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Margaret MacDonnell
Nathalie Lummert
Rebecca Trego
Myriam Zambrana

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Resettlement of Unaccompanied Refugee Children An Analysis of Referrals to the U.S.

Introduction:

For refugee minors unable to resettle with family members or other appropriate caregivers, the United States Refugee Program provides specialized foster care services through the Unaccompanied Refugee Minor (URM) program. The URM programs are designed to provide culturally and linguistically appropriate foster care and supportive services to refugee children and youth. They originated in the 1980s in response to the needs of unaccompanied refugee children arriving from Southeast Asia; since then, the programs have received almost 13,000 children from countries all over the world. Placement into the URM programs is offered by two voluntary agencies: Lutheran Immigration and Refugee Services (LIRS) and the United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS), both of which receive approximately equal numbers of URMs each year.

The majority of unaccompanied refugee minors who enter the URM programs are identified overseas by United Nations High Commissioner for Refugees (UNHCR) staff, NGOs and others. Currently most children who are referred for resettlement into a URM program have had their needs evaluated through a process called a Best Interest Determination (BID). The UNHCR *Guidelines on Determining the Best Interests of the Child* (2008) states that, "Resettlement to a country other than that of the parents can be in the best interest of the child, if family reunification is neither possible in the place of residence of the parents (for instance, due to safety considerations) nor in the country of asylum, and the child faces serious protection risks which cannot be addressed in the environment of the country of asylum." Often this BID is conducted as a response to the identification of resettlement as a possible durable solution for the child.

In recent years, BIDs have become commonplace when an unaccompanied child is being considered for resettlement, though somewhat less common for separated children. These BIDs are included in the referral documentation which is sent to USCCB and LIRS, and they are invaluable in understanding the child's history and in making decisions about the best placement option in the U.S. for the child. The increase in BIDs is due to a concerted effort by UNHCR, NGOs, supporting governments, and others, to ensure that a careful and thorough consideration of the child's best interests is undertaken when durable solutions are being considered.

Goal of Analysis:

In 2009, USCCB/MRS began an analysis of the case information provided by the Overseas Processing Entities (OPEs), namely the Biodata form, generated by the OPE, and the BID forms. The goals of this analysis were as follows:

- 1) To identify and examine patterns among children referred for resettlement
- 2) To make recommendations based on those patterns

¹ Office of Refugee Resettlement, U.S. Department of Health and Human Services. (2009). *Unaccompanied refugee minors*. Retrieved November 18, 2009, from

http://www.acf.hhs.gov/programs/orr/programs/unaccompanied refugee minors.htm.

² UNHCR. (2008). *UNHCR Guidelines on Determining the Best Interests of the Child. (p.72)*. Retrieved November 10, 2009, from http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf.

3) To provide information that is helpful when expanding the BID process to other groups of children in refugee settings

Methodology:

USCCB staff analyzed the available Biodata and BID forms for URM arrivals to USCCB between October 1, 2007 and March 31, 2009 (See Appendix A for the complete list of categories for which data was collected). During this time period, a total of 167 URMs arrived in the U.S. through USCCB's resettlement process and a similar number of URMs were placed through LIRS. Ninety two of USCCB's cases were analyzed for this report. USCCB received approximately half of the URM arrivals in the time period in question; therefore the cases in this analysis represent 55% of USCCB's cases and approximately 28% of the total URM arrivals to the U.S. (See Appendix B for demographic data on the sample population).

For the purposes of this report, we could not examine all arrivals in the time period and so reviewed a portion of the Burmese cases and almost all others in order to cover a broad cross-section of countries of origin and countries of refuge. All but four non-Burmese cases were analyzed (40 of 44), as they are a smaller portion of the current URM arrivals and USCCB was interested in how these minors are currently being identified. Hence, the analysis covers approximately 42% of the Burmese arrivals to USCCB during the time period (52 of 123 total) and 91% of the non-Burmese arrivals. For the most part, the Burmese cases originated in similar circumstances: teenagers in urban settings in Malaysia, sometimes living with siblings. Including as many non-Burmese cases as possible allowed for a more diverse look at the variety of living and care situations unaccompanied and separated refugee children find themselves in.

