

QUESTIONS

Hearing on

“The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?”

February 23, 2016

Senator Leahy:

Questions for Juan Osuna, Director, Executive Office for Immigration Review, DOJ

Because of the complexity of our immigration court system, many unaccompanied children need lawyers to help them navigate the process. Unfortunately, legal assistance is unavailable in many of these cases, and unaccompanied children often have to steer a case on their own, which makes it exceedingly difficult for them to make a claim for protection or relief under our immigration laws.

Q1: What percentage of unaccompanied minors are represented by counsel in immigration court? How does the presence of counsel affect the outcome of unaccompanied minor proceedings, and how does it increase the efficiency of the immigration court system?

The percentage of unaccompanied minors represented by counsel from July 18, 2014 to March 29, 2016, is below:

Representation Status of Unaccompanied Children (UC) Initial Case Completions (ICC) in Removal Proceedings between July 18, 2014 and March 29, 2016

Fiscal Year	Represented	Unrepresented	Percent Represented
2014 (partial)	396	1,170	25.3%
2015	9,718	6,827	59.1%
2016 (partial)	6,422	2,987	68.3%

The Department of Homeland Security is responsible for identifying which individuals fall into the “unaccompanied child” priority category.

Generally, legal representation enhances the effectiveness and efficiency of immigration proceedings involving unaccompanied alien minors. For example, cases involving represented minors often have fewer continuances. It is important to note that EOIR has several programs to encourage the representation of unaccompanied alien children and provides guidance and trainings for immigration judges regarding special procedures for children in immigration proceedings, including encouraging the use of available *pro bono* resources for children who are not represented.

Senator Flake:

Questions for Juan Osuna, Director of the Executive Office for Immigration Review, U.S. Department of Justice

- 1. From July 2014 to January 2016 there have been 10,142 removal proceedings of UACs that ended in an order of removal. Of these orders of removal, 8,912 or 88% were in absentia.**

- a. Of these 10,142, how many have been removed?**

The Department of Justice does not remove respondents. Removal is a function of U.S. Immigration and Customs Enforcement (ICE), within the Department of Homeland Security (DHS). We defer to ICE on this question.

- b. Has EOIR or ORR conducted any analysis on the sponsors who obtain attendance of UACs at their removal hearings and those who do not to determine if any factors exist that are more likely to result in a sponsor securing attendance? If not, do you think that would be helpful?**

While EOIR regularly communicates appropriate information to our interagency partners, both on a local and headquarters level, EOIR has not specifically conducted the analysis described in this question. While generally, we defer to the Office of Refugee Resettlement (ORR), within the U.S. Department of Health and Human Services, with respect to characterizing ORR activities, we understand that ORR does not track attendance at immigration proceedings and would be unable to provide such an analysis.

- 2. The Department of Justice in conjunction with other agencies has established separate juvenile dockets in the immigration courts to help speed up the processing of UACs.**

- a. What impact have these juvenile dockets had on the time it takes to complete the UAC removal process?**

The length of time it takes to resolve a case is based on many factors, including but not limited to the complexity of the case, the judicial resources available in the court hearing the case, the size of the docket in the court hearing the case, and the time it takes to gather and present the relevant evidence and witnesses. EOIR has arranged for juvenile dockets to promote *pro bono* representation by allowing non-governmental organizations and private attorneys to have predictable scheduling and to represent multiple children without multiple hearing dates. Cases involving minor respondents often can be adjudicated more efficiently with the assistance of counsel.

b. How do outcomes in the juvenile docket differ, if at all, from those in the immigration court's general docket? Please provide data.

The number of adjudications for fiscal year 2015 for unaccompanied and non-unaccompanied children, categorized by the types of immigration judge decisions made, is below:

Immigration Judge Decisions in Removal Proceedings By Disposition Initial Case Completions (Fiscal Year 2015)					
	Termination	Relief*	Removal	Other	Total
Unaccompanied Children	3,285	31	7,907	16	11,239
Non-Unaccompanied Children	18,261	17,180	80,221	444	116,106

*Primarily, U.S. Citizenship and Immigration Services adjudicates in the first instance applications for relief that are most often available to UACs (e.g., asylum, special immigrant juvenile (SIJ) status, T or U nonimmigrant status).

DHS is responsible for identifying which individuals fall into the "unaccompanied child" priority category.