

ICE TA Memo to File re IJ UAC Determinations

- Ensure that the memo contains the factual basis for the IJ's legal determination that the applicant did or did not meet the UAC definition
- The UAC determination should be tied to the date the asylum application was first filed with either EOIR or USCIS (not the hearing date)
- The memo should contain the relevant dates

Examples:

- Example A: The IJ reviewed the applicant's [birth certificate/other document], which showed that s/he was born on [XXX]. The IJ determined that the applicant turned 18 years old on [XXX]. The asylum application was first filed on [XXX]. Based on this evidence, the IJ determined that the applicant was [XX] years old on the date of filing, and did not meet the definition of a UAC at 6 USC 279(g)(2) on that date.
- Example B: The IJ took testimony on the issue of whether the applicant had a parent/legal guardian in the US available to provide care and physical custody. The applicant stated that s/he [XXX]. ICE presented evidence that [XXX].
  - The IJ determined that the applicant did not meet the definition of a UAC at 6 USC 279(g)(2) on the date the asylum application was first filed because the applicant's parent/legal guardian was able and willing to provide care and physical custody. Specifically, the IJ found that [XXX].

Or

  - The IJ determined that the applicant met the definition of a UAC at 6 USC 279(g)(2) on the date the asylum application was first filed because the applicant's parent/legal guardian was unable or unwilling to provide care and physical custody. Specifically, the IJ found that [XXX].