It is worth noting that for this analysis, we only reviewed BIDs for children referred for resettlement to the URM program. Therefore, we did not analyze cases for whom BIDs were conducted but who were not resettled or who were resettled with family members, or for children in refugee situations for whom no BID was conducted. We do receive BIDs for some children coming with or to join family members through the adult resettlement program but did not have the resources to conduct a comparative evaluation of the two groups.

Findings:

Completion of BIDs

While a small percentage of children did not have BIDs conducted before resettlement (about 5%), it is important to recognize that the vast majority of cases did have individual BIDs conducted. This is a real change from past practice and demonstrates the great efforts made by people across the refugee protection and resettlement field to identify and act in the best interests of unaccompanied and separated children.

Living situations of Burmese Minors

Of the 92 cases analyzed as part of this study, 52 (55%) of the cases were minors from Burma. The vast majority of the Burmese minor cases in this study (48 of 52) were in Malaysia when identified for resettlement. Only 4 minors in the study were in Thailand when identified for resettlement. Of these four minors, two were identified at an orphanage, one was living with

³ Note: We are aware that not reviewing all the referrals may alter the statistical picture somewhat (e.g. gender breakdown, living situation at time of BID, etc.) but we believe it was important to review a diverse sample.

Buddhist monks in a camp, and the fourth was being cared for by an NGO. In addition to the 4 minors in this study, there were 3 other Burmese minors identified in Thailand who were resettled during the period analyzed but whose cases were not reviewed. Two of these minors were living at an NGO-sponsored shelter in a camp and one was with a distant relative in a camp.

While the Burmese children identified in Thailand were living in camps in relatively stable settings, the majority of Burmese children identified in Malaysia (42 of 48) were living in urban settings with roommates in flats. When details were provided in the BID about the minors' current living situation, the minors often reported over-crowded conditions in the flats. In several cases, the minors reported living with more than 20 other people in a flat. In one case, a minor reported that 40 other people lived in his flat. In another case, a minor reported that she lived with 20 men in a 3 room flat. She reported that she cooked for these men, but she did not feel comfortable with the situation and so she would go in her room by herself whenever possible. There were 5 Burmese minors identified in Malaysia who were living in NGO housing or an NGO was paying for their housing.

While there may be a larger number of unaccompanied and separated Burmese children in Thailand, there are many more URM referrals from Malaysia. In part, this likely stems from the very different living situations in which these refugees find themselves. According to a 2008 presentation by Kimberly Haynes, then BID Coordinator for UNHCR's Regional Office in Thailand, as of September 2008 7,502 unaccompanied and separated children had been registered in refugee camps in Thailand.⁴ Of the children for whom BIDs were completed, the majority (72%) were living with relatives; 14% were living with foster parents, 4% were living in a boarding house, and 2% were living alone. 5 Approximately 4,933 of the unaccompanied and separated children in the camps in Thailand reported that their reason for coming to the camp was to study. While similarly detailed statistics are not available for Burmese minors in Malaysia, it is known that a stable, camp living situation is not an option; refugees are actively persecuted; and numerous unaccompanied refugee minors live in the jungle and in urban settings. Furthermore, Burmese refugees in Malaysia are not permitted to attend school and may not work legally. ⁸ UNHCR notes that neither a return to Burma, nor local integration are possibilities for Burmese refugees in Malaysia and that resettlement is the only durable solution available. Hence, it can be inferred that the greater number of URM referrals from Malaysia likely stems from the more perilous living situations in which children find themselves in that

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⁴ Haynes, K. (2008). *Children in camps: Thailand. A discussion on collaborative child protection efforts* [PowerPoint slides]. Conference on Protection of Unaccompanied and Separated Children. Fairfax, VA. Retrieved November 17, 2009, from http://childalone.gmu.edu/assets/childalone/docs/Oct%2017-%20FINAL%20PRM%20Burke%20VA%20Oct%20%202008%20HAYNES.pdf.

⁵ Ibid.

⁶ Ibid.

