



## U.S. Repatriation Program – Dear Colleague Letter on Unaccompanied U.S. Citizen Children

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**DATE:** July 20, 2023

**TO:** U.S. Repatriation Program Grantee and State and Local Partners

**FROM:** Natalie N. Grant, Director, Office of Human Services Emergency Preparedness and Response

**SUBJECT:** Unaccompanied U.S. Citizen Children Returning to the United States Through the U.S. Repatriation Program

### **PURPOSE**

The purpose of this letter is to provide recommendations to facilitate the best possible outcome for unaccompanied U.S. citizen children returning to the United States through the Office of Human Services Emergency Preparedness and Response’s (OHSEPR) U.S. Repatriation Program (hereafter referred to as the “Program”).

### **AUDIENCE**

State Non-Emergency Repatriation Coordinators (SNERC), county-level social services, including child protective services and case workers

### **SCOPE**

Unaccompanied U.S. citizen children (or minor dependents of U.S. citizens) without available resources returning to the United States by the U.S. Department of State (DOS) through the Program

### **ROLES & RESPONSIBILITIES**

Foreign governments, DOS, OHSEPR, its Case Management Support, and the receiving states/territories work together to facilitate the return of unaccompanied U.S. citizen children to the United States and may provide support to them upon domestic arrival.

- **Foreign governments** serve as competent authorities<sup>i</sup> outside of the United States and may have the ability to assess children’s safety and well-being, remove children from the home, assume custody, and determine placement in their respective country. The scope of services these competent authorities provide varies greatly (e.g., some countries do not have social services to support children).
- **DOS Bureau of Consular Affairs** serves as a liaison between the foreign government’s competent authority and OHSEPR.
- **OHSEPR** makes eligibility determinations for the Program, refers cases to its Case Management Support, and provides reimbursement to states for the cost of temporary assistance and case management.
- OHSEPR’s **Case Management Support** communicates with the receiving states through the SNERCs.
- **SNERCs** serve as the main point of contact within the state, and work closely with the state’s local social services, including child welfare agencies and case workers, as applicable.

*DOS and OHSEPR do not have the authority to remove children from the home or assume custody of unaccompanied children at any time.*

## BACKGROUND

Approximately 80 U.S. citizen children are returned unaccompanied every year to the United States by DOS through the Program. Each child goes through unique experiences that are unfortunate enough to keep them away from their family. Children often enter the Program having already experienced a significant amount of trauma and loss.

Vulnerable U.S. children can come to the attention of foreign countries DOS attention in several different ways. For instance, a neighbor reports children who appeared to be neglected in the house next door or a teacher reports a child who keeps coming to school with unexplained bruises. Other times, parents or legal guardians reach out to DOS requesting assistance. For example, a U.S. citizen child is returning to the United States due to death of her parents in a foreign country, a non-U.S. citizen mother wants to return her U.S. citizen daughter who is vulnerable to exploitation in a Syrian refugee camp, or a teenage boy may be targeted by security forces in Nicaragua.

Other children may independently contact DOS themselves and communicate what has happened to them. For example, a teenage boy goes directly to a U.S. embassy to escape abuse from a grandfather he is living with in Kenya, or a teenage girl flees a hotel in Yemen in which she was being forced to marry a cousin at 15.

Each case is unique, and the action DOS takes depends on the specific facts of the case and the government child protection resources in the country. The embassy or consulate [“Post”], working closely with DOS headquarters, verifies the child’s identity and citizenship, conducts a welfare-

whereabout visits, and works with available foreign local authorities to facilitate services in-country, as appropriate and safe.

The United States must rely on the foreign government's competent authority which has jurisdiction when working with children in the foreign country. DOS and OHSEPR do not have authority to remove children from the home, terminate parental rights, and take or determine emergency or ongoing

*Many countries have limited capacity to provide social services to families or basic needs for children.*

custody. If the foreign government determines the child is unsafe, local services may remove the child from the home and assign placement and emergency custody in-country. The foreign government's local services may contact DOS to make them aware of the intervention and coordinate on repatriation, as appropriate.

OHSEPR, its Case Management Support, and DOS serve as facilitators between SNERCs and the foreign government to help provide information that will allow the receiving U.S. state to place and provide assistance to unaccompanied U.S. citizen children returning to the United States.

Once OHSEPR approves a repatriation case referred by DOS, its Case Management Support connects with the SNERC in the receiving state. The SNERC serves as the main point of contact at the state level (e.g., they may connect with the state child welfare agency, and other relevant state partners) to coordinate any pre-arrival requirements, and ensure the state has the information it needs to prepare for the child's return. All parties coordinate and share information to facilitate the imminent return of the unaccompanied child.

