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**Juvenile and Family Residential Management
Unit Field Office
Juvenile Coordinator Handbook
Enforcement and Removal Operations**

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**Enforcement and Removal Operations
Juvenile and Family Residential Management Unit
Field Office Juvenile Coordinator Handbook**

FOREWORD

This handbook was developed by the Juvenile and Family Residential Management Unit (JFRMU), Enforcement and Removal Operations (ERO) as an operational guide for Field Office Juvenile Coordinators (FOJC).

This handbook guides ERO staff in processing, transporting, managing, and removing minors encountered by the Department of Homeland Security (DHS). It is based on current U.S. Immigration and Customs Enforcement (ICE) policies and procedures and will assist ERO employees in adhering to legislative mandates, regulations, and court orders when encountering minors and unaccompanied alien child(ren) (UAC).

This handbook refers to current policies, field guidance, and best practices. As there may be amendments or updates to current policies or memorandums, always refer to the most current document. Each field office may have geographic or operational variances that require alterations to certain best practices; ensure all such adjustments comply with the Flores Settlement Agreement, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and applicable court orders, and receive concurrence from your respective chain of command.

Finally, this handbook is an internal product of ICE. This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create or diminish any rights, substantive or procedural, enforceable by law or equity by any party in any criminal, civil, or administrative matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.

Corey A. Price
Executive Associate Director

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Glossary

Accompanied Alien Child: A non-citizen juvenile who is encountered and who has a parent or legal guardian available to provide care and physical custody.

Adult: Any person 18 years of age or older.

Alien: Any person who is not a United States citizen or national.

Contraband: Any item that aliens are not authorized to have in his or her possession while in the custody of ICE.

Detainee: Any alien booked into an ICE detention facility.

Escort: An officer or contracted transportation specialist who accompanies any person who has been arrested and/or detained under the authorities of ERO during transport or movement.

Exigent Circumstances: A situation requiring unusual or immediate action or aid and that may require ERO officers to circumvent usual procedures (e.g., to prevent imminent danger to life or safety of an officer, the alien or other detainee, or the public; serious damage to property; to forestall the imminent escape of a person in custody; or destruction of evidence).

Family Unit: An adult alien parent or legal guardian accompanied by their own juvenile alien child(ren).

Flight Risk: An alien whom the officer believes may avoid immigration court proceedings and attempt to flee from ICE custody after arrest or in any form of detention, if he or she is not otherwise prevented from doing so.

Full Restraints: ICE-approved handcuffs, waist/belly chain, and leg irons.

Immigration Officer: An employee of the Department of Homeland Security designated as an immigration officer who is authorized to exercise the powers and duties of such officers as specified by the Act (e.g., Border Patrol Agent, Deportation Officer, Special Agent, Customs and Border Protection (CBP) Officer).¹

Juvenile: Any person who has not reached 18 years of age.

Minor: Minor means any alien who has not attained 18 years of age and has not been (1) emancipated in an appropriate state judicial proceeding; or (2) incarcerated due to a conviction for a criminal offense in which he or she was tried as an adult. A minor may also meet the definition of “unaccompanied alien child.”

Note: For the purpose of this document, “minors” refers to **all individuals under the age of 18**, to include both unaccompanied alien children (UAC) and minors accompanied by their parent and/or legal guardian. Minors, children, and juveniles are used

¹ 8 CFR § 1.2

synonymously. “UAC” is referenced wherever processing requirements are specific to them.

Pat-down Search: When an officer inspects an alien using his or her hands. The inspector uses his or her sense of touch when patting or running the hands over the clothed alien’s body. It is considered the least intrusive of the body searches and should be conducted by a staff member of the same gender. At least one witness will observe if an opposite-gender officer search is necessary. A pat-down does not require the alien to remove clothing, although the inspection includes a search of the alien’s clothing and personal effects.

Search: An inspection of the alien’s person and property for contraband in order to maintain good order and security.

Secure Facilities: Facilities for minors requiring the strictest level of supervision. These facilities have secure perimeters and other features and procedures similar to correctional facilities.

Staff Secure Facilities: Facilities that provide a heightened level of staff supervision, increased communication, and services to control problem behavior or prevent escape.

Tender Age: Any juvenile alien under 10 years of age.

Transport: Using a vehicle to move any person arrested or detained.

Unaccompanied Alien Child: A minor who has no lawful immigration status in the United States, has not attained 18 years of age, and has no parent or legal guardian in the United States, or no parent or legal guardian in the United States who is available to provide care and physical custody.²

Weapon: Any object, item, or device that may be used to cause physical injury, incapacitate, or diminish a person’s capability, either temporarily or permanently.