⁷ Lutheran Immigration and Refugee Service and U.S. Conference of Catholic Bishops. (2005). *A shady tree: Hope for vulnerable refugees in Malaysia and Thailand*. Retrieved November 17, 2009, from http://www.usccb.org/mrs/Malasia-ThailandReportwithCover.pdf

⁸ UNHCR. (n.d.). *2010 UNHCR country operations profile: Malaysia*. Retrieved December 8, 2009, from http://www.unhcr.org/pages/49e4884c6.html

country and the fact that a sizeable majority of Burmese youth in Thailand are living with caregivers in a relatively stable setting.

Nevertheless, given the large numbers of unaccompanied and separated Burmese children who have been living in camps in Thailand, it seems that more would have been referred for resettlement as URMs. This is particularly true in light of the fact that 20% of children were living in boarding houses, with foster families, or living alone at the time of the BID. ¹⁰ Complicating the statistical picture, of course, are the reasons children are in camps. It has been reported that most were in the camps for an education, and some may have family members living and working outside the camps in Thailand. ¹¹ Regardless, it should be noted that often a child may not know the full picture of why she is in the camp and her family situation should be explored. It is also likely that for some portion of the children in foster care, in boarding houses, and living alone, resettlement as a URM would be in their best interests. Nevertheless, it seems surprising that only seven Burmese children were resettled out of Thailand as URMs in the time period studied.

Minors identified in Africa and elsewhere

In this analysis, there were 33 minors identified in Africa who were referred to the URM program. The number of minors in each country of refuge was as follows: 14 in Kenya, nine in Tanzania, four in Uganda, four in Ethiopia, and two in Egypt. 28 of the 33 minors were living in refugee camps. Of the other five minors, one male minor from Somalia and one from the Congo were living in Kenya in urban settings with unrelated caregivers; one Sudanese female minor was living in Kenya at a shelter; and two Somali sisters were living in Egypt with an unrelated Somali foster family.

The remaining URM referrals were two Iraqis referred from Serbia, a Bhutanese brother and sister in Nepal, two Somali brothers in Turkey, and one Somali boy in Thailand.

Only about 6 % of the Burmese cases in this report were in camp settings, all in Thailand. For comparison, approximately 80% of all non-Burmese cases referred to USCCB for the URM program were living in camp settings at the time of the BID. While there is too little concrete information to draw conclusions, there has clearly been success in identifying, assessing, and resettling urban refugees in Malaysia. Given UNHCR's estimation that "almost half of the world's 10.5 million refugees now reside in cities and towns, compared to one third who live in camps," it seems worth exploring the reasons that outside of Malaysia relatively few URMs are coming from urban areas. What lessons can be taken from the Malaysian context and applied in other urban centers known to have refugee populations?

What is known and unknown about how minors are identified as URMs

The BIDs analyzed in this study provide very limited information about how a child came into contact with UNHCR and how they entered the BID process. However, there were some noteworthy findings.

¹⁰Haynes, op. cit. Slide 29.

¹¹ Ihid

¹² UNHCR. (2009). *UNHCR policy on refugee protection and solutions in urban areas*. (p. 2). Retrieved December 8, 2009 from http://www.unhcr.org/4ab356ab6.html.

In the 92 cases examined, only 15 cases made mention of the person or organization that identified the child as a URM. Seven of these cases were Burmese, 8 were other nationalities (Somali, Burundian, Iraqi Kurd, Congolese, and Sudanese). Despite the small numbers, it is clear that a range of entities are and can be involved in the identification of URMs in need of BIDS. In these 15 cases, identifications were made by international organizations including UNHCR, and JVA Kenya; a government refugee reception center in Serbia; three ethnic, community-based organizations, a medical NGO; an NGO that works with UNHCR and embassies of resettlement countries; and one caretaker.

While it is difficult to draw conclusions based on such a small percentage of the sample, it is interesting to note that all the minors identified by ethnic, community based organizations (ECBOs) were Burmese. There may be a greater likelihood of Burmese refugees who are living in urban settings to rely on ECBOs for information, support, and referrals to UNHCR.

