# FROM IDENTIFICATION TO DURABLE SOLUTION:

# ANALYSIS OF THE RESETTLEMENT OF UNACCOMPANIED REFUGEE MINORS TO THE UNITED STATES AND RECOMMENDATIONS FOR BEST INTEREST DETERMINATIONS



THE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

MIGRATION AND REFUGEE SERVICES

### ABOUT USCCB/MRS

The United States Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) is the largest non-government refugee resettlement voluntary agency in the world. Each year USCCB/MRS works with over 100 local refugee resettlement and refugee foster care programs nationally to resettle approximately 20,000 refugees, and to provide reception and integration services to other displaced populations including victims of trafficking, grantees of asylum, and undocumented children and families.

A particular focus of USCCB/MRS in both policy and program development is the protection needs of unaccompanied and separated displaced and refugee children. USCCB/MRS is one of two agencies (along with the Lutheran Immigration and Refugee Services) authorized by the U.S. Department of State to resettle unaccompanied minors into Unaccompanied Refugee Minor (URM) programs throughout the United States. USCCB/MRS provides to resettlement programs monitoring for compliance and quality assurance, national case placement coordination, technical assistance and training, program analysis, and capacity building assistance.

USCCB/MRS also researches and writes papers addressing key issues affecting the populations served through our programs. These papers include analysis of programmatic trends which can suggest or impact policy and program development and highlight practice shifts and recommendations. We focus in particular on utilizing the information unique to USCCB/MRS—information within our programming—which benefits both an external and internal audience to achieve continual quality improvement in our work.

Learn more about USCCB/MRS at http://www.usccb.org/mrs/

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### **ACKNOWLEDGMENTS**

The authors are grateful for the assistance of many staff within USCCB/MRS who contributed to data collection, guidance, writing, and support: Dinandrea Vega, Jason Bell, Mark Sloan, Myriam Zambrana, Claudia Gilmore, Jacklyne Kamara, Adrienne Young, Anastasia Brown, and Beth Englander

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### I. Introduction

Internationally, not much is known about unaccompanied refugee children who are identified for third country resettlement and who they are as a group. As the largest resettlement country, the United States resettles more unaccompanied children than any other nation and much can be learned from this group of children's cases. Sharing this information with the international community could inform policies and programs related to the identification of displaced children in need of durable solutions.

This USCCB/MRS staff report is intended to assist with educating the international audience about the population of unaccompanied refugee minors identified for refugee resettlement to the United States. It builds upon and compares results from a previous USCCB report. Drawing upon our professional experience with best interest assessments and determinations for unaccompanied/separated children, we also include in this report concrete suggestions regarding best interest determinations in refugee settings. Our hope is that sharing this information will be a helpful tool for those in the international community who are charged with or have the capacity to provide a voice of protection for vulnerable refugee children.

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 network.<sup>2</sup> 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 national 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, nongovernmental organizations 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."<sup>3</sup> Often a BID is conducted in an effort to identify a durable solution—including voluntary repatriation, local integration, and resettlement—for the child.

<sup>&</sup>lt;sup>1</sup> USCCB/MRS. (2010). Unaccompanied Refugee Children: Case Mapping of URM Resettlement in the U.S. http://www.brycs.org/documents/upload/URMCaseMappingReport.pdf

<sup>&</sup>lt;sup>2</sup> Office of Refugee Resettlement, U.S. Department of Health and Human Services. (2009). *Unaccompanied refugee* minors. http://www.acf.hhs.gov/programs/orr/programs/unaccompanied\_refugee\_minors.htm

<sup>&</sup>lt;sup>3</sup> UNHCR. (2008). UNHCR Guidelines on Determining the Best Interests of the Child. (p.72). http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf.



When a child is referred to USCCB or LIRS for resettlement, a BID is included in the referral documentation. These BIDS are invaluable in understanding the child's history and in making decisions about the best placement option in the U.S. for the child.

In 2010, the U.S. Conference of Catholic Bishops (USCCB) conducted an evaluation of Best Interest Determinations for most of the unaccompanied refugee minors who were resettled by USCCB between October 1, 2007 and March 31, 2009. Among the recommendations in that report was the need for greater efforts to identify children in urban settings, the need to conduct BIDs promptly and to be alert to the possibility of trafficking in refugee settings. This report looks at the BIDs and other pre-arrival case information for all of the URMs resettled by USCCB from January 2010 through March 2011. We found some changes from the last report and some areas where we believe there is room for improvement.

### II. GOALS OF ANALYSIS

In 2011, USCCB/MRS conducted an analysis of the URM case information provided by the Refugee Service Centers (RSCs), anamely the Best Interest Determination report and the Biodata form, which is generated by the RSC. The goals of this analysis were as follows:

- 1. To identify and examine patterns among children referred for resettlement and compare these with our last analysis (2010). We placed a particular emphasis on examining the time frames in the processing of unaccompanied children who eventually resettled to the U.S.
- 2. To make recommendations based on those patterns
- 3. To provide information and recommendations which are helpful when conducting BIDs with children in refugee and other displaced situations

## III. METHODOLOGY

USCCB staff analyzed the available Biodata and BID forms for URM arrivals to USCCB in a 15 month time frame: January 1, 2010 through March 31, 2011 (See Appendix A for the complete list of categories for which data was collected). During this time period, a total of 113 URMs arrived in the U.S. through USCCB's resettlement process, and a similar number of URMs were placed through the Lutheran Immigration and Refugee Service (LIRS). 100% of USCCB's cases were analyzed for this report, 5 representing approximately 50% of the total URM arrivals to the U.S.

We did not analyze cases for children in refugee situations for whom no BID was conducted or in which a BID was conducted but the child was not resettled. We also reviewed eight cases of children traveling with or to join caregivers (often referred to in the U.S. resettlement context as "attached minors") in which the children eventually experienced some breakdown in the relationship with the caregiver and entered the URM program.

<sup>&</sup>lt;sup>4</sup> Formerly called Oversees Processing Entities (OPE)s.

<sup>&</sup>lt;sup>5</sup> Two (2) children included in the 113 were originally resettled by LIRS but then transferred to USCCB.

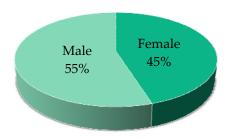


### IV. FINDINGS

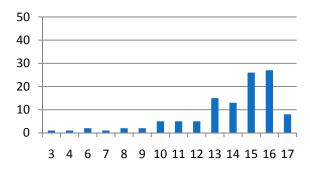
### Demographics/Population Profile

Of the 113 children resettled into the URM program during the time period examined, 51 were girls (45%) and 62 were boys (55%), a more even gender breakdown than in the last reporting period (39% girls, 61% boys). The average age at the time of BID was 14.3, while the average age at arrival to the U.S. was 15.4, with the youngest being four at arrival and the oldest just one day from turning 18.