Upon arrival to the state, the child may be placed with kin<sup>ii</sup> or enter foster care or congregate care. The kinship placement should be advised of temporary assistance and case management available and sign the relevant forms if they opt-in to the Program. Also, an older child in a group home or transitional housing may want to participate in the Program. States coordinate with OHSEPR's Case Management Support, and repatriates to tailor assistance and support waiver and deferral applications as appropriate.

## **FREQUENTLY ASKED QUESTIONS**

To facilitate the best possible outcome for the child, and to mitigate additional trauma, the questions listed below discuss challenges and identify best practices that will help states prepare for the child's return.

## Q1. Are unaccompanied children eligible for the Program?

Unaccompanied U.S. citizen children are eligible for the Program.

DOS confirms both the child's identity and citizenship when opening a case. DOS uses various methods, tools, and techniques to research and confirm children's identities. This can include reviewing the minor's passport applications or working with OHSEPR and the state to identify any documentation regarding the child's custody in the state in which they or their parents previously resided. Confirming a child's identity and citizenship is a mandatory part of the repatriation process and consistent with federal law.

OHSEPR will only refer eligible repatriates to states and will help ensure that all available information on the child's family and network is transmitted completely, securely, and in a timely manner to the receiving state.

Documentation may vary, be missing, or may not exist. For example, parents may have misplaced their child's birth certificate, never applied for a U.S. passport for their child, or have forgotten their child's social security number; the U.S. citizen parent may not have been listed on the birth certificate; or an abusive spouse is intentionally keeping the family's U.S. citizen-related paperwork hidden from them or is unwilling to sign necessary paperwork to secure identity-related documents.

Additionally, families and informal care arrangements can vary, and a child's biological parents may not be their legal guardian. Some families may have been involved in protection and custody-related legal proceedings in the United States and documents are diffused through different courts, counties, and states.

### STATE CHALLENGES

- ❖ A state may have specific criteria that must be met to open a case in their state for a child, including verifying the child's identity and citizenship.
- ❖ States need all information available on a child's identity, citizenship, and custodial arrangements, including material provided by DOS, and any other relevant materials to prepare for the child's arrival.
- ❖ Documentation from the foreign competent authority may be limited.

### BEST PRACTICES

- ✓ States should take all documentation and correspondence into account when it comes to communicating identity, citizenship, and custodial arrangements to state courts and decision makers.
- ✓ SNERCs should arrange meetings with all state and local stakeholders at the inception of a case to reaffirm roles and responsibilities, discuss jurisdictional and procedural questions, and begin planning.

## Q2. How is the child's final destination in the United States determined?

DOS may help determine the child's state of final destination. A parent or caretaker may provide information to support final destination determinations, but this may be limited when the child is in the

*An older child who has no adults to care for her may work with DOS to repatriate to a state near friends. A child with an incarcerated parent may be repatriated to the state where his parent is being held so he can be nearby when the parent is released and for visits, as appropriate.*

custody of the foreign government. The following factors are considered: where the child has lived before or gone to school, where relatives live, and where the family lived previously. It can be challenging to determine a state of final destination when the child has never lived in the United States, has not been to the United States in years, or has little to no ties to any particular state. Depending on the age of the child, DOS will likely take into consideration their wishes regarding a final destination.

When a child's only familial ties are outside of the United States and the child is left to the custody of the foreign government, the child may have to be repatriated to a state with which they are unfamiliar. In these cases, the foreign country works with individuals who are currently in the child's life to identify which state may be most suitable since the child will be returned to the United States. All adult U.S. citizens have the right to return to the United States and to any state of their choosing.

The resources, procedures, and competencies of local competent authorities in foreign countries vary and are not always equipped to support a reunification plan in-country or identify relatives in the foreign country to facilitate a kinship placement or reunification with a parent. DOS may communicate with adults (including relatives and family friends in the foreign country and in the United States), consistent with the safety of the child and in accordance with the Privacy Act of 1974. A placement in the United States is best suited for the child when resources to support in-country kinship placement may be limited or non-existent.

### STATE CHALLENGES

- ❖ A state may be limited in their ability to establish a case when the child is not present in the United States.
- ❖ A state may not have the authority to conduct and expend resources on activities such as pre-arrival home visits before an unaccompanied child arrives in its state and the child is in their jurisdiction.
- ❖ There are no kin in the jurisdiction willing or eligible to care for the child.
- ❖ The child's parent(s) or legal guardian(s) have not surrendered their rights.
- ❖ The child's parent(s) or legal guardian cannot be located, is not responsive, or is going through their own crisis which limits their ability to provide care for the child.

