



UAC Screening Guide / CBP Form 93 (Revised)

CBP-93 Unaccompanied Alien Child Screening Addendum

This screening tool provides a mechanism for officers/agents to consistently and thoroughly screen unaccompanied alien children (UAC). This tool contains sections relating to the UAC's fear of return to their country of nationality or last habitual residence as well as indicators of human trafficking. For UAC who are nationals or habitual residents of a contiguous country, it also addresses the UAC's ability to make an independent decision to withdraw their application for admission.

This form's use is consistent with the requirements of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA).



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CBP-93

UAC Screening Tool Reference Guide

Objectives:

- ❑ Form Purpose & Overview
- ❑ Assessment of UAC's Ability to Make an Independent Decision
- ❑ Fear of Return Screening Questions
- ❑ Human Trafficking Questions
- ❑ Determination



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Form Purpose & Overview

The CBP-93 was designed to serve as a screening tool for UACs to determine:

- A UAC's ability to make an independent decision to withdraw his/her application for admission into the U.S.
- Fear of return
- Past trafficking or risk of future trafficking



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Form Purpose & Overview

The CBP-93:

- **Provides standardized documentation across all sectors**
- **Provides streamlined decision making**
- **Facilitates appropriate screening of all UACs**
- **Is clear and easy to use**



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To Access the CBP-93

To access the CBP-93, access e3 NextGen Processing by clicking the Intake icon on the e3 Homepage.



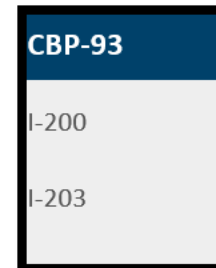
Query your subject or create a new event. Be sure “Unaccompanied” next to the Subject’s age is selected.



Click on the Disposition tab, or continue to enter information until you reach the Disposition section. The UAC must have a disposition of WA/NTA or VR for the CBP-93 form to populate under the Forms tab.



Continue to process the Subject, or click on Forms. The CBP-93 will be the first form on the right side menu under the Forms tab.



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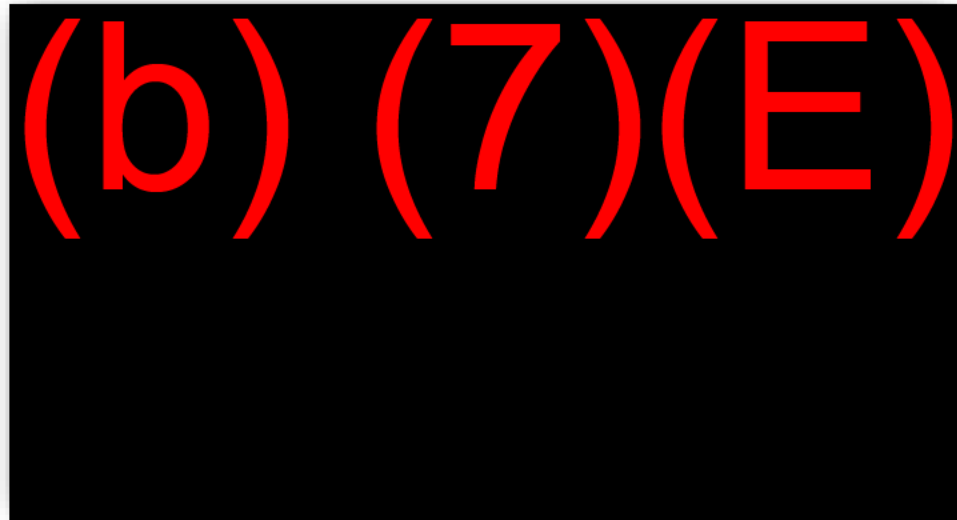
Assessment of UAC's Ability to Make an Independent Decision

Note: This section is only required for UACs who are nationals or habitual residents of a contiguous country

Officers/Agents should use this section to determine whether a UAC has the ability to make an independent decision. It does not, for the most part, present direct questions to be asked of the UAC, rather Officers/Agents shall ask appropriate questions, as needed, to obtain the information necessary to make a determination.

Note: Although UAC 14 years and older are considered presumptively able to make an independent decision, the totality of each UAC's individual circumstances must inform your particular decision.