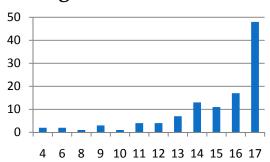
### Gender Breakdown



# Age at time of BID



# Age at time of arrival



### Camp vs. Urban Identification

At the point of identification, 59 children were in a camp setting, while 54 were in urban settings, a surprisingly even distribution. The ratio of male URMs identified in each setting to females was roughly the same as the overall male to female ratio, implying that male URMs are identified and referred for resettlement as URMs somewhat more often than females in both settings. However, without knowing the total population of unaccompanied children in camps and urban settings, it's not possible to say what sort of discrepancy, if any, exists in identifying children of either gender in particular settings.

As in the last USCCB report, all of the URMs from Malaysia (all but one of which were Burmese) were in urban settings. However, during the last reporting period approximately 80% of non-Burmese cases were in camp settings at the time of the BID. During this reporting period, 66% of non-Burmese cases were in camps and 34% were in urban settings. In particular, 85% of the cases in African countries of refuge examined in the last report were in camp settings.



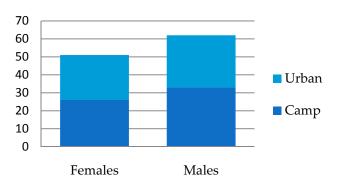
However, during this reporting period, 65% were in camp settings. A major factor in this change may be related to the fact that all of the URMs referred from Kenya (21) were urban cases, whereas in the last report only three of the 14 Kenyan cases were urban cases. This is a surprising finding given the number of large refugee camps in Kenya.

The number of urban URM referrals in Kenya may in part be attributable to the work of Mapendo International, an organization that assists refugees in Nairobi and elsewhere 6 and which conducted 14 of the 21 BIDs for URMs in Kenya. In fact, Mapendo appears to be the only organization other than UNHCR <sup>7</sup> to have conducted BIDs, though there are about 26 cases in which it is unclear who conducted the BID.

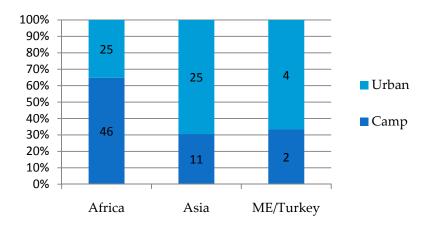


# Urban Camp 48% 52%

# Gender and Location at Time of BID



# Location at time of BID by region



<sup>7</sup> ICMC (International Catholic Migration Commission) deployees also conducted BIDs through the UNHCR-ICMC deployment scheme which is discussed later in the report.

<sup>&</sup>lt;sup>6</sup> Mapendo International (2011). What we do. http://www.mapendo.org/what-we-do/



### URM Country of Origin Compared with Adult/Family Resettlement<sup>8</sup>

The URMs resettled in this reporting period represented 12 countries of origin, whereas the family resettlement program at USCCB received 23,477 refugees from 58 countries of origin:

URM countries of origin	#s	%	Top adult/family countries of origin	#s	%
DRC	44	39%	Iraq	6,453	27%
Burma	25	22%	Burma	5,720	24%
Eritrea	13	11%	Bhutan	3,936	17%
Bhutan	9	8%	Somalia	1,806	8%
Somalia	9	8%	Cuba	1,625	7%
Rwanda	4	3%	DRC	1,112	5%
Burundi	2	2%	Eritrea	712	3%
Iran	2	2%	Iran	541	2%
Sudan	2	2%	Afghanistan	219	1%
Ethiopia	1	1%	Ethiopia	198	1%
Iraq	1	1%	Sudan	172	1%
Vietnam	1	1%	Vietnam	139	1%
TOTAL	113		TOTAL	22,633	

While this represents an increase in countries of origin for URMs, up from nine in the last reporting period, it is still greatly overshadowed by the numbers of adult countries of origin (50 in the last reporting period). Although the above 12 countries of origin represent approximately 96% of refugees admitted by the family program, it is still noteworthy 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.9

It is interesting to note that the top adult/family country of origin is Iraq, whereas there was only one Iraqi URM resettled during this reporting period and only two in the last reporting period (when Iraq was the second largest adult/family country of origin). Some light may be shed on the small numbers of Iraqi URMs by two reports published by the International Catholic Migration Commission (ICMC)<sup>10</sup> and USCCB on fact-finding missions to Jordan and Syria. In Jordan for instance, the authors note the need for better identification mechanisms and efforts to identify durable solutions for unaccompanied and separated Iraqi children. 11 The report on Svria describes the extreme difficulty in accessing the resettlement system for "fragile children with and without families," 12 as well as the particular challenge of "[c]ustody issues prevent[ing]

<sup>&</sup>lt;sup>8</sup> Adult/family resettlement refers to the population of refugee families and single adults resettled through community-based refugee resettlement agencies.

<sup>&</sup>lt;sup>9</sup> UNHCR. (1994). Refugee children: Guidelines on protection and care. Geneva: Author.

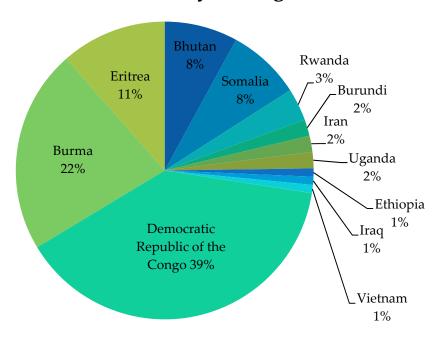
<sup>&</sup>lt;sup>10</sup> Information on ICMC can be found at http://www.icmc.net/who-we-are

<sup>&</sup>lt;sup>11</sup> Duncan, J., Scheiser, D., & Kahlil, A. (2007). Iraqi asylum seekers in Jordan: A report of the ICMC-USCCB mission to assess the protection needs of Iraqi asylum seekers in Jordan. http://www.aina.org/reports/iasij.pdf. <sup>12</sup> Loughry, M, & Duncan, J. (2008). Iraqi refugees in Syria: A report of the ICMC-USCCB mission to assess the protection needs of Iraqi refugees in Syria. (p.31.) http://www.usccb.org/mrs/iraqi refugees syria 4-2008.pdf



UNHCR from identifying and offering resettlement as a durable solution." <sup>13</sup> If these issues persist, that may explain, in part, the few Iraqi URMs resettled. Of course, the current political situation in Syria is a significant barrier to refugee identification and processing.

