



U.S. Immigration
and Customs
Enforcement

ERO Policy No.: 24000

FROM: Daniel A. Bible
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Enforcement and Removal Operations

MEMORANDUM FOR: All ERO Personnel

SUBJECT: Revised Reporting Requirements for Non-Detained Migrants

Purpose:

To revise guidelines for the imposition of reporting requirements for non-detained migrants released from the custody of the DHS, including pursuant to an Order of Release on Recognizance (OREC), an Order of Supervision (OSUP), or parole, including those whose release is conditioned on a payment of a bond. This memorandum rescinds ERO Memorandum, *Revised Reporting Requirements for Aliens Released from ICE Custody*, issued on January 25, 2021.

Background:

As the number of migrants released from DHS custody pursuant to an OREC, OSUP, parole, or bond increases, it's important to ensure consistency in the implementation of reporting requirements and to ensure that up-to-date information regarding a migrant's address and activities while released are captured. ERO officers routinely communicate with non-detained migrants to encourage reporting compliance, monitor case progress of the non-detained population, and take enforcement and removal actions when necessary and appropriate.

Policy:

ERO will require non-detained migrants released on OREC or OSUP to report in-person or remotely at least once per year. Changes to circumstances of individual cases are fluid, and ERO may review a case at any time as a matter of discretion.

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Reporting Requirements and Reporting Mechanisms

Consistent with the need to impose conditions of release based upon the individual facts and circumstances of a given case, field offices are authorized to exercise discretion in establishing reporting requirements after one year of reporting either in person at an ERO field office, at a non-detained program contractor site (where available), at a kiosk, or remotely,⁴ as instructed by ERO officers. After migrants released from ERO custody demonstrate compliance for one year and adhere to the reporting requirements in Table 1, the Field Office Director (FOD), or the FOD designee, may revise the reporting frequency at their discretion after reviewing the migrant's case and adherence to reporting requirements. Regardless of any changes made to the frequency of reporting requirements by the FOD or FOD designee, after one year of reporting, every migrant must report at least once a year, either in person at an ERO field office, at a non-detained program contractor site (where available), at a kiosk, or as instructed by ERO officers.

Field offices are encouraged to require more frequent reporting, to the greatest extent practicable, as a matter of law enforcement discretion. The objective is to maintain a relationship between the migrant and ERO to encourage compliance and to discourage the growth of the fugitive population. In situations where significant medical conditions or other compassionate circumstances exist, field offices may deviate from the frequency requirements with approval directly from the FOD or designee. A deviation from scheduled reporting must be documented in the applicable system of record.

Factors and Case Reviews

ERO officers are required to conduct regular and recurring case reviews, and will consider the use of the appropriate technology based on available resources and relevant ERO policy as well as the mitigating and aggravating circumstances of each migrant. Non-detained program case reviews will be conducted according to current ERO policy for as long as the participant has an active case that falls within ERO's jurisdiction for oversight.

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⁴ Remote reporting options include utilizing mobile devices, computer applications or websites, wearable technologies that track a participant's physical location, and other technologies approved by ERO in the future, and satisfy the requirement of physically checking into an ERO field office.

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