Although UAC under 14 years of age are considered presumptively unable to make an independent decision, the totality of each UAC's individual circumstances must inform your particular determination.



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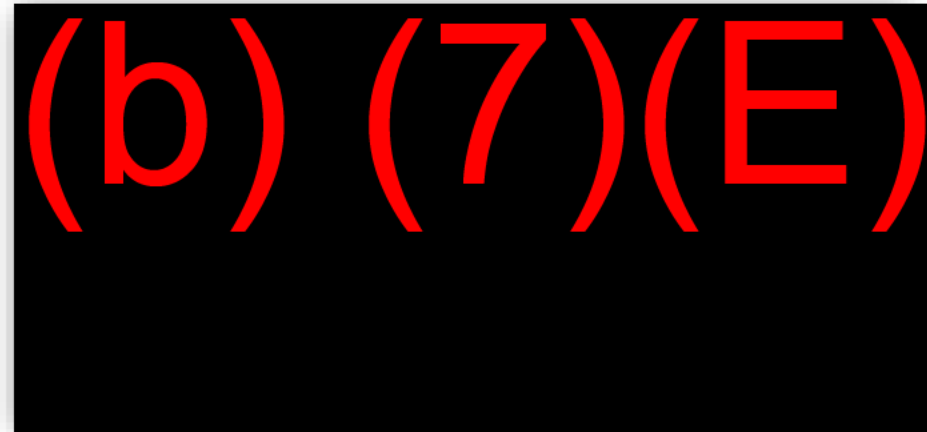


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Assessment of UAC's Ability to Make an Independent Decision

If, at the end of the section, an Officer/Agent determines that the UAC is unable to answer questions pertaining to Fear of Return or Human Trafficking, the form will automatically remove those questions and direct the Officer/Agent to the section prompting a determination.

If the Officer/Agent leaves the boxes unchecked, they will be prompted to continue the questions in the next sections.



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Fear of Return Screening Questions

A UAC from a contiguous country may not be permitted to withdraw their application for admission and voluntary return to their country if the UAC indicates a fear of return, *whether verbally or non-verbally*, or if an officer/agent identifies a *fear of return is likely to exist*.

If the UAC indicates a fear of returning to their country of nationality or last habitual residence, then the UAC will be issued a Notice to Appear for his/her removal proceedings under section 240 of the INA and transferred to HHS.

The officer/agent should **NOT**:

- Judge or review the nature of the fear
- Attempt to adjudicate a claim of fear or state the likelihood of success of a claim
- Determine whether or not the fear is credible or if the UAC is eligible for asylum

(b) (7) (E)



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Human Trafficking Questions

Identifying red flags or indicators of human trafficking can be a complex process that may require follow-up questions and Officer/Agent judgement.

It is important to note that in some cases, the person has not yet been exploited in their country of nationality or country of last habitual residence, may not identify as a victim of trafficking, or may have little or no information on the crime itself.

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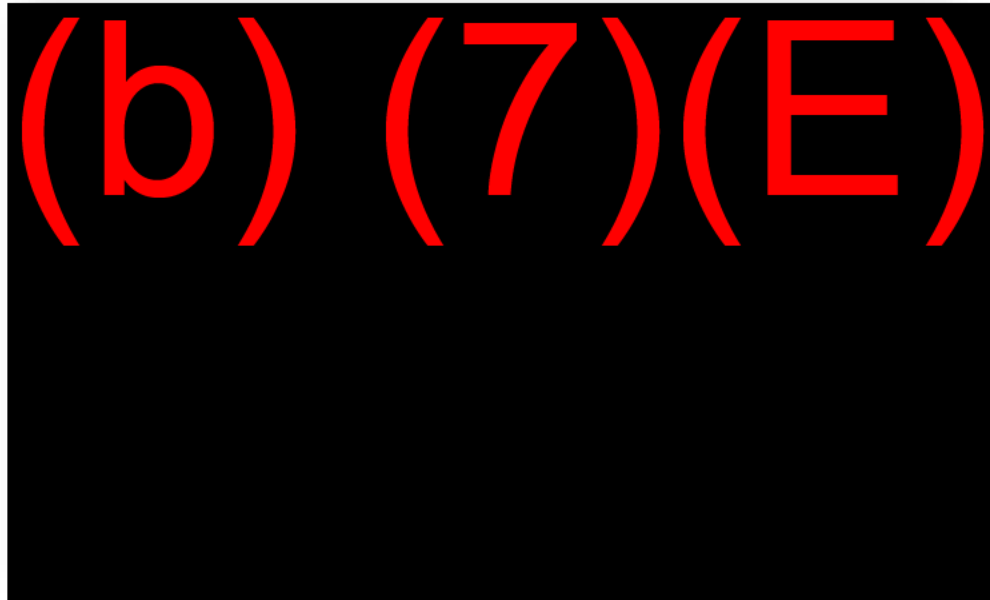