# **URM Country of Origin**



### URM Countries of Refuge Compared with Adult/Family Resettlement

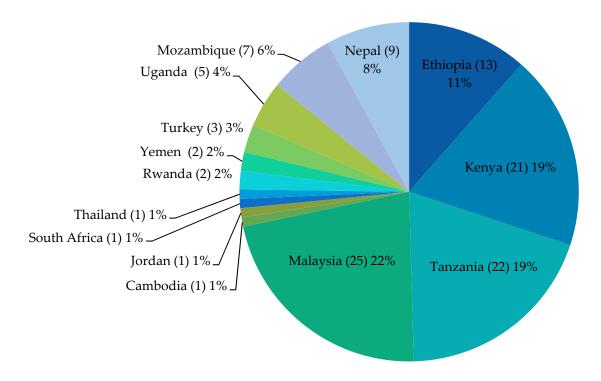
URMs were identified and referred for resettlement from 14 countries of refuge, an increase over the 10 countries of refuge in the last reporting period. Two countries found in the last report, Egypt (2 URMs) and Serbia (2), were not countries of refuge in this report. However, Mozambique (7 URMs), Yemen (2), Rwanda (2), South Africa (1), Jordan (1), and Cambodia (1) are newly represented in this report. It would appear, therefore, that in a growing number of locations unaccompanied and/or separated children are either being identified or are more likely to be considered for resettlement as URMs. However, an increase in resources for outreach, BID work and knowledge of resettlement as a durable solution option where applicable will continue to be needed internationally to increase the locations of URM identification.

During this same period, adult/family refugees were resettled out of 78 countries of refuge. As with countries of origin, there is a large discrepancy between the numbers of countries of refuge URMs are resettled from and the number adults/families come from. The above discussion of Iraqi refugees in Jordan and Syria is relevant to the differences in the below lists. Additionally, it is notable that Thailand is the second largest country of refuge for adults and families, while only one URM was resettled out of Thailand.

<sup>&</sup>lt;sup>13</sup> Ibid. (p.33).



# **URM Country of Refuge**



An interesting observation is the number of Burmese URMs resettled from Malaysia and not from other countries of refuge where it is known Burmese URMs are present and at risk. For example, a June 20, 2011 BBC article <sup>14</sup> recently profiled the plight of approximately 650 unaccompanied Burmese youth who fled Burma and who live in precarious situations in New Delhi, India. UNHCR is quoted as mentioning "they are the most vulnerable." The article refers to youth who fled following victimization by military forces and the murder of family in Burma. We mentioned this group of youth in our previous report as well, citing a 2006 USCCB delegation report, 15 which encouraged UNHCR to consider referring to the U.S. any unaccompanied minors for whom a best-interest determination indicated resettlement as the best solution. Unfortunately, we have no information as to whether a BID process for these vulnerable minors has been undertaken in India. If BIDs are being conducted we have as of this writing seen no referrals for resettlement, which would seem inconsistent with the pattern of need seen from the caseload of the same background in Malaysia.

It is also noteworthy that the children resettled out of Ethiopia came almost exclusively from the Shimelba camp <sup>16</sup> while there are approximately 1,000 unaccompanied and separated children in Mai Aini camp, some being cared for by an adult refugee "foster parent" who is responsible for

<sup>&</sup>lt;sup>14</sup> Biswas, S. (2011, June 20<sup>th</sup>). The Burmese teenagers who fled to India. *BBC News South Asia*. http://www.bbc.co.uk/news/world-south-asia-13804569

<sup>&</sup>lt;sup>15</sup> The U.S. Conference of Catholic Bishops. (2006). We are all Weeping: Refugees, Displaced Persons, and Human Trafficking Victims in India and Nepal. http://www.usccb.org/mrs/India\_final.pdf

<sup>&</sup>lt;sup>16</sup> In two cases of the 13 cases from Ethiopia, inadequate information existed to determine the child's location.



up to 60 children. <sup>17</sup> The children in Shimelba may be receiving BIDs because of an ongoing resettlement effort by the U.S. government in that camp. For the children at Mai Aini, it is not clear that resettlement is the most appropriate option, but they all ought to receive BIDs to determine durable/permanent solutions.

There were 14 countries where URMs were identified for resettlement, but 78 countries where the general refugee population is identified:

URM countries of refuge	#s	%	Top adult/family countries of	# <sub>S</sub>	%
			refuge		
Malaysia	25	22%	Nepal	3936	17%
Tanzania	22	19%	Thailand	2934	12%
Kenya	21	19%	Malaysia	2669	11%
Ethiopia	13	11%	Iraq	2006	9%
Nepal	9	8%	Cuba	1624	7%
Mozambique	7	6%	Turkey	1423	6%
Uganda	5	4%	Syria	1404	6%
Turkey	3	3%	Kenya	1284	5%
Yemen	2	2%	Jordan	1046	4%
Rwanda	2	2%	Ethiopia	942	4%
Thailand	2	2%	Tanzania	739	3%
South Africa	1	1%	Lebanon	615	3%
Jordan	1	1%	Egypt	469	2%
Cambodia	1	1%	Austria	313	1%

### Time Frames-Length of Time from Registration to BID and from BID to Resettlement

Internationally, time frames for determining permanency solutions for a child are a key factor examined in all child welfare spheres--from case management planning to program outcomes, to administrative oversight, laws and regulations within comprehensive child protection systems, and within alternative care arrangements. <sup>18</sup> In the U.S. context, for example, federal law mandates time frames for permanent placements for children placed in out of home care (children separated from their parents). <sup>19</sup> The U.S. National Council of Juvenile and Family Court Judges, in their permanency guidelines for courts with oversight of children's cases, include in their key principles the importance of timely decisions for children and that prolonged uncertainty for children, not knowing where they will find permanency, is "frightening" and that this uncertainty "can seriously and permanently damage a child's development of trust and

<sup>&</sup>lt;sup>17</sup> U.S. Committee for Refugees and Immigrants. (2010). *Ethiopia Briefing: Implementation of the Out of Camp* scheme for Eritrean refugees: Mission September 24-October 3, 2010.

