



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

FIELD GUIDANCE – May 14, 2021

RE: Field Guidance #15 – Release for Eligible Non-Sibling, Closely Related Children to a Category 1 or Category 2A Sponsor

GUIDANCE

The Office of Refugee Resettlement (ORR) prioritizes the placement of unaccompanied children (UC) with parents, legal guardians, and close relatives who are available to provide custody in the United States. To that end, ORR is instituting a revised policy for groups of closely related UC. This will allow for:

- Expedited Release Procedures for Eligible Category 1 Cases to apply to a related child for whom the same sponsor serves as a Category 2 sponsor
- Category 2A background check requirements to apply to a related child for whom the same sponsor serves as a Category 2B sponsor

Under this policy, certain children will be released to their parents or legal guardians (or Category 2A sponsors) using specialized procedures that modify standard release requirements under ORR Policy Guide section 2 and accompanying instruments. Due to the novel nature of this policy, and in recognition of operational flexibilities that may require additional follow up, this Field Guidance may be further modified by ORR.

If an unaccompanied child is being released to a Category 1 sponsor through the expedited release, and that child is in ORR custody with a non-sibling close relative as defined in ORR Policy Guide, 2.2.1, then those children may be released together to the Category 1 sponsor. The two UC do not have to travel together. For example, if Jose is in ORR custody and qualifies to be released to his biological mother, Juana, under Field Guidance #10, and Jose is placed in ORR custody with his cousin Maria, both children may be eligible to have expedited release to Juana (a Category 1 sponsor for Jose but a Category 2B sponsor for Maria.)

In addition, for non-sibling closely related children who are 2A and 2B, those children may be released together to the Category 2A sponsor. However, expedited release is not available for these family groups. For a family group including a 2A and a 2B relative, the sponsor is exempted from the standard fingerprinting requirement for 2B Sponsors that would otherwise apply under ORR Policy Guide section 2.5.1 as specified below. The sponsor is otherwise subject to all other provisions including signature of the *Family Reunification Application* under Field Guidance #14 and other applicable ORR policies and procedures.

This Field Guidance is in effect for 60 days after posting and may be extended by ORR. This Field Guidance is consistent with, and does not alter, Field Guidance #10.

Non-sibling, closely related unaccompanied children cases: In the event that a child is being released to a Category 1 sponsor through the expedited release and that child is in ORR custody with a non-sibling, close relative (i.e. aunt; uncle; first cousin), then those children will be released to the Category 1 sponsor under the same processes and will be processed simultaneously for expedited release. All children in the family unit will need to meet the eligibility criteria for expedited release in Field Guidance #10. The non-sibling, closely related UC should still be categorized according to the definitions in [ORR Policy Section 2.2.1 Identification of Qualified Sponsors](#).

Once the basic conditions listed above are met, care providers can release children based on the instructions relevant to the Category that reflects the closest relationship to the child. In addition:

- The non-sibling, closely related children's release cases should be conducted concurrently with sponsor interviews relative to all children in the unit simultaneously whenever possible
- Case Managers should continue to follow [ORR Policy Section 2.2.4 Required Documentation for Submission with the Application for Release](#) for a non-sibling, closely related child.

Non-Sibling, Closely Related Category When in Separate Facilities

In the event the non-sibling, closely related UC are in separate facilities, the case managers assigned to each case should make every effort to coordinate sponsor assessments. For example, one case manager could be lead and request all documentation while sharing with the other assigned case manager. If possible, both case managers could also participate in the sponsor interview.

Eligibility under these policies necessitates that the family unit be in ORR custody during the same time; however, the family unit need not be placed in the same facility nor have arrived together upon initial apprehension.

Transfer of Custody

When the required steps are complete, and so long as no concerns relating to abuse or neglect exist, the child (or children) may be released directly to the sponsor's care.

ORR authorizes care providers to pay for the sponsor's travel to the ORR care provider facility to pick up their child (or children) and complete paperwork at the facility (if allowed). ORR also authorizes care providers to pay other transport fees for return travel or allow for the child's transport to the sponsor's location following traditional transfer of physical custody policies under [ORR Policy 2.8.2 Transfer of Physical Custody](#), including ORR paying for such travel (including for escorts). Travel arrangements should be made as soon as it appears that the child's release is viable, rather than waiting for FFS approval. These travel authorizations are provided in the case of all sponsors.

Waiver of Fingerprints for Category 2B Cases with Qualifying Category 1 or 2A Sponsors

(1) Fingerprints for a sponsor of a 2B related case related to a Category 1 or Category 2A case are waived provided that all of the following conditions apply:

- the children are screened and determined to not be especially vulnerable;
- the children are not otherwise subject to a mandatory TVPRA home study; and
- there are no other red flags present in the case, including red flags relating to abuse or neglect.

If one of the cases falls under one of these categories and the other(s) does not, the Case Manager and Case Coordinator will make a recommendation to the FFS whether to separate the cases for purposes of processing.

(2) Case managers will document the waiver in all children in the family units' *Release Request* documents.

(3) The cases are otherwise processed following applicable Field Guidance instructions and ORR procedures.