



# USCIS Update

March 25, 2009

## **USCIS Initiates Procedures for Unaccompanied Children Seeking Asylum** *New Law Allows Children in Removal Proceedings to Begin Asylum Process in a Non-Adversarial Setting*

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) today announced it is now responsible for initial adjudication of applications for asylum from *\*Unaccompanied Alien Children*. Some of these children previously would have been required to file for asylum in immigration court with the Executive Office for Immigration Review in the Department of Justice.

The new procedures were created to carry out the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* (TVPRA). Under one of the provisions of the TVPRA, these unaccompanied children, who have been issued a *Notice to Appear* in immigration court, will now file their initial application for asylum with USCIS. The TVPRA also provides an opportunity for unaccompanied children, who did not previously file for asylum with USCIS and, who either have a pending claim in immigration court, on appeal to the Board of Immigration Appeals, or in federal court, to have their asylum claim heard and adjudicated by a USCIS asylum officer in a non-adversarial setting.

Further details on the asylum-related provisions of the TVPRA to protect unaccompanied children are in the accompanying USCIS *Questions and Answers* document. For more information about USCIS' Asylum Division, please visit [www.uscis.gov/asylum](http://www.uscis.gov/asylum).

*\* An Unaccompanied Alien Child (UAC) is a legal term referring to a child who: has no lawful immigration status in the United States; has not attained 18 years of age; and has no parent or legal guardian in the United States, or for whom no parent or legal guardian in the United States is available to provide care and physical custody.*