<sup>&</sup>lt;sup>18</sup> The Guidelines for the Alternative Care of Children, submitted for adoption to the UN General Assembly June 2009, articulate the principle that permanency is a key goal, and that permanency should be achieved without due delay. http://www.unicef.org/aids/files/UN Guidelines for alternative care of children.pdf

<sup>&</sup>lt;sup>19</sup> The U.S. Adoption and Safe Families Act (ACT) became law in November 1997. Available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105 cong bills&docid=f:h867enr.txt.pdf



security."20 Thus, in this report we placed a particular emphasis on examining the time frames in the processing of unaccompanied children who eventually resettled to the U.S.

The average length of time from registration to BID was 28.5 months, or 2.4 years. <sup>21</sup> In four cases (three in Malaysia, one in Kenya), the BID was conducted before registration occurred. It is unclear why this was the case and these cases were not included when calculating the average time from registration to BID. During the last reporting period, adequate data existed to analyze the time from registration to BID in 42 cases. In that period, the average wait was 10.6 months, with children in African countries of refuge waiting 17.6 months and Asian countries of refuge the time frame was 3.3 months. It is unclear why the length of time from registration to BID appears to have grown longer, though fewer cases were analyzed for the last period, possibly affecting the results. It is likely that location, resources and staffing levels are factors.

One noteworthy variable is that the child's location appears to influence timeframes. Children in camp settings (56 cases) waited an average of 38.7 months from registration to BID, whereas children in urban settings (49 cases) waited an average of 16.8 months. In one urban setting— Nairobi—Mapendo International conducted 14 BIDs, all of which were done within 6 months of registration. Most were completed within 1-2 months. This is an interesting finding considering that unaccompanied minors in camp settings are typically an identified population and would be known to Community Service and Protection officers in contrast to urban settings where entities must conduct outreach and identification.

There was also significant variation among regions. Children in Asian countries of refuge waited an average of 15.6 months from registration to BID, with those in Nepal waiting the longest: 30.9 months. It is probable that in the Nepal context, BIDs occurred after resettlement processing commenced. Children in African countries waited an average of 35.9 months, with wide variation among countries. Those in the Middle East and Turkey had the shortest wait: 7.1 months.

It is clear that in many cases, a child's wait for a BID may be quite long. It may be useful to look at the success of an organization like Mapendo in conducting BIDs quickly. Involving NGOs, particularly those with child welfare experience, in identifying unaccompanied and separated children and conducting BIDs in areas with large urban populations may assist in shortening the time a child waits for a BID. Increasing professional capacity to conduct BIDs may also help. Among the BIDs reviewed for this report, six were conducted by deployees through the UNHCR-ICMC Deployment Scheme. Making more extensive use of this deployment program and its child protection sub-roster could also improve the time it takes to conduct a BID while also increasing child welfare assessment capacity and training in a specific location.

death or abandonment; two such cases were excluded because the parent's date of death was not known.

<sup>&</sup>lt;sup>20</sup> National Council of Juvenile and Family Court Judges. Adoption and Permanency Guidelines. Improving Court Practice in Child Abuse and Neglect Cases. p.5. 2000. <sup>21</sup> Where there was more than one BID date (e.g. BID was revised, or the BID panel approved the BID weeks or

months after the original BID date), analysis used the earliest BID date. Two cases were excluded from the average because registration date was not known. In addition, the average time from registration to BID includes several cases in which the child was with a parent at the time of registration, but the parent died or abandoned the child and a BID was subsequently conducted. In these cases, the registration date was adjusted to reflect the date of parental



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Length of time from registration to BID to resettlement <sup>22</sup>								
Country of	Number	Average		Number	Average Months	Average		
Refuge	of cases	Months from		of cases	from BID to U.S.	Months from		
		registration to			Government	USG Approval		
		BID			Approval	to U.S. Arrival		
All cases	105		28.5	111	8.6	4.8		
Asian cases	30		15.6	35	9	4.7		
Cambodia	1	0.1		1	37.6	0.7		
Malaysia	21*	11.2		24	10.7	6.0		
Nepal	7*	30.9		9	1.7	1.9		
Thailand	1	17.5		1	6.7	2.0		
African cases	69		35.9	70	8.6	4.9		
Ethiopia	12*	32.9		12	9.8	5.3		
Kenya	20*	19.5		21	6.2	5.7		
Mozambique	7	83.5		7	9.7	5.2		
Rwanda	2	51.1		2	6.8	4.2		
South Africa	1	21.1		1	3.7	6.3		
Tanzania	22	41.8		22	9.8	4.0		
Uganda	5	13.7		5	10	3.6		
Middle East	6		<b>7.1</b>	6	6.6	3.9		
and Turkey								
Jordan	1	2.4		1	6.7	2.6		
Turkey	3	3.7		3	3.1	3.3		
Yemen	2	14.5		2	11.9	5.6		

<sup>\*</sup>Cases do not add up to the total from this country because some data was missing or some cases included a negative length of time.

There was far less variation among regions in terms of the time from BID to approval by the U.S. government (8.6 months) and time from USG approval to arrival in the U.S. (4.8 months). In one instance a case received U.S. government approval before the BID was completed, though it is unclear why this occurred.

One factor likely keeping the time from BID to USG approval relatively short is that the majority of BIDs appear to have been conducted to consider durable solutions. Often resettlement specifically was considered in the BID analysis, which implies that governments were prepared for resettlement submissions or that the BID may have been conducted within a larger resettlement processing in the particular location.

While those involved in moving a child's case from BID to resettlement should be commended for the relatively short timeframe, given the number of activities that need to occur, it is worth keeping in mind that the total time from BID completion to resettlement is still over a year. This is a long time in the life of a child and is unacceptably long for children confronting serious

<sup>&</sup>lt;sup>22</sup> Data in chart uses adjusted timeframes, where possible, to account for children who became unaccompanied/separated after registration date. Fewer cases were used to calculate the average time from registration to BID due to omitting negative time frames and having insufficient information in a few cases.



protection risks. For instance, in one case involving two brothers fleeing persecution due to their father's political activity, the boys, ages 13 and 15 at the time of the BID, continued to experience severe protection risks, even in the country of refuge: one was beaten and hospitalized by someone whom the BID reported "said that his father was a bad man;" the other was abducted by people apparently looking for information about his father. One brother waited 8.6 months from BID to arrival in the U.S., the other waited 14.5 months. For children like these, emergency resettlement to the U.S. should be an option.

### Family Tracing

In only 14 cases did the BID note what entity conducted family tracing. The three entities noted were UNHCR, ICRC/Red Cross, and the "camp police." One of these tracing attempts resulted in UNHCR locating and reuniting a minor with his brother and learning about the death of the same minor's mother in another camp.

