



United States Conference of Catholic Bishops (USCCB)
Migration and Refugee Services
3211 Fourth Street, NE
Washington, DC 20017-1194

TO: Court Personnel and Other Professionals Involved in Decisions
Regarding the Legal Guardianship of Refugee Children

FROM: Ann Brittain, Director of Resettlement Services

SUBJECT: Explanatory Note on Attached Refugee Minors (ARM) and Legal Guardianship

To Whom It May Concern,

This letter serves to provide background on **Attached Refugee Minors (ARM)** resettling in the United States and to provide context for the nature of their relationship to the person or persons they are resettling with. It is intended to supplement and provide substance to other documentation used in efforts to determine the appropriateness of granting legal guardianship to the caregiver of a particular ARM.

Each year the President of the United States, in consultation with Congress and other federal agencies, authorizes the admission of a certain number of refugees into the country. By definition, refugees are persons who fled their countries of origin and who meet the United Nations High Commissioner for Refugees' (UNHCR) criteria of having a "well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion." Inclusive in the number of refugees resettling in the United States are ARM cases, a categorization of refugee children who remain separated from their biological parents for some or all stages of resettlement. Because they are not living under the care of their biological parents, ARM are more vulnerable to trafficking, abuse, exploitation, or child labor than children accompanied by their parents. The U.S. Department of State recognizes these vulnerabilities and requires that ARM receive supportive services above and beyond the standard services required for all refugees, to ensure the safety and well-being of these children.

The U.S. Department of State assigns codes to identify the circumstances of all refugee minor children, including ARM. All Refugee Minor Codes are as follows; five of the seven codes designate ARM, as indicated:

- o **M1**: Minors attached to, traveling with, and resettling with biological or legally adoptive parents;
- o **M2**: **[ARM]** Minors attached to, traveling with, and resettling with blood relatives other than biological or legally adoptive parents;
- o **M3**: **[ARM]** Minors attached to, traveling with and resettling with non-relatives and minors traveling alone to join non-relatives;
- o **M4**: Minors destined for specialized refugee foster care because an appropriate relative or other caregiver arrangement is not available.
- o **M5**: **[ARM]** Minors traveling apart from but destined to join biological or legally adoptive parent(s). This includes minors traveling alone to join parent(s) in the U.S., minors traveling with relatives other than parents to join parent(s) in the U.S. and minors traveling with non-relatives to join parent(s) in the U.S.;
- o **M6**: **[ARM]** Minors traveling apart from the blood relative(s) (other than parents) they are destined to join. This includes minors traveling alone to join a relative (not parent) in the U.S. and minors traveling with non-relatives to join a relative (not parent) in the U.S.
- o **M7**: **[ARM]** Minors who are married regardless of their traveling companions or U.S.-based relatives.

Attached Refugee Minors with codes M2, M3, and M6 are living separately from their biological parents indefinitely. This may be due to the circumstances of war, death and disease, or limited structures for identifying missing family. In refugee contexts overseas, ARM children living under the care of relatives, siblings, or informal foster care arrangements are vetted by UNHCR Child Protection Officers, who employ principles from

(Rev. January 2019)



United States Conference of Catholic Bishops (USCCB)
Migration and Refugee Services
3211 Fourth Street, NE
Washington, DC 20017-1194

the Convention on the Rights of the Child¹ and the Best Interest Determination² (BID) assessment principles to guide their decision about the placement of the child with the arranged caregiver.

Family tracing is a critical component of the resettlement process, especially for children, as family reunification is a priority in most instances. In contexts where *it is known that a child's biological parents are dead*, there is often limited or no formal documentation of the death(s) (such as a death certificate), due to the failed infrastructure of the countries of origin or asylum. In contexts where it is *identified that a child's parents are missing and the status of their survival is unknown*, agencies such as the International Committee of the Red Cross or Red Crescent conduct thorough family tracing activities.

Many Attached Refugee Minors resettle in the United States **without a legal guardian**, albeit under the care of relatives, siblings, or in informal foster arrangements. Though guardianship arrangements may have been agreed-upon overseas, these arrangements usually hold no legal precedence as they may have been determined in a refugee camp, where the ability to make custody arrangements legally binding is strained or non-existent.

To this end, **securing guardianship for ARM children residing in the United States without a biological parent is critical to their well-being**. It gives their caregiver the right to make medical decisions on behalf of the child, enroll the child in school, and gives a greater sense of permanency, among other benefits. In the absence of traditional guardianship documentation from overseas, the following can help verify the relationship between the child and current caregiver:

- o **Refugee Biographical Data:** Refugee Biographical Data is a form produced by the Refugee Processing Center, operated by the U.S. State Department, and provides demographic, health and educational information on the respective child. The form also contains a “minor questionnaire” section which details conversations with the child and the child’s caregiver regarding the child’s caregiver arrangement during refugee resettlement processing overseas.
- o **Best Interest Determination (BID) Assessment:** The BID assessment is a standardized, internationally recognized, child protection tool employed by UNHCR and its Implementing Partners in refugee contexts. The BID is a comprehensive assessment completed by a Child Protection Officer after multiple interviews and home visits with the child and the family. Brief family history information is obtained, and a key function of the BID is to implement family tracing activities if relevant for children whose parents are missing. This assessment is then reviewed by a panel of professionals representing various local organizations who make a final recommendation on the care arrangements of the child. This recommendation is highly regarded, especially in the context of limited government authority to preside legally over such matters in emergency contexts. BIDs are conducted for children classified as M2, M3 and M6.

These documents are meant to provide context and validity for the nature of caregiver arrangements for ARM children. They serve as formal documents to be used in Family, Juvenile, or Probate courts across the United States when caregivers are attempting to obtain guardianship of Attached Refugee Minors. For more information regarding Attached Refugee Minors, please contact the Migration and Refugee Services Department of USCCB at (202) 541-3247 and ask to speak with the Refugee Child Protection Coordinator.

¹ Convention of the Right of the Child was adopted and ratified by the United Nations’ General Assembly in November 1989. Document retrieved from: <http://www.unhcr.org/en-us/protection/children/50f941fe9/united-nations-convention-rights-child-crc.html>

² More information on the Best Interest Determination assessment can be found at this file path: <http://www.refworld.org/docid/48480c342.html>