



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201  
[www.acf.hhs.gov/programs/orr](http://www.acf.hhs.gov/programs/orr)

## **Division of Policy and Procedures**

### **FAQ: ORR Director's Release Decision**

*Q: What UAC release decisions require elevation to the ORR Director before a final release decision can be made?*

Under ORR Policy Guide, section 2.7, the ORR/FFS elevates release decisions to the ORR Director, or the Director's designee, for any UAC in a secure or staff secure facility, or for any UAC who had previously been in a secure or staff secure facility. The ORR Director or designee makes release decisions for children in these types of facilities.

*Q: Does a release decision for a UAC who was previously placed into a staff-secure facility because of concerns that the UAC was a flight risk (but not dangerous) require elevation to the ORR Director under the policy?*

Yes. The ORR Director makes a release decision for any case in which a UAC was previously placed in a secure or staff-secure facility or is currently placed in a secure or staff-secure facility, regardless of the reasons for the child's placement,.

*Q: Does a release decision for a UAC who was previously placed into a secure facility based solely on an erroneous report that the child was affiliated with a gang require elevation to the ORR Director under the policy?*

Yes. These cases require elevation to the Director even if the restrictive placement decision was based on incomplete, inaccurate or erroneous information.

*Q: Do UAC who are in or were previously placed in a secure or staff-secure facility AND have prevailed in a Flores bond hearing on a question of dangerousness require a release decision elevated to the ORR Director under the policy?*

Yes. However, in these cases the ORR Director is precluded from denying the release based on the UAC's dangerousness (because an Immigration Judge has ruled that the child is not a danger). There are other factors for the ORR Director to consider when making a release decision.

*Q: Do UAC who are in or were previously placed in a secure or staff-secure facility AND have prevailed in a Saravia hearing related to their apprehension by DHS/ICE require a release decision elevated to the ORR Director under the policy?*

No. UACs who prevail in *Saravia* hearings must be released immediately to their previous sponsor. The ORR/FFS verifies with staff from the Division of Policy and Procedures that the child received a valid *Saravia* order prior to the child's release from custody.

*Q: Does the ORR Director deny all release decisions for cases from a secure or staff-secure facility or UAC previously placed in a secure or staff-secure facility?*

No. The ORR Director assesses each case individually under the same ORR release policies used to approve or deny a release to a sponsor found in the ORR Policy Guide, section 2.7.