According to the BIDs, tracing was not initiated for the following reasons: the child was a known orphan (both parents deceased), the child did not know of any relatives in home country, fear for the safety of the parents in the home country, tracing "not possible" in the country of origin, parents missing for years with what appears to be little or no information about their location, the country "is refusing to allow repatriation," and an expectation that tracing would be initiated after resettlement. In the case of children for whom tracing was not initiated, parents were believed to be in the following countries of origin: Burma/Myanmar, Iran, Eritrea, Somalia, and India (father missing in coal mine for several years).

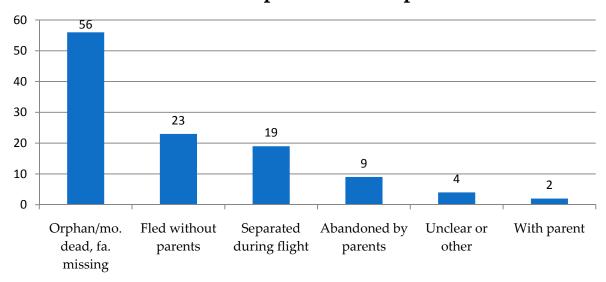
Among the sample cases, 48 (42%) were known to be orphans (both parents deceased), in 21 cases both parents were in the country of origin, for 15 the location of both parents is unknown, 16 children had one parent deceased and one parent in an unknown location, 4 children had one parent deceased and one parent in the country of origin, 3 children (sibling group) had one parent in the camp (deemed abusive), and 2 children had one parent deceased and one parent in the camp.

### Reasons for Separation from Parents

An analysis of the reasons children had become separated from their parents found that approximately half had been orphaned, or the mother was deceased and the father's whereabouts were unknown (in some cases the father's identity was unknown). The next largest groups of children had either been sent to the country of refuge by their parents or had left without their parents on their own initiative. Two youth were still with a parent at the time of the BID, one with an abusive father from whom the BID recommended removal, and one with his mother, who had accompanied him to the country of refuge.



# Reason for separation from parents



### Caregiver at Time of BID and Assessment of Resettlement as a URM vs. Separated Child

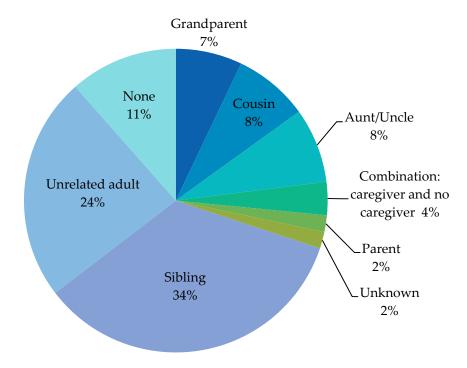
One noteworthy finding is that just over a third (35%) of the children were alone or living with an unrelated adult caregiver, whereas most of the rest were with a relative. The largest group had an adult sibling as a caregiver. At the time of travel, the cases of approximately 40-45% of children were cross-referenced to adult siblings, or in a few cases to a cousin. In these cases, the children entered URM programs in the same community to which the adult sibling was resettled. URM programs and family resettlement programs (in most cases within the same agency) in these "major-minor" cases ensure that the adults and children are maintaining close contact and a family unity approach is utilized to incorporate family reunification whenever possible into the formal case planning for children.<sup>23</sup>

There appear to be a variety of reasons why children who were accompanied at the time of the BID were ultimately resettled into the URM program rather than with the caregiver. In a number of cases, the child and/or caregiver expressed concern about the adult's ability to support the minor, often due to financial or medical concerns. Similarly, some relatives had other children or family members to care for and did not feel able to continue the minor's care in the country of resettlement. In some cases, the caregiver was only a year or two older than the minor. Additionally, some family members and children believed that the URM program would offer a better opportunity to acculturate, learn English, and/or get a better education. And in some cases, the minor and caregiver were, for various reasons, resettled at different times, or the caregiver was not resettled at all. Often the reasons for the timing of resettlement of various family members, or the reasons some family members were not resettled were not included in the BID or biodata.

<sup>&</sup>lt;sup>23</sup> USCCB/MRS is currently examining the trends and outcomes for separated children (major/minor) resettlement cases in the U.S. and will issue a report on this topic in late 2011.



# Caregiver at time of BID



There were also a number of children who entered URM care with minor siblings. There were 18 sibling groups of two, three sibling groups of three, and four sibling groups of four. This is noteworthy for future placement capacity planning in the U.S.

It appears that in a number of cases processed by one particular Refugee Service Center (RSC) URM care was presented as an option to families with separated children. It is not clear whether this occurred in all separated minor cases handled by this RSC. However, some BIDs spoke of strong attachment among family members and the value of the children remaining with the caregiver. When presented with the URM option, however, these families accepted, sometimes believing URM would offer the child better opportunities and additional resources, despite the RSC staff's efforts to explain that was not necessarily the case. Given these cases, it seems that in the absence of any indication of a problem it may not be helpful to simply present URM care as an option to all families with separated children without a concurrent assessment of the ability and willingness of the adult care giver to care for the child long-term in the resettlement country. The URM program may seem like the chance for more support and services than the caregiver feels s/he can offer, particularly for families who want to ensure the best for the child and are fearful about their own prospects in a new country.

Nevertheless, there is a valuable role for RSC staff to play when interviewing separated children. Often a fair amount of time passes from when a BID is completed to when RSC staff meets with a child. Much can change during this time, and it is important to assess whether there is still a committed caregiver in the child's life. In one case reviewed for this report, for instance, at the time she met with the RSC, the child disclosed abuse that she had not mentioned during the BID and asked not to be resettled with her caregiver.



### Children Resettled with Family who later entered the URM Program (Reclassification Cases)

Within the U.S. resettlement context, most separated children are resettled with the assistance of the adult/family refugee resettlement agencies where relatively minimal direct and indirect assistance is given for specific, usually shorter, time frames than unaccompanied children resettled within URM programs.

The complexity of determining the best resettlement option for separated children is most clearly demonstrated by examining cases in which a family breakdown occurred after the child arrived in the U.S. During the time period reviewed for this paper, a total of eight refugee minors were reclassified 24 into USCCB URM foster care programs after their arrival to the U.S. Generally speaking, all of these cases fell under one of two categories: minors whose primary caregiver was an adult sibling or minors who were being cared for by non-biological relatives.