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Human Trafficking Questions

Trafficking Assessment:

Officers/Agents must consider the totality of the circumstances when completing the trafficking assessment. The determination should not be based on a specific total of yes or no answers.



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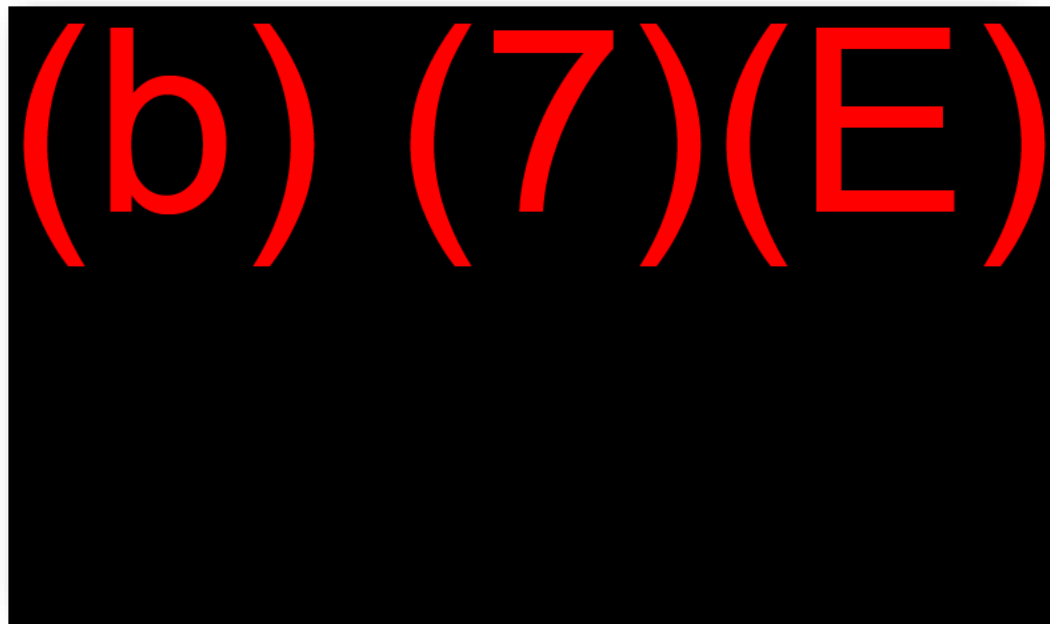
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Make a Determination

Whether the UAC is or is not a national or habitual resident of a contiguous country will be checked based on the biographical information input at the beginning of the form. If the second box is selected, Officers/Agents must select one of the three boxes under that statement.

The form will not save successfully if there are errors on the form. You will be prompted to review and remedy any errors in order to save and continue.

Officers/Agents must read the entire statement per box. Each box may require multiple conditions to be met or only one condition to be met.



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Summary

The CBP-93 is a UAC Screening Tool Reference Guide used for Officers/Agents to assess a UAC's ability to make an independent decision to withdraw his/her application for admission to the U.S., fear of return, and past trafficking or risk of future trafficking.

Officers/Agents are required to screen all UACs.

If the UAC is a national or a habitual resident of Mexico or Canada, they may withdraw their application for admission and return to their country of habitual residence or nationality if CBP determines all three criteria are satisfied:

- **The UAC is able to make an independent decision to withdraw their application for admission to the United States and be voluntarily returned to their country of nationality or last habitual resident AND**
- **The UAC does not have a fear of returning to their country of nationality or last habitual residence owing to a credible fear of persecution AND**
- **The UAC has not been a victim of a severe form of trafficking in persons, and there is no credible evidence that the UAC is at risk of being trafficked upon return to their country of nationality or last habitual residence**




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