

Chapter 6

UNACCOMPANIED MINORS PROGRAM

A. Introduction

The Virginia unaccompanied minors program is one of the largest of 14 programs in the nation providing services to vulnerable refugee children from war-torn countries around the globe. These children, by definition, arrive in the United States unaccompanied by a parent or other close adult relative. Through a contract with a licensed child-placing agency, Virginia ensures that culturally and linguistically appropriate child welfare services are provided to these children and that the provider agency equips them with the skills needed to become well-adjusted, self-sufficient members of Virginia's communities.

The Unaccompanied Minors Program operates under the standards and requirements that govern the larger framework of Virginia's foster care system, including the level of foster care maintenance payments. These can be found in the Code of Virginia, Chapter 10: Child Welfare, Homes, Agencies and Institutions and the foster care regulations established by the Virginia Department of Social Services (*VDSS Policy Manual, V. 7, sect. 3, ch. B*). Refugee minors are eligible to receive the full range of services and benefits to which any child in foster care in Virginia is entitled: foster care maintenance, medical assistance, and support services.

B. Background

- 1. Establishment of the Program** - The Unaccompanied Minors (UM) Program began in 1978 following the Vietnam War, which brought an influx of refugee minors into the United States. A priority admission system was put in place, with the provision that these UM children would be cared for despite the fact that they did not arrive with parents or guardians. The United States Catholic Conference and the Lutheran Immigration and Refugee Services were the two national voluntaries agencies that agreed to administer the Unaccompanied Minors program in various states. Throughout much of the life of the program, the majority of the participants have been from South Asia, with smaller numbers from other regions of the world.
- 2. Present Program** – Beginning in the late 1990s, the Office of Refugee Resettlement called upon states with unaccompanied minors programs to begin making preparations for a downsizing of operations, because of a decline in processing of minors overseas and a decrease in the number of unaccompanied minors entering the United States.

However, Virginia's UM program has continued as a viable resource to the Office of Refugee Resettlement in those instances in which refugee youth have unexpectedly suffered the loss of their parents, for unaccompanied asylee youth, and youth in extreme situations who have already entered the United States. New youth have been added to the program through these kinds of circumstances, and as a result, the number of youths in the program, after years of decline, actually increased during the year 2000. The ethnic diversity in the program has also increased.

Another factor contributing to the growth and diversity of the UM program in Virginia is the increased processing of minors in refugee camps over the past couple of years. The primary effort has been in the Kakuma Refugee Camp in Kenya, where a large number of youth, primarily males from Sudan, have been encamped for many years. Approximately 3,300 of these youth (some minors, and some young adults over 18) have been resettled in the United States, including 40 through Virginia's Unaccompanied Minors Program.

Though it is uncertain whether these two international trends will continue, the UM program in the state will remain strong for at least a few years while it serves the large number of youth who are presently being served in the program.

C. Eligibility for the Program

1. Establishing Eligibility

- a. Some refugees arrive in the U.S. with the status of Unaccompanied Refugee Minor, which is granted overseas by INS and the State Department before departure. When they arrive, these youth are placed directly into the Unaccompanied Minors program so that they can immediately be placed into foster care and provided the services and benefits of the program.
- b. Other refugee minors enter into the U.S. with a parent, guardian, or relative, but for some reason after arrival are unable to stay with them. These children may be eligible for the Unaccompanied Minors Program through what is known as "reclassification" (see section VI.F.2 below for details).
- c. A third group of minors comes to the U.S. unaccompanied by a parent or legal guardian with the hope of attaining asylum status from the Immigration and Naturalization Service. Though under the present system this process often causes many difficulties and a long waiting period for the child, if the minor is granted asylum he/she may also be reclassified by ORR as a Refugee Unaccompanied Minor.

2. Beginning and Ending Dates for the Program

- a. Program eligibility begins on either the day of arrival in the United States (if the child has been granted Unaccompanied Refugee Minor status while still overseas) or the day that Unaccompanied Refugee Minor status is granted (as a result of a petition for reclassification from “accompanied” to “unaccompanied”) by the Office of Refugee Resettlement.
- b. A refugee unaccompanied minor remains eligible for benefits and services in the program until he/she:
 - 1) is reunited with a parent,
 - 2) is united with a non-parental adult willing and able to care for the child to whom legal custody and/or guardianship is granted under state law, or
 - 3) attains the age of 21. In Virginia, a child in foster care before the age of 18 may remain in foster care between the ages of 18 to 21 if the youth is in permanent foster care; requires continuing foster care assistance to participate in an educational, training, or treatment program; and wishes to remain in foster care. (§ 63.1-206.1, *Code of Virginia*).

D. Program Goals

1. **Dual Emphasis of the UM Program** – The goals of the program for unaccompanied minor refugees and entrants are:
 - a. To reunify unaccompanied refugee children with their parents or, within the context of Virginia child welfare practice, with non-parental adult relatives.
 - b. To help unaccompanied minors develop appropriate skills to enter adulthood and to achieve economic and social self-sufficiency through delivery of child welfare services in a culturally sensitive manner.
2. **Developing Independence** - Preparation for living on their own and eventual emancipation are viewed as critical elements in the planning for minors. At a minimum, the provider agency will take the following specific steps to assist the minors in achieving self-sufficiency:
 - a. Provide training in life skills such as language competency, budgeting, banking, job readiness, vocational exploration, and self care.
 - b. Assist minors in locating living arrangements and employment.
 - c. Involve community resources and service providers in planning with the minors.

- d. Follow-up on the minor's adjustment to emancipation for six months.
3. **Adoption** - Since a primary goal in providing services to the minor is reunification with family, refugee/entrant minors are not eligible for adoptions except as provided in 45 CFR §400.115 (c). These cases are rare.