Six of the eight reclassified cases involved minors being cared for by adult siblings, many of whom themselves had only recently become adults. In several cases, the adult siblings complained of a lack of respect shown to them by their younger siblings, while in other instances the adult siblings either neglected or mistreated the minors they were charged with supporting. In most cases, however, the adult siblings simply found themselves to be unable to take on the responsibilities involved in supporting a minor in the United States, in addition to meeting their own needs.

The other two cases reclassified after arrival involved minors initially resettled with non-relative caregivers. One minor was physically abused by his caregiver and threatened with having his food poisoned, while the other's caregivers verbally abused him, withheld food, and eventually abandoned him. In both cases, the minors were treated differently than the biological children of their caregivers, and made to feel unwelcome in the family.

While many children and youth placed as attached refugee minors with either an older sibling or non-relatives have surely thrived after resettlement, these instances of family breakdown and reclassification do highlight the need to carefully examine the appropriateness of such placements. And while many of these cases may not break down after arrival, that is not to say that 12 and 19-year old siblings, for instance, may not have fared better as a major-minor case (the minor being supported by a URM program and the major assisted by an adult refugee resettlement program). The fact that all eight reclassification cases came from these two care arrangements (as opposed to minors resettled with aunts, uncles, grandparents, reuniting with biological parents they were separated from, etc.) should necessitate a closer examination of such cases.

### Trafficking of Unaccompanied and Separated Refugee Children

In five cases, the BID interviewer reported that the child was trafficked either for forced labor or prostitution. This trafficking occurred both within and outside of the refugee camp setting and in non-camp settings. For instance, in one case a child was smuggled and then forced to work

<sup>&</sup>lt;sup>24</sup> Refugee children who enter the U.S. with family but experience a family breakdown may be eligible to participate in the URM program. The U.S. Office of Refugee Resettlement's "State Letters" on reclassification to URM status provide the standards used to determine if such a child may access the program.



without pay in an isolated animal farm in the country of asylum until child was identified by a refugee from same ethnic community. The Shimelba camp in particular stood out, as one BID mentions that unaccompanied minors in this camp are at risk for both sexual abuse and exploitation. The five cases do NOT include the refugee experiences children faced before arriving in the country of asylum, including forced military conscriptions, kidnapping, forced servitude by armed forces, etc.

In other cases, it is clear that there is organized smuggling of unaccompanied refugee children which may have some elements of child trafficking. These include children being held in a series of unknown housing arrangements along their migration route and actually living with their employers, possibly arranged by smugglers, at the destination locations. Anecdotally, USCCB has observed that minors who are without adult caretakers can fall victim to child trafficking. For example, in its programming, USCCB worked with an undocumented child in federal immigration custody who had been trafficked from a refugee camp by a European male and brought illegally to the U.S. The child was identified for the first time as a victim of trafficking years later after he was identified by U.S. immigration authorities for illegal entry.

### Who is Conducting BIDs and BID Panels

As was noted previously, it appears that almost all BID interviews were conducted by UNHCR staff, UNHCR- ICMC deployees (6 cases), or by Mapendo International staff (14 cases), although in some cases the affiliation of the BID interviewer was not clear.

With 40 of the cases, no BID panel information was included. This represents 35% of the cases. Either BID panel information was simply not documented in the information sent to the U.S., or no BID panel was utilized in the BID process. In the few instances in which information was provided about the BID panel members' affiliations, the panel members generally were all UNHCR staff, though in two cases, the panel also included IRC (International Rescue Committee) and ARRA (an institution established by the Ethiopian government) staff. It is our observation that BID panels can provide appropriate quality and supervisory oversight for the BID assessment and decision making. However, BID panels also by nature entail additional resources and could lengthen the time frames for the child's case. These are considerations which must continually be factored into the process and decision-making.

### Other General Observations

In reviewing the BIDs, we encountered a variety of BID forms. Most BIDs used the form from the 2008 UNHCR Guidelines on Determining the Best Interest of the Child, 25 though some, conducted before those guidelines were released, used older formats. Others were similar to the 2008 form but included additions or changes. For instance, one format apparently in use in Tanzania included a reminder on each page regarding the child's right to privacy and confidentiality of information. There may be some value in UNHCR collecting all the BID forms currently in use to determine whether the additions and changes are worth disseminating widely.

<sup>&</sup>lt;sup>25</sup> UNHCR. (2008). UNHCR Guidelines on Determining the Best Interests of the Child. (p.72). http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf.



Many BIDs indicated "durable solution" as the reason the BID was conducted. A large number of BIDs did not specify the purpose of the BID and none specified that it was conducted solely to consider temporary care arrangements or separation from a parent (though several were considering both durable solutions and temporary care arrangements and one considered both durable solutions and parental separation).

A number of BIDs speak to the extreme vulnerability of the minors. In one case, an older woman married the minor because she thought her resettlement case could be expedited and then began harassing the minor when she learned this was not the case, and UNHCR had to intervene.

One BID expresses concern that URMs were being excluded from group resettlement in the camp; the writer appears to be advocating that URMs be considered by recommending resettlement within the minor's BID as the only option for the child.

### V. RECOMMENDATIONS<sup>26</sup>

### Continue and expand the use of BIDs.

As in our last report, we recommend a continuation of efforts to conduct BIDs for all unaccompanied and separated children. While we acknowledge that BIDs are time and resource intensive, they are invaluable tools in identifying a child's best interest and in protecting children. UNHCR, RSCs, 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 BIDs for so many children.

### Conduct BIDs promptly and implement an early concurrent planning principle.

In analyzing URM cases for this report, we found that the average length of time from registration to resettlement was 3 ½ years, with more than two years of that time representing the wait for a BID. In some locations the timeframe was significantly longer. In keeping with UNHCR's Guidelines on Determining the Best Interests of the Child (2008), BIDs should be conducted as soon as possible after an unaccompanied child is identified. Children have a right to permanency and stability. Certainly, time is often needed for tracing and other activities, but in many cases tracing can be conducted concurrently with a BID, and efforts should be made to streamline other elements of the process as well. It should be noted that family tracing continues after resettlement in the U.S. and reunification with family, if possible, is one of the principal goals of the URM program. As stated in UNHCR's Guidelines on Determining the Best Interests of the Child (2008), "a BID should be undertaken as early as possible in the displacement cycle. UNHCR should not wait until prospects for a durable solution emerge."27

Implementing the principle of "concurrent planning" may be useful in certain refugee contexts in order to minimize current time frames for durable solutions. Concurrent planning in many child welfare settings entails examining all feasible options at one time and at the earliest possible

<sup>&</sup>lt;sup>26</sup> See also recommendations from last USCCB report: *Unaccompanied Refugee Children: Case Mapping of URM* Resettlement in the U.S. February 2010. http://www.brycs.org/documents/upload/URMCaseMappingReport.pdf <sup>27</sup> UNHCR. (2008). UNHCR Guidelines on Determining the Best Interests of the Child. (p.32). http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf.



moment, instead of sequentially, in order to expedite permanent placements or durable solutions for a child. In the refugee context, for example, all durable/permanent solutions would be considered within the BID process, which occurs early in the displacement cycle. Concurrent planning would include aggressive family searching immediately upon identification.

