Summary of the justice AmeriCorps Legal Services for Unaccompanied Children Program

by the American Bar Association Commission on Immigration

The justice AmeriCorps (jAC) Legal Services for Unaccompanied Children Program provided critical legal services to unaccompanied immigrant and asylum-seeking children in immigration court proceedings.¹ The program was administered from January 1, 2015 to August 31, 2017 through the Department of Justice’s Executive Office for Immigration Review (EOIR) and the Corporation for National & Community Service (CNCS).

Program Objectives:

The program’s objectives included increasing levels of representation of unaccompanied children in immigration court, increasing the efficiency of immigration courts, increasing the identification of child abuse and trafficking victims, and building pro bono capacity to support and represent unaccompanied children in immigration court.

Program Evaluation:

In a two-year evaluation of the program conducted by the Vera Institute of Justice, investigators concluded that jAC providers had been successful in increasing levels of representation amongst unaccompanied children in removal proceedings. In turn, immigration court efficiency improved due to enhanced case preparation and more reliable attendance at court.

Program Recommendations:

Recommendations for improving the program included lifting the age restrictions on representation (originally restricted to children under 16), increasing capacity to represent parents/guardians in proceedings related to the child as well as siblings of eligible children, increasing funding for social workers and interpreters, and requiring longer service commitments from jAC members (two, rather than one-year terms).

Crucial takeaways from the Vera report:

justice AmeriCorps achieved its primary goal of increasing levels of representation for unaccompanied children in removal proceedings. Through the funding of attorneys for representing children, the jAC program initiated representation of 3,119 children and contributed to the representation of many more through pro bono networks.

¹ The jAC program was intended to provide legal services to children under the age of 16 who: 1) were not in the custody of Office of Refugee Resettlement (ORR) or the Department of Homeland Security (DHS); 2) had received a Notice to Appear (NTA) in removal proceedings before EOIR; 3)had not had their cases consolidated with removal proceedings against a parent or legal guardian; and 4) must have had an initial released Master Calendar Hearing (MCH) after January 1, 2015 in order to be eligible for the program (later modified to October 1, 2014). See, Vera Institute of Justice, Outcome Evaluation of the justice AmeriCorps Legal Service Program for Unaccompanied Children, October 2016, Executive Summary p. i-ii.
justic AmeriCorps contributed to immigration court efficiency. Children represented by jAC lawyers were far more likely to attend their court hearings: the rate of in abstenia removals for jAC cases was only 7%, in comparison to 77% for unrepresented cases. Meanwhile, the preparedness of jAC lawyers helped cases move efficiently through the immigration court system, while still ensuring fairness and due process.

justic AmeriCorps helped produce positive outcomes in unaccompanied children's cases. Children represented by a jAC lawyer were shown to be 71% more likely to have a successful outcome (administrative closure, termination, or relief), compared to 18% of unrepresented children. Overall, 88% of jAC cases had successful outcomes.

Justice AmeriCorps helped build pro bono capacity. The program contributed to increased pro bono activity, helpful in filling gaps created by the limitations in program design.

justic AmeriCorps helped to identify victims and potential victims of trafficking and abuse. In the two years of this program, 29 children were identified as victims of trafficking, while six children were identified as potential victims.

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2 Id. Executive Summary p. iv. 
3 Id.