URM resettlement compared with adult/family resettlement:

During the time period examined for this report, the adult/family resettlement program at USCCB received refugees from 50 countries of origin, but URMs came from only nine countries of origin:

URM countries of origin	#s	Top Adult/Family countries of origin	#s
Burma	52	Burma	8035
Somalia	12	Iraq	6675
Burundi	8	Bhutan	3122
Dem. Rep. of Congo	6	Cuba	2385
Sudan	6	Somalia	1598
Eritrea	3	Iran	1167
Bhutan	2	Burundi	1094
Iraq	2	Vietnam	557
Rwanda	1	Dem. Rep. of Congo	427
	92		25060

The top nine countries of origin for USCCB's adult/family resettlement program represent 93% (25060 of 26979) of the refugees resettled by USCCB from October 2007 through March 2009. Nevertheless, it is striking that there are so many more countries of origin for adult refugees than for URMs. Given UNHCR's estimate that unaccompanied children make up 2-5% of many refugee populations, it would seem that there should be a greater diversity of countries of origin for unaccompanied children referred for resettlement.¹³

Length of time from registration to BID

For 21 Burmese in Malaysia, one Sudanese in Kenya, and one Somali in Thailand, registration occurred **after** the BID was completed (range of 29 to 445 days after the BID; avg 162 days). It is unclear why these delays occurred. In addition, there were 17 cases in which there was inadequate information to determine the length of time from registration to BID.

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¹³ UNHCR. (1994). *Refugee children: Guidelines on protection and care.* Geneva: Author.

For the 42 cases in which registration happened **before** the BID, the average length of time from registration to BID was 318 days, with a range of 0 to 1461 days. This does not include 10 outlier cases which took approximately 3100-5700 days from registration to BID. In these cases, it appears that the children may not have had BIDs completed until their caregiver died or decided s/he was unable to care for the children.

Length of time from registration to BID					
	# of	Avg. from registration	Range		
	cases	to BID			
Burmese cases in Malaysia	19	108 days	0 - 340 days		
Other cases (2 Iraqis in Serbia and 2	4	152 days	121 – 183 days		
Somalis in Turkey)		,	-		
African cases (Counry of refuge:	15	528 days	156 – 1461 days		
Egypt, Ethiopia, Kenya, Tanzania,					
Uganda)					
Burmese cases in Thailand	4	611 days	146-792 days		

The cases in Malaysia, Serbia, and Turkey took significantly less time from registration to BID than the cases in Thailand and in African nations, which took on average more than a year longer. Three of the four Burmese cases in Thailand took an average of 765 days (about 2.1 years). It is unclear why the case in Malaysia, Serbia, and Turkey happened more quickly, or, conversely, why the Thai and African cases took so much longer.

A related issue may be that in most cases it appears that BIDs were conducted as a resettlement tool, i.e., when resettlement was already being considered for a particular child or group that included children. For the most part, it did not appear that the BIDs examined for this report were conducted for other purposes and ultimately led to a recommendation of resettlement. However, due to the sample population—children referred for resettlement as URMs—we cannot draw conclusions about the numbers of BIDs being conducted for non-resettlement purposes.

It is worth noting that UNHCR's *Guidelines on Determining the Best Interests of the Child* state that "a BID should be undertaken as early as possible in the displacement cycle. UNHCR should not wait until prospects for a durable solution emerge." This recommendation is relevant both with respect to BIDs being conducted as a resettlement tool and to the disparity in length of time between registration and BID in different parts of the world.

Reasons children are refugees/unaccompanied

BIDs gave varying levels of detail regarding a child's refugee claim or how the child became unaccompanied. However, enough information was provided in order to offer some general categories. *Note: the below numbers do not total 92 because some BIDs included reasons*

¹⁴ UNHCR. (2008). *UNHCR Guidelines on Determining the Best Interests of the Child. (p.72).* Retrieved November 10, 2009, from http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf.

children were refugees as well as reasons they were unaccompanied. Some BIDs did not address either issue.