### Examine and consider expanding what may be working.

During the course of this analysis, we noted the successes of Mapendo International in working quickly to conduct BIDs with unaccompanied and separated children. Perhaps their model for identifying, providing services to, and conducting BIDs with these children could be expanded to other regions with large urban refugee populations. The work Mapendo has done certainly points to the value in UNHCR's partnership with NGOs.

We also found that several of the BIDs had been conducted by deployees with the UNHCR-ICMC Resettlement Deployment Scheme. UNHCR may benefit from expanding use of these deployees beyond the resettlement context, particularly by accessing those deployees on the refugee children/Best Interest Determination sub-roster. Greater use of UNHCR-ICMC deployees with child welfare expertise may be one way to shorten the time from registration to BID, especially in locations with significant numbers of separated and unaccompanied children. UNHCR-ICMC deployees could also be used earlier in the displacement cycle, before resettlement operations have begun. The ICMC deployment option has also been utilized to build capacity of existing local and national stakeholders by providing training on how to interview and assess children's best interest. For example, USCCB assisted ICMC in such a deployment to assist vulnerable displaced Haitian children in the Dominican Republic. 28

### Ensure BID assessors and Refugee Service Centers are knowledgeable about the resettlement implications for unaccompanied and separated children.

As discussed earlier, the person conducting the BID interviews is often in the best position to determine whether a child would benefit from the URM program. Of course, in many cases the BID interviewer does not know if the child will ultimately be considered for resettlement, and if so, to which resettlement country. However, that should not preclude the assessor from considering whether URM care is a resettlement option that would be in the child's best interest, nor should it prevent a discussion of URM care with the child. This is true even in cases in which a child is with a caregiver. As we found in our analysis, some caregivers explicitly stated that they did not feel capable of, or were not interested in, continuing as a caregiver after resettlement. In other cases, caregivers may be quite committed and capable, which also should be noted in the BID. Regardless, individuals conducting BIDs for durable solutions should be knowledgeable of all the options, including resettlement options in the U.S. when appropriate. We found a wide variety of knowledge of the URM program in the BID reports, with some individuals who appeared to be very aware, and others who held misconceptions.

Once a decision has been made to resettle a child to the U.S., RSC staff also has a role to play. For children who were with caregivers at the time of the BID, circumstances may be different and/or the child's wishes may have changed. RSCs are in a position to determine if that is the

<sup>&</sup>lt;sup>28</sup>ICMC. (2011). Stranded Haitian children find hope for the future. http://www.icmc.net/article/stranded-haitianchildren-find-new-hope-future



case. Of course, not all separated children need to be considered for URM care. But if RSC staff recognizes concerns with the caregiver's ability and/or willingness to continue to provide care for a child after resettlement, they are in a position to assess URM care as a possible option. We recommend that when complex situations arise this assessment be conducted on a case-by-case basis in consultation with USCCB and/or LIRS, the two voluntary agencies that resettle children into the URM program. The national resettlement agency staff can discuss the possible care options, efforts to maintain the connection between the child and the caregiver, and other relevant issues.

### Create emergency resettlement procedures for children confronting serious protection risks.

For most of the children whose cases we examined, the time from BID completion to arrival in the U.S. was just over a year. This is relatively quick, given the tasks that need to be completed. However, for children faced with serious protection risks, this is an unacceptably long time. One compelling example, described previously, involved 13 and 15 year old brothers who were subjected to severe physical abuse and abduction in the country of refuge due to their father's political activities. A number of other BIDs also noted ongoing persecution, even in the country of refuge, as well as children being exposed to sexual abuse, human trafficking, and forced marriage. For children in these situations, emergency resettlement ought to be a possibility. One way to make this a reality would be to include child friendly spaces within emergency transit centers in Romania and Slovakia. These could be an option for unaccompanied children in need of resettlement and who need an immediate safe place while they wait processing to the third country.

### Be alert to trafficking concerns and the need for safety precautions.

There is sometimes a nexus between refugee situations and trafficking, particularly for unaccompanied and separated children, who are at increased risk of exploitation. In the course of our analysis we came across five cases that most likely met the U.S. <sup>29</sup> and UN <sup>30</sup> definitions of human trafficking. There were other children who were in situations that placed them at heightened risk of trafficking and exploitation, such as the children who were living at their place of employment. It is likely that among children not referred to the URM program, there also are cases of human trafficking. Conducting outreach activities for identification purposes and initiating BIDs as soon as possible in the displacement cycle is a proactive measure to identify and protect children against trafficking.

### Allocate resources.

Above all, advancements in the use of Best Interest Determinations and finding durable solutions for unaccompanied refugee and other displaced children will not be possible without increasing resources for these efforts.

<sup>30</sup> United Nations Office on Drug and Crimes. http://www.unodc.org/unodc/en/human-trafficking/what-is-humantrafficking.html

<sup>&</sup>lt;sup>29</sup> Victims of Trafficking and Violence Protection Act of 2000. http://www.state.gov/documents/organization/10492.pdf



# VI. APPENDIX A: PROMISING PRACTICES IN CONDUCTING BEST INTEREST **DETERMINATIONS**

Recognizing that UNHCR is working on a field manual to assist in implementing BIDs and that BIDs are conducted in a variety of settings by a number of actors internationally, we have assembled the following tips on carrying out BIDs. These tips are based on our programmatic experience providing assessment and determination services for displaced unaccompanied children in a variety of settings as well as promising practices already occurring internationally when BIDs are conducted (as identified in our URM case analysis). We recognize that many are resource dependent. We hope these tips will be of use to anyone conducting BIDs with unaccompanied and separated children or formulating standard operating procedures.

### 1. Interview individuals who are important in the child's life.

Many BIDs included interviews with a number of individuals in the child's life in the refugee situation--one included 16 individual interviews! These interviews included past and current caretakers, housemates, adult and minor relatives, UNHCR staff in community services and protection, neighbors, sector heads, and teachers. The interviews also included direct quotes. One BID actually included a phone conversation with an adult relative already resettled to the United States to assess her willingness to care for the child. Where appropriate and feasible, resettlement agencies in the U.S. can and could continue to provide assistance with this type of assessment of family members in the U.S. The practice of interviewing people important to the child, a common occurrence in professional child welfare practice, helps to ensure the child's best interests are identified.