## BEST PRACTICES

- ✓ Families should stay together, specifically siblings, whenever possible.
- ✓ Children should be returned to the United States instead of being delayed in a foreign country where their educational, health, and psychosocial needs may not be met.
- ✓ Each case should be resolved in a timely manner, with compassion and empathy, when coordinating with the potential placements.
- ✓ Review all information and communications from OHSEPR, its Case Management Support, DOS, and the foreign government when preparing for a child's arrival.
- ✓ The information and communications between the state, OHSEPR, its Case Management Support, DOS, and the foreign government may not be enough for a state's child welfare entity to formally open a case, but it can often be enough to start coordinating logistics and planning for potential needs for when the child arrives. This can include engaging with the final destination's child welfare services; determining what can be done to prepare for the child's arrival; planning to meet the child at the airport; and advising staff at the state or county managed child welfare hotline (hereinafter referred to as "hotline") when a child is scheduled to arrive unaccompanied with specific arrival information.

### Q3. Why must states meet another country's requirements such as conducting pre-arrival assessments?

Similar to the United States, foreign governments generally consider the best interest for children in their custody and often issue conditions regarding the repatriation of the child to the United States. They may require specific assessments and pre-arrival planning before they release the child, such as forensic interviews of parents accused of abuse; assessments on dogs in the home; a home visit at proposed placement in the United States; travel itinerary; points of contact; and specific details on placement, schooling, and care to help ensure the children are not returned to an unsafe environment. In the United States, the states have the relevant authority to assess and place children. As states maintain high standards for care of children, completion of the requirements identified by the foreign country supports the child's timely return to the United States.

#### STATE CHALLENGES

- ❖ Each state has its own mandates, laws, and policies for managing unaccompanied children within their borders.
- ❖ States may not have authority to investigate alleged abuse and neglect based on actions that happened in a foreign country.
- ❖ States may be limited in considering confirmed or alleged abuse or neglect that happened outside of their state or in a foreign country.
- ❖ Definitions of abuse and neglect vary from state-to-state and country-to-country, and many abuse and neglect allegations lack sufficient evidence and paperwork to substantiate the claims.
- ❖ Generally, abuse and neglect allegations must be handled through formal court proceedings in the United States to justify the state intervening in parental rights.
- ❖ The required investigations and specialized assessments may have additional costs.

#### BEST PRACTICES

- ✓ SNERCs work closely with child welfare agencies who are the authorities positioned to determine placement.
- ✓ SNERCs are encouraged to communicate proactively, thoroughly, and clearly with all relevant stakeholders (e.g., child welfare, Case Management Support) about all claims of confirmed or alleged abuse and neglect.
- ✓ Foreign countries may provide court documents, recorded interviews, medical records, and other documentation. While this may not be enough to warrant a state to assume custody of a child upon arrival and may not appear directly related to the prospective placement, SNERCs are expected to communicate all materials, in a trackable format, to their county-level social service agency's child welfare departments in the final destination. These documents may be sufficient for child welfare agencies to warrant initial engagement with the prospective placement.
- ✓ For specialized assessments that may be outside of the child welfare authority, consult with OHSEPR's Case Management Support for reimbursement options.
- ✓ It is important that all parties involved conduct due diligence, communicate frequently and thoroughly, verbally and in writing, and be as proactive as possible.

#### Q4. How do states obtain the necessary information in English to support the child's return?

States require information to assess the child's potential needs; prepare for the reception of an unaccompanied child; and provide relevant authorities with the necessary documentation for decision-making.

Communications and records about the child's situation in the foreign country, including their health, schooling, and living situations, will help states be ready to receive the child. This often includes paperwork, such as school and medical records and custody- and abuse-related legal documents. These documents and communications may include different languages, dialects, and variations that require translation and interpretation.

*Mistranslating documents can lead to negative consequences for a child, such as being placed with an inappropriate guardian or receiving improper medical care.*

Further, children and escorts may have limited English-speaking proficiency which may impact pre-arrival coordination calls and post-arrival reception. Communications require proper translation and interpretation to ensure that the child's history and arrangements accurately reflect all available information. Timely and accurate translation of all information, including minor details, can have significant implications on a case and facilitates the best possible outcome for the child.

#### STATE CHALLENGES

- ❖ The foreign country does not have or will not share documents pertaining to the child's previous and current custodial arrangements, legal status (e.g., visa status, court records, travel history), or abuse allegations (e.g., interviews, photographs, records).
- ❖ States cannot plan effectively or make decisions without relevant information and documentation especially regarding custody, medical needs, and schooling.
- ❖ When translation is not available or delayed, a state runs the risk of delays and misinterpreting important information.