Reason refugee:	
Fear of Arrest	11
Fear/Safety Concerns	6
Forced Labor/Marriage/Religious Persecution	17
Military Harassment/Recruitment	20
Reason unaccompanied:	
Parents Deceased	13
Separation/Abandonment	23
Sustainability/Guardian Unable to Care for Child	12

Communication Issues in Processing of URMs

Because URM cases can be particularly complex, communication issues sometimes arise. We noted two circumstances in particular in which communication was an issue. First, during the time period examined in this report, there were a total of seventeen cases involving an adult sibling being resettled as an adult and younger siblings being resettled as URMs (major/minor cases). In three of these cases the adults and children reported that they did not know they were going to be separated at the time of arrival. This lack of preparation led to traumatic scenes upon arrival and made adjustment to their new circumstances even more difficult. While USCCB and the OPE involved in these cases have discussed the issue and the OPE has put new procedures in place, it would be helpful for all involved in resettling major/minor cases to be sensitive to the need to prepare the youth for their expected living arrangements in the U.S. In particular, OPE staff working with youth preparing for resettlement may find it useful to document the discussions they have with the youth and decisions made. It is hoped that the Center for Applied Linguistics' cultural orientation for URMs will also assist in helping youth know what to expect upon arrival in the U.S.

Second, in some cases, the child's status changed between the completion of the BID and the biodata (e.g. the child may be living alone rather than with a caregiver, or the child may state a different preference regarding who s/he would like to live with after resettlement), likely because of the length of time between the two events. The discrepancy between the two documents can make placement decisions challenging and often requires consultation between the volag and the OPE for clarification.

Recommendations:

Continue and expand the use of BIDs. We recommend a continuation of efforts to conduct BIDs for all unaccompanied and separated children. BIDs are definitely time and resource intensive, but they are invaluable in identifying and clarifying a child's best interests, and in protecting children. UNHCR, OPEs, NGOs, and others involved in identifying unaccompanied and separated children and ensuring they have BIDs completed are to be commended for their efforts over the past several years to conduct BIDSs for so many children.

Identify and disseminate good practices. More information is needed on the ways children are identified in order to recognize good practice and disseminate those practices among UNHCR,

OPE, and NGO staff working with refugee populations around the world. Unaccompanied and separated children in need of protection may face especially high hurdles to being identified, assessed, and provided appropriate long term care. Adults are often in a better position to locate service providers, advocate for their own needs, and articulate a refugee claim. This may partially explain the far greater number of countries of origin for adult refugees. Where there are known refugee populations, special efforts should be undertaken to identify unaccompanied and separated children, initiate family tracing, and conduct best interest determinations. As noted above, adult refugees resettled by USCCB in the period studied came from 50 countries of origin, while children came from nine. It seems that there should be a greater diversity of countries of origin for unaccompanied children, particularly in light of UNHCR's estimate that they make up 2-5% of many refugee populations. ¹⁵

Create outreach and BID mechanisms for unaccompanied and separated children in urban settings. It is known that there are sizeable numbers of urban refugees in many parts of the world, yet identification and referral are significant hurdles for these groups of refugees. It is hoped that UNHCR's new Policy on Refugee Protection and Solutions in Urban Areas will be of assistance in this regard. The policy acknowledges that "special efforts are also required to identify unaccompanied and separated minors, who run the risk of becoming 'street children' and subjected to exploitation and abuse. In order to locate and protect these children, UNHCR will work closely with national child protection agencies, as well as UN agencies, NGOs and civil society organizations that work in the area of child protection." The form these "special efforts" will take is still to be determined. In particular, it may be of use to examine the ways in which Burmese youth in Malaysia are being identified and referred for BIDs. In the Malaysia context, for example, pro-active outreach was needed to identify vulnerable separated children. All of these children were refugees in urban settings, whereas 80% of the URMs referred from the rest of the world came from camps. Perhaps lessons can be learned from the successes in Malaysia. For instance, in its report on refugees and other displaced persons in India and Nepal, USCCB identified a number of unaccompanied Burmese Chin children living in a shelter in Dehli. 17 It is possible that the experience in Malaysia could inform identification and BID efforts with children in urban settings such as the Burmese in shelters in India, Columbians in Ecuador, and other refugee populations.

Continue to increase the diversity of identifying agencies. Though the sample size was limited, it is clear that a variety of entities were responsible for identifying unaccompanied children, from UNHCR to community-based organizations, to NGOs, and others. It is important to have diverse organizations and methods in order to find the greatest number of children in need of care. Connections between UNHCR offices and local NGOs should continue to be fostered for this purpose. NGOs working with unaccompanied and separated refugee children should be encouraged to identify children in need of a BID and refer them to the proper entity.