It is particularly important to interview and assess primary caregivers. When assessing a separated child's care options, especially a child with unrelated caregivers or informal foster parents, ensure that the BID includes the ability and willingness of the adults to care for the child, not just in the refugee setting, but long term. It is also important to assess all adult care takers. For example, in one case we examined, a separated child was resettled with a "foster" father who had cared for the child for years during their flight and in the camp setting. Indeed, the foster father had saved the child's life from extreme ethnic violence. However, the BID did not include an interview with the wife of the foster father. Almost immediately upon arrival in the U.S., the foster mother abused and neglected the child and the entire family eventually abandoned the child. Fortunately, the child was reclassified to unaccompanied status and entered the URM program. The abusive situation and abandonment may have been avoided if the BID process had included an assessment of all likely care givers and long-term viability in the resettlement context.

### 2. Assess the caregiver's ability and willingness to care for the child long-term.

The above case example highlights the importance of "assessing the capacity of the adults willing to care for the child." We would argue that this assessment should include the capacity

<sup>&</sup>lt;sup>31</sup> UNHCR. (2008). UNHCR Guidelines on Determining the Best Interests of the Child. (p.57). http://www.unhcr.org/protect/PROTECTION/4566b16b2.pdf.



long-term, not just within the current refugee context. Ideally, this would include gauging the caregiver's willingness and ability to provide long term care in the resettlement country when resettlement is the identified durable solution. This assessment is also relevant to other durable solutions, such as repatriation contexts. Understandably, the separated child and connected adults are often in untenable and unstable situations in camp or urban settings and this can be a difficult assessment to make at the time of a BID, especially if resettlement is a possibility and it is unknown the context in which the family unit will be resettled. However, some BIDs did include this helpful assessment of, at minimum, the care taker's fitness to provide basic care and protect the minor. Since the stated purpose in most of the BIDs was to assess for durable solution, it is reasonable to expect an assessment of the caretaker's durability as a care provider.

In cases where the separated child is resettling to the U.S., consulting with the U.S. resettlement staff (government and non-government) entities familiar with the U.S. resettlement context and placement options could be particularly useful in finding appropriate placement.

### 3. Include a home study.

Within some BIDs, the minor's home and immediate surrounding were described, which assisted in also identifying immediate safety and care concerns. It is also typical in professional child welfare practice to assess temporary care arrangements in person in order to fully understand the child's situation.

# 4. Include assessment of and referral for interim care arrangements as well as durable

A number of BIDs assessed the interim care situation of the minor and documented referrals to community services to address more immediate needs of the minor. For example, in some cases, the BID assessor identified that a child did not have a ration card and the BID recommended action to correct the situation.

### 5. Include migration/contextual information.

Some BIDs included extensive information about the child's history, for example, the reasons for migration and separation from parents/adult family members. This contextual information can be particularly helpful to resettlement programs in planning for, prior to arrival, the child's need for supportive services related to trauma and loss.

### 6. Assess and analyze all durable solutions.

A number of BIDs considered, assessed and provided recommendations/conclusions regarding the viability of every durable solution. These were comprehensive BIDs which typically also included interviews with important stakeholders in the child's life.

### 7. Remain cognizant that the BID analysis will be utilized in the resettlement context -Include recommendations for the resettlement country on meeting the needs of the minor.

A number of BIDs included an assessment of the psycho-social needs of the child and corresponding recommendations for the social service agencies working with them in the resettlement country. For example, one BID indicated that the child was traumatized and would need counseling immediately upon arrival in the resettlement country. The BID is also utilized



in on-going family reunification efforts which are a part of the formal case planning process for URMs in the U.S.

### 8. Incorporate applicable UNHCR policies and procedures pertaining to unaccompanied and separated minors and all the options available.

A number of BIDs referenced UNHCR guidelines and policies related to unaccompanied/separated children in emergency situations, as well as knowledge of the resettlement options in U.S. The BID assessor is often in the best position to determine whether the URM program may be a reasonable option for a child. Knowledge of the URM program in particular allows a BID assessor to consider the possibility of resettlement for an unaccompanied child who might have no other durable solutions available.

### 9. Include tracing information.

Including information about tracing that has been done, or the reason tracing has not been conducted, is useful to those working with a child after resettlement. Often a child does not know what has been done on his or her behalf. Including this information makes ongoing tracing easier and assists in case planning and continuity of efforts across borders.

### 10. Incorporate time frames for conducting BIDs and BID panel approval.

In a few cases, the length of time between the original assessor's BID report and the BID Supervisor or BID Panel recommendation was extensive—four months in two cases and in one case 8 months. It is unclear why this delay occurred, but we have found that initiating a BID often takes two or more years from registration. Approval by a BID panel ideally would not add significantly to that already long time frame. On a positive note, one BID panel actually included five (5) members. These BIDs also tended to be the ones with multiple stakeholder interviews.



### VII. APPENDIX B: DATA COLLECTED

- 1. URM program
- 2. Alien number
- 3. Child's last name
- 4. Child's first name
- 5. Gender
- 6. Country of origin
- 7. Ethnicity
- 8. Child's date of birth
- 9. OPE (currently Refugee Service Center)
- 10. Refugee case number
- 11. Country of refugee
- 12. Date fled country of origin
- 13. Date entered country of refuge
- 14. Date Registered with UNHCR
- 15. Date of BID
- 16. Date of U.S. Government approval
- 17. Date referred to USCCB
- 18. Date arrived in U.S.
- 19. Age when BID was conducted
- 20. Age at arrival in U.S.
- 21. Was minor resettled with a sibling group
- 22. Total number of siblings in the group
- 23. Major-minor case (minor's case cross-referenced to an adult sibling)
- 24. Urban or camp setting at time of BID
- 25. Organization that identified minor as a URM
- 26. BID specialist
- 27. Organization completing the BID report
- 28. Reason BID was conducted
- 29. General observations about BID
- 30. Living situation at time of BID (care arrangement)
- 31. Relationship of caregivers to the child
- 32. Reason minor is a refugee
- 33. Reason minor is unaccompanied
- 34. Reason for resettlement decision
- 35. Location of biological parents
- 36. Notes on evidence of trafficking
- 37. Other observations about the case
- 38. Description of family tracing
- 39. Length of time tracing conducted
- 40. Organization that conducted tracing



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