E. Services

1. Parallel Services

- a. The Unaccompanied Minors Program must provide the same services and benefits to the refugee minor that are provided to any minor that is in foster care in the state of Virginia.
 - b. These may include foster care maintenance payments (i.e. room, board, and clothing), medical assistance, and support services. For a full description of the benefits and services offered to children in foster care in the Commonwealth see the *Virginia Department of Social Services Manual*, V. 7, section 3, ch. B.5.4.1.
2. **Foster Care Options** - A continuum of care with culturally sensitive placement options is available to meet the developmental needs of minors and is consistent with those provided to all children in foster care in Virginia. These options include:
- a. Reunification with family or relative
 - b. Ethnically matched foster home
 - c. Foster home
 - d. Teaching/specialized foster home
 - e. Therapeutic group home care
 - f. Transitional independent living arrangement
 - g. Independent living placement
 - h. Residential facility
3. **Note:** *If the provider agency cannot place the minor in an ethnic or bilingual option, those services are added by the service provider through bilingual staffing and linkages with the ethnic community.*

F. Administration

1. Guide

- a. The private child placing agency under contract should petition the court in the jurisdiction where the minor will reside to establish legal custody within 30 days after arrival in Virginia, in accordance with §63.1-204 of the Code of Virginia.

- b. The agency must follow all of the requirements for opening a case for foster care as established by *Virginia Department of Social Services Manual*, V. 7, section 3, ch. B.5.
2. **Reclassification** – If the child needs to be reclassified as an unaccompanied refugee minor, the protocol that the Office of Refugee Resettlement (ORR) established should be followed, including:
- a. The child placing agency must submit an ORR-3 Placement Report (OMB No. 0960-0309) for the child to the State Refugee Coordinator. It should complete all sections of the report. If portions of the actions required by the report are pending, this should be indicated in the appropriate section.
 - b. Unlike with non-refugee foster children, the parents of unaccompanied minors need not necessarily be contacted in order for custody to be granted to the child-placing agency. Section 400.114.b of the Code of Federal Regulations says that, “in establishing legal responsibility, including legal custody and/or guardianship under State law, as appropriate, the minor’s natural parents should not be contacted in their native country since contact could be dangerous to the parents.”
 - c. If the child was not classified as an unaccompanied minor because of a clerical error, details about how and why this occurred must be fully explained in the report. Any accompanying documents that may more clearly illustrate that an error occurred should also be submitted. For a request for reclassification based on a re-determination of age, special steps must be followed.
 - d. The child placing agency should submit to ONS an assurance that the minor does not have, and has not had at any time since his or her arrival in the U.S., a parent living in the United States. In addition, the whereabouts of the natural parents should be specified if known and the name of the adult person with whom the minor entered the United States, or whom the minor entered the United States to join, should be supplied.
 - e. Assurance that the child is not living in the home of the non-parental or non-related adult with whom he or she entered the United States or the non-parental relative or other non-parental adult whom he or she entered the United States to join should be submitted to ONS.
 - f. The child-placing agency must demonstrate to ONS that it has been granted legal custody of the child by the appropriate court.

- g. Upon receipt of the appropriate documents and information described in sections a-e above, the State Refugee Coordinator will send a formal request for reclassification, including a narrative explanation of the circumstances under which the state believes the child to be "unaccompanied," to ORR.
- h. If ORR grants the request for reclassification, the minor will be eligible for all of the benefits and services provided under the Unaccompanied Minors Program.

3. **Case Plan**

- a. After custody and/or reclassification have been established and the initial steps are taken to open a case, the placing agency must immediately develop a case plan for the refugee minor. This should be done in accordance with the requirements set forth in 45 CFR §400.118 and the *Virginia Department of Social Services Manual, V. 7, section 3, ch. B.6-8.*
- b. The case plan should be tailored to the individual strengths, abilities, and temperament of each child and must address the following areas:
 - 1) Social adjustment
 - 2) English language training
 - 3) Career planning
 - 4) Education/training as appropriate
 - 5) Health needs
 - 6) Suitable mode of care in the least restrictive setting
 - 7) Development of socialization skills
 - 8) Family reunification
 - 9) Preservation of ethnic, cultural, and religious heritage
 - 10) Mental health needs, if necessary.
- c. The child-placing agency should follow the VDSS policy on service delivery with regard to the areas listed above. See *VDSS Policy Manual, V. 7, section 3, ch. B.9-11.* Additionally, the agency must review every six months the appropriateness of the minor's living arrangement and services.

- 4. **Interstate Movement** – When an unaccompanied minor is placed in Virginia and then moves to another state, the same guidelines that govern the interstate movement of a non-refugee child in foster care apply. For details about the various requirements and responsibilities see the *Virginia Department of Social Services Manual, v. 7, section 3, ch. E*, the *Virginia Code 63.1-219.1-5*, and *Virginia's Guide to the Interstate Compact on the Placement of Children.*

5. **Reporting Suspected Abuse/Neglect** – In order to ensure that refugees in the Unaccompanied Minors Program are given adequate protection, it is essential that the personnel of the child placing agency are informed of their responsibilities as mandated reporters. Virginia has established mandatory reporting statutes with regard to suspected cases of abuse and neglect, which can be found in the Code of Virginia 63.1-248.3 and 63.1-55.3. See section II.E.3 of this manual for more details about these requirements.

Monitoring and Reporting – It is expected that the child-placing agency will comply with monitoring and reporting requirements that are established through contractual agreement with the Office of Newcomer Services. See 45 CFR 400.120 for a description of the minimum requirements in these areas - though the contractual agreement may add additional requirements.