#### BEST PRACTICES

- ✓ SNERCs should use the documented correspondence from DOS, the foreign government, and the Case Management Support to prepare for the child's arrival and support any action after arrival.
- ✓ Translation of all documents in a timely manner will support the child's potential needs (e.g., custody, medical, school).
- ✓ States can familiarize themselves with their state-funded resources for translation and interpretation services.
- ✓ States should ensure appropriate authorities in their state receive all original and translated documentation.
- ✓ If a child is placed with kin, the state should ensure they have relevant documentation (e.g., medical and school records).
- ✓ The SNERC should consult with the Case Management Support for reimbursement options for translation.



## Q5. How can states support travel arrangements and reception of the unaccompanied child?

The arrival and reception of an unaccompanied child includes pre-arrival coordination of travel logistics, reception, and placement. While SNERCs are expected to greet all repatriates at the airport, including unaccompanied children, it can be a challenge to reconcile available flight times, rates, escort availability, and time zones with holidays and standard government hours of operation.

*When appropriate, stakeholders can work together to include the child in the repatriation process. This can include facilitating communications between the child and foster family or giving the child hard copies of documents ahead of their flight.*

A child may return outside of business hours, or return to the United States suddenly, with limited or no advance notice. There is a chance a state representative will not be available to meet the child at the airport, which is not in the best interest of the child and can even be harmful to the child. A child may experience emotional distress while traveling or upon arrival. Additionally, a child with medical needs may require assistance upon arrival.

### STATE CHALLENGES

- ❖ Stakeholders in the repatriation process must reconcile the arrival of the child with regular working hours if a state does not allow overtime or staff is unavailable on the day and time of arrival.
- ❖ The child may decompensate during or following travel and receiving staff may not be prepared to provide appropriate support.
- ❖ The child's placement may not have been determined prior to arrival of the child in the United States.

### BEST PRACTICES

- ✓ When the state is prepared and informed about an unaccompanied child's arrival, the SNERC develops a plan with stakeholders (DOS, Case Management Support, state and local entities). Plans should include pre-arrival travel logistics, safety considerations, reception (e.g., identify the individual who will meet the child in advance or confirm with the local hotline ahead of time for direction on what to expect once the child arrives and to provide a warning of the child's imminent arrival), and placement.
- ✓ To prepare for unexpected arrivals, the SNERC develops a pre-arrival contingency plan which may include establishing points of contact at the airport and state and/or locally-managed hotline(s) for abandoned or unattended children and standard operating procedures for communications and reception.
- ✓ The SNERC communicates closely with OHSEPR's Case Management Support and DOS regarding final itineraries and flight changes.
- ✓ State staff receiving the child at the airport should be ready to provide physical and/or emotional support or have resources readily available if the child is experiencing distress.

- ✓ The SNERC can contact OHSEPR's Case Management Support for case management and travel reimbursement.

## Q6. How can unaccompanied U.S. citizen children receive support through the Program upon arrival?

Upon the child's return, the child may be eligible for temporary assistance through the Program regardless of their placement in foster care or with kin. While it may appear as if no further Program assistance will be required after initial placement, reintegration may be a challenge for both the caregiver placement and the child.

Temporary assistance offered through the Program can help meet the child's immediate needs in the placement during the 90-day eligibility period, and secondarily support the caregiver. Temporary assistance through the Program can be complementary to existing resources and can include respite care and language classes. This assistance can promote healing through trauma-informed care and help ensure the child thrives in their new home as they integrate into the community.

### STATE CHALLENGES

- ❖ A SNERC has limited visibility once the child is placed with kin or enters foster care or congregate care.
- ❖ The kin placement is not interested in the Program or refuses to sign the repatriation repayment and privacy agreement.

### BEST PRACTICES

- ✓ The SNERC provides the placement with all relevant documentation (e.g., school and immunization records).
- ✓ For unaccompanied minors placed with kin, the SNERC should provide information about the Program and cost and no-cost resources such as case management, counseling, caregiver support, and age-appropriate community groups. While the caregiver may qualify for certain local resources and programs, they can also opt-in to the Program to receive additional case management and temporary assistance.
- ✓ The SNERC checks in with the child welfare entity to ensure receipt of all documentation sent by the SNERC and to advise that this Program is available for up to 90 days and that the SNERC will conduct one additional follow-up with child welfare before Program case closure.
- ✓ The SNERC keeps the case open after child's arrival and connects with parent or kinship placement or child as appropriate (e.g., after two weeks, 30 days) to determine if additional resources are needed prior to closing the case.

