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.
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.