

Information about Detained Children

What happens when a child is detained by immigration authorities without a parent or legal guardian?

Children are detained by immigration authorities in different ways, including

- crossing the border
- through raids on workplaces or homes
- after being arrested

When a child is apprehended by themselves (not with their parent or legal guardian) they are usually considered unaccompanied.

Unaccompanied immigrant children under age 18 must be placed in the custody of the Office of Refugee Resettlement (ORR) of the Department Health and Human Services (HHS) within 72 hours of their apprehension by immigration officials.

They will also be placed in removal proceedings, which means they will need to appear before an immigration judge who will decide if they can stay in the U.S.

Basic information that all undocumented children and youth should know!

If you are stopped by immigration officials, you have the **RIGHT TO REMAIN SILENT**.

You do not need to share any information about where you were born or what country you are a citizen of. If you do share any information (even saying "I was born in x country") that information can be used as evidence against you in a deportation case.

If immigration officials come to your door, do not give them permission to enter your home unless they have a warrant. Immigration officials can only enter your home if they have a warrant.

The Immigrant Legal Resource Center created cards that you can print and carry with you in your wallet or on your phone with information about what to say if you are stopped by an immigration official:

<http://www.ilrc.org/for-immigrants-para-inmigrantes/red-cards>

Where are unaccompanied immigrant children detained?

There are ORR detention facilities in several states including Washington, Oregon, California, Arizona, Illinois, Texas, Virginia, New York, and Florida.

ORR has three placements levels: secure facilities (juvenile halls), staff secure facilities and shelters. Most children are placed in shelters.

If your child is detained how can you find them?

ORR operates a hotline seven days per week **from 9am to 9pm Eastern Time**, for parents seeking to locate their children in ORR care. The **Parent Hotline number is 1-800-203-7001**.

If your child is 18 or over, they will be detained in ICE detention and you can locate them through this website: <https://locator.ice.gov/>

What happens once a child is placed in the Office of Refugee Resettlement (ORR)?

All children placed in the custody of the ORR have a right to be released to a family member, another caring adult, or a licensed entity pending the outcome of their removal proceedings. Children are assigned a case manager that will help with this process.

More information including the forms sponsors will need to complete on the ORR website at: <http://www.acf.hhs.gov/programs/orr/resource/unaccompanied-childrens-services>

How does Legal Services for Children help detained children?

LSC provides legal services to immigrant children detained at three detention facilities in Northern California. We provide Know Your Rights presentations, legal screenings, and connect children with pro bono attorneys. In addition we represent some children in pursuing legal relief in the U.S. or in their request to return to their country of origin.

What rights do detained immigrant children have?

Detained immigrant children have the right to:

- Culturally appropriate food
- Shelter
- Medical attention
- Mental health attention
- Telephone calls
- Speak with a lawyer
- Share the information that they want to share
- Practice their religion
- Be respected
- Have time outside everyday
- Be placed in the least restrictive setting
- Be released to a family member or friend of the family while their immigration proceedings are pending.

What happens once a child is released from detention?

All children have the right to attend school regardless of their immigration status. Some children might also be eligible for certain benefits. Children should not be made to work by their sponsor. Children must attend all of their immigration court hearings.

What are a sponsor's responsibilities after a child is released from ORR custody?

The sponsor must take care of and provide for the child and ensure that the child knows about and attends his/her immigration court hearings.

For more information, contact the Immigration Center for Women and Children, which hosts classes and provides information to sponsors.

<http://icwclaw.org/services-available/legal-orientation-program-for-custodians-lopc/>

What happens if I do not attend my immigration court hearing?

If you do not attend your immigration court hearing, the immigration judge will most likely order you deported in your absence. If you go to your hearing, you have a chance of requesting more time or submitting an application that might let you stay in the U.S., but if you don't go, you won't be able to apply for most options. If you have a deportation order, ICE will probably come looking for you at the addresses they have for you.

Beware of Notarios!

Notarios are not immigrant attorneys. Some notarios represent themselves as immigration attorneys. They take peoples money without providing them with a legal service. You should only seek help from an attorney or an accredited representative. Learn more:

<http://www.stopnotariofraud.org/>.

How can LSC help me?

LSC works with children who are in ORR custody in Northern California. We also represent some children who were released from ORR custody to sponsors in the Bay Area.

If you are under age 21 and live in Northern California, LSC can do a free legal screening with you and advise you about your legal options. If you qualify for SIJS, DACA, a T or U visa and live in Alameda or San Francisco county, we may be able to represent you in your case for free. We offer services in English and Spanish, and can access translators for some other languages.

Do you live outside of the San Francisco and Alameda Counties?

LSC is unlikely to be able to represent you but if you live in Northern California, we may be able to do a screening by phone and give you some referrals. Feel free to call our warm line.

You can also find other organizations nationwide that provide free or low cost immigration representation on the Immigration Advocates Network

<http://www.immigrationadvocates.org/nonprofit/legaldirectory/>