to other CPS legal proceedings. The UAC would then be in state foster care and provided placement and services in the same manner as other children in state foster care;
- 2) Some state courts have been asked on behalf of UAC under the sponsorship of an individual or placed in a facility funded or under contract with the federal government to make findings that the UAC has been abused, neglected, or abandoned by one or both parents and that reunification is not in the UAC's best interest. These are predicate findings to establish Special Immigrant Juvenile Status (SIJS), which allows for certain UAC who have been abused, neglected or abandoned to obtain lawful permanent residency.⁵

Q: What relief might be sought in my court on behalf of UAC?

A: State courts are most likely to see individuals or organizations filing for legal relief to begin the process of establishing Special Immigrant Juvenile Status for the UAC or perhaps even conservatorship.

Generally speaking, to be eligible to apply for Special Immigrant Juvenile Status through Citizenship and Immigration Services, a UAC must first obtain an order from a state court with juvenile jurisdiction, signed by the judge that finds:

- 1) the juvenile is declared dependent on the court or placed in the custody of an agency or department of a state or an individual or entity appointed by the state or a juvenile court located in the United States;

⁵ 8 U.S.C. § 1101(a)(27)(J).