



Fact Sheet for Proposed Sponsors of Unaccompanied Children

Are you considering sponsoring a child out of federal immigration custody? This fact sheet gives some information about the risks of this process and where to find more resources.

What is the Office of Refugee Resettlement?

The Office of Refugee Resettlement, or ORR, is a U.S. government agency. ORR is responsible for the care and custody of unaccompanied immigrant children after they are apprehended by immigration authorities. ORR works to find a “sponsor,” often a parent or other family member, to release the child to while the child goes through his or her immigration court process. ORR is not a law enforcement agency, but it works with law enforcement agencies including the Department of Homeland Security, or DHS, when it considers proposed sponsors.

What information does ORR collect about proposed sponsors?

ORR [collects information](#) about proposed sponsors and others in the household to ensure the home is safe and appropriate for the child. ORR also collects information about persons identified in the “sponsor care plan,” where ORR decides that such a plan is necessary for release of the child. ORR collects information in different ways, including through interviewing the child, interviewing the proposed sponsor, and having the proposed sponsor complete forms and provide documentation. The information collected includes information about the proposed sponsor’s immigration status. ORR also requires all proposed sponsors, and every

adult in the proposed sponsor’s household, to complete background checks. Additionally, ORR requires that all proposed sponsors, except parents or legal guardians in most circumstances, be fingerprinted. Under most circumstances, ORR does not require fingerprints from other household members.

Does ORR share the information it collects from proposed sponsors?

Yes. ORR shares certain information — including fingerprints of proposed sponsors for whom fingerprints are required — with law enforcement agencies including DHS. DHS is the federal law enforcement agency that arrests, detains, and deports noncitizens who do not have legal status or have violated their legal status. ORR says that it shares this information so that DHS can perform criminal and immigration status checks. The information that ORR collects about the proposed sponsor, other adults in the household, and persons identified in the “sponsor care plan” includes place of birth, country of citizenship, “alien registration number,” “address,” and copies of government identification documents. This type of information could be used against a proposed sponsor, other adults in the household, or persons identified in the “sponsor care plan” who are not a U.S. citizen to initiate removal proceedings (hereinafter referred

to as “deportation proceedings”) or to deport that person. It could also be used to bring criminal charges for criminal immigration violations like reentering the United States without permission after a previous deportation order.

Does lack of immigration status disqualify someone from sponsoring a child?

No. ORR does not disqualify proposed sponsors based on immigration status. ORR states that it uses immigration status information to decide if a “sponsor care plan” is required for release. This is a plan for the child’s care in the event that the sponsor is deported or otherwise becomes unable to care for the child. ORR also shares immigration-related information about the proposed sponsor, other adults in the household, and persons identified in the “sponsor care plan” with DHS, as noted above. The [2019](#) and [2020](#) federal spending bills have included language to protect sponsors, proposed sponsors, or other adults in the household from DHS enforcement actions in some situations. However, the Trump administration has repeatedly attempted to [undermine](#) these congressionally mandated protections.

What happens to a child when their sponsor is deported?

In some cases, ORR will work with the sponsor before the child’s release to create a “sponsor care plan,” which talks about who would take care of the child in the event the sponsor is deported or otherwise becomes unable to take care of the child. If there is no “sponsor care plan” or in case that plan falls through, the sponsor could also create a family emergency plan that would cover who would take care of the child(ren) in the event that the sponsor was deported or otherwise unavailable. In some cases, child protective services could be called if the child is left without a caregiver. See CLINIC’s [emergency planning guide](#) for tips on how to put together such a plan.

What risks are involved in coming forward to sponsor a child from ORR custody?

The risks involved in this process will depend on the individual circumstances of the proposed sponsor. For some people, such as U.S. citizens, there is often very little risk in this process and great reward through helping and protecting a vulnerable child. But for other proposed sponsors, other adults in the household, and persons identified in the “sponsor care plan,” the risks may include the following:

- DHS could use the information obtained through the sponsorship process to start deportation proceedings against the proposed sponsor, and/or other adults in the household, and/or persons identified in the “sponsor care plan” who do not have legal status or are alleged to have violated their legal status. DHS can also arrest

and detain people in immigration custody who are placed into deportation proceedings.

- For people with a prior deportation order, DHS could use information obtained through the sponsorship process to arrest and quickly deport the person. In this situation, the person would have no opportunity to see an immigration judge.
- The government could use information obtained through the sponsorship process to bring criminal proceedings against certain people if the government believes they have violated criminal laws, such as for illegally reentering the country after deportation, or helping another person (including a child) come to the United States without permission. This could include an investigation during which the government asks questions about how the child came to the United States and whether the sponsor knew the child was coming.