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¹⁵ UNHCR. (1994). *Refugee children: Guidelines on protection and care*. Geneva: Author.

¹⁶ UNHCR. (2009). *UNHCR policy on refugee protection and solutions in urban areas.* (p. 14). Retrieved December 8, 2009 from http://www.unhcr.org/4ab356ab6.html.

¹⁷ USCCB. (2006). We are all weeping: Refugees, displaced persons, and human trafficking victims in India and Nepal. Retrieved December 24, 2009 from http://www.usccb.org/mrs/India_final.pdf.

Conduct BIDs promptly. In keeping with UNHCR's Guidelines on Determining the Best Interests of the Child, BIDs should be conducted as soon as possible after an unaccompanied child is identified. We acknowledge that BIDs are time and resource intensive, and that other factors may be at play, such as the length of time needed to conduct family tracing. However, we are concerned with the disparate lengths of time it took for BIDs to be conducted for children in different locations.

Maintain on-going communication as URMs are processed for resettlement. Given the complexity of these cases, it is important for those overseas and those in the U.S. to maintain communication as important new information evolves. For instance, USCCB recommends that UNHCR staff and their NGO partners be aware of the need to address expectations in major/minor cases (those in which there are both adult and child relatives in the household). Given the misunderstandings experienced in some recent major-minor cases, information should be provided to field staff about the range of resettlement possibilities for these minors. In cases in which siblings will be separated, this should be fully explained to the sibling group prior to resettlement. Ongoing communication is also necessary as a child's wishes and circumstances change during the resettlement process, which can be lengthy.

Include family tracing information in BIDs and/or resettlement referral documents. We noted in our analysis that BIDs and referral documents generally did not include information on how and when family tracing was conducted, which led to a knowledge gap among those working with children once they arrived in the U.S. Often, the youth themselves do not know details of the tracing efforts conducted on their behalf. Information on family tracing efforts should be included in the BID or other referral information for URMs. Including such information in the BID would assist in ongoing tracing efforts when children arrive in the U.S.

Be alert to trafficking concerns and the need for safety precautions. Most Burmese minors referred for resettlement were smuggled to Malaysia, placed with villagers and working for Chinese employers. Several described abusive conditions that met the definition of human trafficking. It is important for UNHCR and others working with this population to continue to be aware of the potential for trafficking of Burmese refugees in Malaysia and to monitor the situation. It is noteworthy that the U.S. Department of State (2009) has categorized Malaysia as a Tier 3 country (the lowest ranking) in terms of its efforts to prevent trafficking and protect victims. Additionally, USCCB has recently also begun to receive referrals from other parts of the world for child victims of trafficking or children at risk for trafficking. Some children may have particular safety concerns if they are currently in a trafficking situation while being considered for resettlement or if they have recently fled a trafficking situation. UNHCR, NGOs and others may need to include additional screening for the Burmese in Malaysia, as well as be alert for trafficking concerns among other refugee children, in order to determine if extra safety precautions need to be taken.

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¹⁸ U.S. Department of State. (2009). *Trafficking in persons report June 2009*. Retrieved November 19, 2009 from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

Appendix A Data Collected

- 1) Case Number
- 2) Child's Last Name
- 3) Gender
- 4) Fiscal Year resettled
- 5) Overseas Processing Entity
- 6) Date Registered with UNHCR (found on most Biodata forms)
- 7) Country of Refuge
- 8) Date Minor Fled Country of Origin (Found on some, but not all Biodata forms)
- 9) Date the minor entered the country of refuge (Found on most BIDs)
- 10) Ethnicity
- 11) Country of Origin
- 12) Language
- 13) Date of BID
- 14) Age when BID performed
- 15) Child's date of birth
- 16) Whether or not minor was resettled with a sibling group
- 17) Whether or not minor was resettled as part of a major/minor case
- 18) Organization who referred the case to the URM program
- 19) Name of the BID specialist
- 20) Living situation at the time of the BID
- 21) Relationship with current caregivers, if they have caregivers
- 22) Reasons given that minor is being referred as a URM
- 23) Presence of caregivers in country of origin
- 24) Current placement in the US
- 25) Description of attempts made to do family tracing
- 26) Observations about the case

Appendix B Demographic Information