## POST ARRIVAL SUPPORT & RESOURCES

The following resources are available to support state and local social services entities, caregivers, and unaccompanied children.<sup>iii</sup>

### Resources for State and Local [SNERC, child welfare]

- [National Child Traumatic Stress Network](#) – A national network of partners and service providers increasing access and standard of care for children and families who have experienced traumatic events.
- [Responding to Human Trafficking among Children and Youth in Foster Care and Missing from Foster Care](#) – An ACF Information Memorandum (IM) detailing resources available to aid state responses to human trafficking of minors.
- [Child and Adolescent Health](#) – The Health Resources & Services Administration (HRSA) Training and Technical Assistance Hub for trainings pertaining to child and adolescent health.
- [Understanding Child Trauma](#) – An infographic and fact sheet from the Substance Abuse and Mental Health Services Administration (SAMHSA) identifying key signs, impacts, and statistics of child traumatic stress.
- [Behavioral Health Resources for Youth](#) – SAMHSA’s Mental Health Awareness Month program page, including recordings from past events regarding children’s mental and behavioral health.
- [State Liaison Officers \(SLO\) for Child Abuse and Neglect](#) – Contact reference list of SLO for child abuse and neglect for each State and Territory.
- [State Foster Care Information Websites](#) – Reference list of foster care information (including contact, website links, models of practice, and other general information) provided by each State and Washington, D.C.
- [AdoptUSKids](#) – A resource guide detailing state-, territory-, or tribe-specific rules, regulations, and information for adoption and foster care.
- [Home Study Requirements for Prospective Foster Parents](#) – A publication discussing state laws and regulations regarding the licensing and approving of family foster homes.
- [State Resources](#) – A landing page to access state-by-state child welfare information, statutes, services, etc.
- [Child Welfare](#) – A child welfare strategy group supporting the work of agencies, policymakers, and advocates, including providing child welfare resource guides.
- [National Institute on Permanent Family Connectedness](#) – An organization providing consultations, trainings, and other services with the goal of establishing family permanency.
- [ACF Hotlines and Helplines](#) – A resource of ACF-supported hotlines and helplines, including for domestic violence, human trafficking, and runaway youth.

### Resources for Caregivers [Parent, Legal Guardian, Kin Placements]

- [Resources for Relative and Kinship Caregivers](#) – A resource list for relative and kinship caregivers, including information regarding legal, financial, and other common issues.
- [Kinship Caregiving Options](#) – A PDF publication broadly comparing different options for kinship caregiving.

- [Resources for Kinship Caregivers: Guides and Handbooks](#) – A resource list of guides and handbooks to navigate common kinship caregiving issues, targeted towards grandparents.
- [Grandfamilies & Kinship Support Network](#) – A network providing technical assistance to government agencies and nonprofits to improve services for grandparents and other kinship families.
- [Kinship Care and the Child Welfare System](#) – A factsheet to help kinship caregivers navigate the child welfare system.
- [Resources for Kinship Caregivers: Impact on Caregivers](#) – A resource list of support services and training for kinship caregivers, particularly regarding stress and health management.

## Resources for Unaccompanied Children

- [National Runaway Safeline](#) – A national communications system for runaway and homeless youth providing free, 24/7 access to trained staff.
- [Childhelp Hotline](#) – A 24/7, toll-free national hotline for child abuse.
- [Providing Support Services for Youth in Transition](#) – A resource list for youth transitioning into adulthood, including information pertaining to education, employment, finances, and self-sufficiency.
- [Currently in Foster Care? Visit Resources for Youth](#) – A resource list for youth currently in foster care to prepare them for transition into adulthood.
- [Transition & Aging Out](#) – Lists resources such as articles, tools, videos, and podcasts to help you prepare for adulthood.

/s/

Natalie N. Grant

Director

Office of Human Services Emergency Preparedness and Response

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<sup>i</sup> For the purpose of this letter, a competent authority is any person or organization that has the legally delegated or invested authority, capacity, or power to perform a designated function.

<sup>ii</sup> The term "kin" encompasses both relatives (those related by blood or marriage) and fictive kin (those who are unrelated but have such a close emotional relationship that they are considered like family to the children). See "Kinship Care and the Child Welfare System" [https://www.childwelfare.gov/pubpdfs/f\\_kinshi.pdf](https://www.childwelfare.gov/pubpdfs/f_kinshi.pdf), May 2022.

<sup>iii</sup> Please note that providing links to a non-Federal website in this letter does not constitute an endorsement by ACF or any of its employees of the sponsors of the websites or the information or products presented on the site. ACF cannot attest to the accuracy of information provided by this link or any other linked sites on the website.