



Frequently Asked Questions

UAC Eligibility

Q. How does IJC define an Unaccompanied Child eligible for UCP CLIN3 Funding?

A. As of January 2024, IJC is operating under ORR’s definition of UACs and it is IJC’s stance that the Government bears the burden of proving when a UAC **stops** being a UAC.

Unaccompanied alien child (UAC) means: 45 CFR 410.101 “Unaccompanied alien child”

1. An individual who: Has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom:
 - a. There is no parent or legal guardian in the United States; or
 - b. No parent or legal guardian in the United States is available to provide care and physical custody.
2. When an alien previously determined to have been a UAC has reached the age of 18, when a parent or legal guardian in the United States is available to provide care and physical custody for such an alien, or when such alien has obtained lawful immigration status, the alien is no longer a UAC. An alien who is no longer a UAC is not eligible to receive legal protections limited to UACs.

Q. Is a Child released for re-unification eligible for enrollment?

A. Yes, a Child released for re-unification is still eligible because:

1. The child was not de-designated
2. The child was previously in ORR custody

Q. Is a Child aged over 18 years eligible for enrollment?

A. To be eligible for services under the UCP contract children must be under 18 at the time representation is initiated. The main exception to this is that if the case stays in-network and there is no lapse in representation – i.e. the date that the initial LSP ends representation is the same day representation is started by the new LSP, then the case can transfer to the new LSP under the contract even if the child is now over 18.



Q. Is a child previously represented by another staff attorney and reassigned to an IJC Fellow eligible to be reported?

A. Client enrollments must be new cases. Transfers of existing released unaccompanied child (“UAC”) cases where representation was initiated by another staff member at the organization are not allowable.

1. Please note: if your host organization identified a case that fits the UCP parameters prior to your arrival, signed Retainers but no work was done until you arrived, that case would count.

Client Eligibility for Enrollment/Reporting

Q. If a Child is eligible for enrollment under UCP CLIN3 Funding, at what point should they be reported to IJC?

A. Clients may be reported to IJC when one or more of the following events occurs:

1. Orgs/Fellows have a signed executed representation agreement, and/or
2. Orgs/Fellows have an application for relief ready to submit to USCIS, EOIR, and/or Family Court, and/or
3. The child has a court date that the Orgs/Fellows will attend as counsel.

IJC is aware that verbal acceptance or virtual acceptance for representation may occur before the retainer is signed. We require that physical/signed/executed representation agreement date must match what is reported to IJC as the Client Initiation Month and Year.

Q. Should pending screenings or consultations be reported at the end of each quarter?

A. If the screening has not yet concluded with a determination of eligibility and case acceptance for representation, the prospective client should not be listed in the quarterly reports.

1. If the screening has moved forward to evaluation with informal intent to represent and approval from supervisor, it is at the discretion of the host organization to **either**:
 - a. Enroll a client via quarterly reports **prior** to a formal representation agreement, **but**:
 - i. The signed retainer must be backdated to match the service initiation month and year reported to IJC.



- b. Wait to enroll the client **until** a formal representation agreement has been signed to ensure that:
 - i. When the client is enrolled, the reported service initiation month and year will match the date the representation agreement was signed.

Data Entry and Methodology

Q. If the fellow has not yet passed the bar exam, can they still report clients?

A. Bar status/DOJ accreditation doesn't preclude fellows from taking on cases. IJC's expectation is that UCP Fellows report clients when all following conditions are met:

- 1) The client was retained for full scope representation *by or in anticipation of* the UCP Fellow [the case was not transferred from another staff attorney] AND
- 2) The client is allocated to the IJC funding line [CLIN3], AND
- 3) The client meets the ORR definition of a UAC

Q. How should the Client Initiation month and year be reported for client transfers?

A. IJC only requires that the reported initiation date **must match** the date of representation on the retainer. It is at the host organization's discretion how a client's initiation date is reported, **unless:**

1. The client was retained prior to the fellow's start date, in anticipation of their arrival, then the initiation month and year must match the Fellow's start month at the organization.
 - a. Per the above guidance, please have an updated retainer agreement reflecting the reported initiation month and year.
2. If the transfer is represented by the UCP fellow as part of the flexible allocation, **the client should be included in the quarterly data reports.** Fellows are not required to report on existing/inherited clients.



Q. Once a client has been retained for representation, what types of matters should be reported?

A. Please report matters once you begin preparing an application. This list should be a complete view of the **current** matter types (preparing, filed, pending) **and** any matters that have been adjudicated or concluded.

Example: If a fellow worked on the family court piece of a client’s SIJS case, and is now working on the USCIS application, the listed matter types would be **both**:

- i. SIJS-Family Court
- ii. SIJS-USCIS

Q. What is the preferred method for distinguishing between types of asylum cases?

A. The reporting template lists “Affirmative Asylum” and “Removal Defense-Asylum” to differentiate between applications filed before the Asylum Office (AO) and proceedings in an Individual Hearing (IH), respectively. The template also lists “Removal Defense-General” to capture defensive proceedings outside of Asylum, Withholding or CAT.

In a UAC asylum case where an NTA has been filed in immigration court, but the UAC will be pursuing asylum before the asylum office, the report should list **both** “Removal Defense – General” and “Affirmative Asylum” for this client.

Q. What is the preferred method for reporting clients with incomplete or inaccurate NTAs?

A. If the client was retained *in anticipation of* a scheduled master calendar in the future, then Client’s matters should include “Removal Defense – General”.

Q. For the representation end month and year, and the status, what should be entered for current clients?

A. These fields should remain empty until the client’s representation ends *or* the client is removed from the current billing/funding line (UCP CLIN3). Once an event has occurred which



would render the client ineligible for enrollment under this billing/funding, please update the client's information in the report with the corresponding month and year the event occurred, and the status at the conclusion of representation (e.g., the client moves out of the service area; the Fellow graduates or concludes their fellowship with IJC; the client's case is adjudicated or a final determination has been made).

Q: What if a client does not have an A Number?

A: UCP fellows are only expected to report on UAC clients who have been released from ORR Custody. Any work for clients without an A-number would fall under the fellow's allocated flex days and should not be reported to IJC. Please reach out to your fellowship manager and cc your TLTA managing attorney.

Q: What should we do if we have questions concerning the contract or any legal questions?

A: Please reach out to your fellowship manager and cc your TLTA managing attorney.