A [federal spending bill](#) that became law in 2019 and expires in September 2020 may protect sponsors, potential sponsors, and other adults in the household from DHS enforcement actions that are based on information shared by ORR, with certain exceptions.

Note that even if a person does not come forward to sponsor a child out of ORR custody, it is possible that information could be collected from the child while the child is in government custody that could be used against a person as described above.

Should those who previously sponsored a child out of ORR custody and are considering doing so again expect to see any changes from before?

Yes. In recent years, ORR collected immigration status information but it did not generally share sponsor information with DHS. In contrast, the Trump administration has enacted policies that direct ORR to share information about proposed sponsors with DHS. In the summer of 2017, [several hundred sponsors and proposed sponsors were targeted for immigration enforcement](#). In December 2018, [ICE officials announced](#) they had arrested 170 proposed sponsors and household members, more than 100 of which had no criminal record.

Where can proposed sponsors go if they have questions about the risks involved or what the forms mean?

It is important to understand the forms that ORR sends before submitting information or signing any document. Proposed sponsors who have questions about the paperwork, or questions about the risks involved, should consult with their own immigration attorney to get legal advice specific to their circumstances. It is important to get help from a qualified immigration attorney or DOJ accredited representative and not a “notario” or someone posing as an attorney who is not authorized to practice law. Proposed sponsors who do not have immigration status, including those with a previous deportation order, are encouraged to get advice from an immigration attorney before deciding whether to go through the sponsorship process and before completing the biographic questions about place of birth and immigration-related information. Some resources for finding an immigration attorney include the [Immigration Advocates Network Legal Services Directory](#) and CLINIC’s [affiliate list](#). Your LOPC provider (see to the right) may also be able to provide a referral. In addition to (not instead of) talking with an immigration lawyer, you could also ask the ORR case worker, or his or her supervisor, about what the forms mean, how the information will be used, and what risks are involved, but keep in mind that these individuals are not lawyers and cannot give you legal advice.

Sponsors and proposed sponsors should keep in mind the following as they interact with DHS or other law enforcement:

1. If a sponsor or proposed sponsor gets a call or home visit from a DHS officer (including from an ICE officer) or a letter from DHS/ICE requesting that they come to an appointment, the person has the right to not answer questions and to have an attorney be present during any questioning. Even if the DHS officer says that this conversation or meeting has to do with the child’s release, DHS may be looking for information so that it can initiate deportation or other adverse actions such as criminal charges against the person. Individuals in this situation should request to have an attorney represent them in any interactions with DHS/ICE.
2. Sponsors and proposed sponsors, other adults in the household, and persons identified in the “sponsor care plan” should review information about their rights when interacting with law enforcement, whether in public or at home. Some resources are found in the resources box on the right.

What is the role of the Legal Orientation Program for Custodians of Unaccompanied Minors?

Through [reputable non-profits](#), the Legal Orientation Program for Custodians of Unaccompanied Minors, or LOPC, provides legal orientation presentations to the custodians of unaccompanied children in deportation proceedings. The term “custodian” and the term “sponsor” mean the same thing in this context, even though sponsoring a child is not the same as getting legal custody of the child in state court. During these legal orientations, sponsors learn about the immigration court process and how it works, the importance of the children’s attendance at deportation hearings and the consequences of failure to appear, the forms of immigration relief available to children in deportation proceedings, and the sponsors’ responsibility to protect the children from mistreatment, exploitation, and human trafficking. LOPC staff may discuss with sponsors the potential immigration enforcement risks of serving in this role. Furthermore, the LOPCs are keeping track of any immigration enforcement against sponsors so that they can accurately advise sponsors of the risks during the legal orientation presentation. Not all sponsors have access to an LOPC depending on where they live, although they can call the LOPC hotline at 888-996-3848. The contact with LOPC may not happen until after the proposed sponsor has already completed the ORR forms and undergone fingerprinting, as required. As noted above, people who would like advice about the risks should seek out an immigration attorney before they undergo the sponsor process, and an LOPC is not a replacement for individualized immigration advice.

Know Your Rights resources

Catholic Legal Immigration Network
Know Your Rights: A Guide to Your Rights When Interacting with Law Enforcement
<https://cliniclegal.org/resources/protecting-your-community/know-your-rights>

Justice for Immigrants
Know Your Rights Information for Parents and Sponsors of Unaccompanied Minors (Videos)
justiceforimmigrants.org/news/know-rights-information-parents-sponsors-unaccompanied-minors

Kids in Need of Defense
Know Your Rights Information on ICE Raids for Parents/Community/Attorneys
<https://supportkind.org/resources/know-your-rights-ice-raids/>