² § 462(g) of the Homeland Security Act of 2002 (6 U.S.C §279(g)(2))

List of Acronyms

AOR	Area of Responsibility
ATD	Alternatives to Detention
BP	U.S. Border Patrol
CBP	Customs and Border Protection
CPS	Child Protective Services
CSO	Compliance Standards Officers
DCO	Docket Control Office
DHS	Department of Homeland Security

(b)(7)(E)

ENV	Electronic Nationality Verification
EOIR	Executive Office for Immigration Review
ERO	Enforcement and Removal Operations
FAMU	Family Units
FFS	Federal Field Specialist
FMC	Field Medical Coordinator
FOD	Field Office Director
FOIC	Flight Officer in Charge
FOJC	Field Office Juvenile Coordinators
FRS	Family Residential Standards
FSA	Flores Settlement Agreement
HHS	Department of Health and Human Services
HSI	Homeland Security Investigations
HSA	Health Services Administrator
I-213	Record of Removability
I-770	Notice of Rights and Request for Disposition
I-830	Change of Address
I-862 or NTA	Notice to Appear
IAO	ICE Air Operations
ICE	Immigration and Customs Enforcement
IHSC	ICE Health Services Corps
IJ	Immigration Judge
INA	Immigration and Nationality Act
JFRMU	Juvenile and Family Residential Management Unit
LEA	Law Enforcement Agency
LEO	Law Enforcement Officer
LEP	Limited English Proficiency
LPR	Lawful Permanent Resident
MEDPAR	Medical Payment Authorization Request
NCIC	National Crime Information Center
NGO	Non-Governmental Organization
NJC	National Juvenile Coordinator
NTA	Notice to Appear
OFO	Office of Field Operations

OPLA	Office of the Principal Legal Advisor
OREC	Order of Recognizance
ORR	Office of Refugee Resettlement
OTM	Other than Mexican
POE	Port of Entry
PREA	Prison Rape Elimination Act of 2003
SAAPI	Sexual Abuse and Assault Prevention and Intervention
SDDO	Supervisory Detention and Deportation Officer
SIJS	Special Immigrant Juvenile Status
SIR	Serious/Significant Incident Report
SME	Subject Matter Expert
TD	Travel Document
TECS	Treasury Enforcement Communications System
TVPRA	William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
UAC	Unaccompanied Alien Child(ren)
USCIS	U.S. Citizenship and Immigration Services
VAS	Victim Assistant Specialist
VAWA	Violence Against Women Act Reauthorization of 2013

1 Introduction to JFRMU

The Juvenile and Family Residential Management Unit (JFRMU) is a dedicated, high-level operational unit created to manage issues related to detaining alien minors and families by Immigration and Customs Enforcement (ICE). Within Enforcement and Removal Operations (ERO), JFRMU oversees the implementation of policy and practices related to the needs of Unaccompanied Alien Children (UAC) and family groups who enter ERO custody. JFRMU supports ERO's mission: to enforce the nation's immigration laws in a fair and effective manner. JFRMU sets standards and expectations to identify removable aliens, detain these individuals when necessary, and remove illegal aliens from the United States. JFRMU works primarily with recent border entrants and individuals seeking asylum and ensures that these individuals receive due process and just treatment as they move through immigration proceedings.

In addition to supporting ERO's mission, JFRMU focuses on creating policy and issuing field training regarding best practices and appropriate interactions with all minors and families according to their developmental needs. Additionally, JFRMU is responsible for the Family Residential Standards (FRS) and oversees an independent compliance program that inspects family residential centers. JFRMU established and now oversees transportation of UAC and family units (FAMU) and is responsible for nearly all UAC transports nationwide.

ERO complies with the Department of Homeland Security (DHS) regulations implementing the Prison Rape Elimination Act, "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities," 6 CFR Part 115 et seq. (DHS PREA), as well as ICE Directive No. 11062.2, "Sexual Assault and Abuse Prevention and Intervention" (May 22, 2014). JFRMU team members monitor facility compliance with these rules and regulations. Team members coordinate with investigative bodies and work with ERO field offices to implement new operational protocols in response to investigative and/or compliance related findings.

Externally, JFRMU coordinates with DHS's Customs and Border Protection (CBP), the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR), and non-governmental organizations (NGOs). Internally, JFRMU trains, monitors, and advises Field Office Juvenile Coordinators (FOJCs), who serve as their field offices' subject matter experts (SMEs) on juvenile and family matters. JFRMU coordinates trainings and issues guidance on appropriate case management for minors and families in ICE custody, and FOJCs in turn advise their ICE colleagues and others who support JFRMU in fulfilling ICE's mission.

JFRMU's experienced and diverse staff embodies the spirit of this mission. Our National Juvenile Coordinators (NJC) provide guidance and technical assistance to ERO field offices located throughout the United States. The Compliance Standards Officers (CSO) provide ongoing and independent review of Family Residential Center operations and compliance with the FRS. JFRMU's administrative staff oversees contracts and training, develops policy, and

manages internal and external communications. Highly trained and specialized contract staff support various initiatives.

1.1 Processing Minors

FOJCs are responsible for identifying, processing, coordinating transportation of UAC and FAMU using JFRMU's domestic transportation contract, and managing UAC dockets. FOJCs must continually consider the unique needs and differences minors have from traditional adult populations.

Because of minors' unique needs and developmental differences, processing and issuing minors' charging documents often take priority over all other immigration processing, with very young children receiving one of the highest priorities.³ Placing tender-age UAC into appropriate housing, in cooperation with ORR, is among one of the highest priorities.

1.2 Interactions with Minors

Minors think, act, and react differently from adults. Developmentally speaking, minors do not have the same comprehension levels as adults, and comprehension levels vary greatly from very young children to teenagers. ERO officers and contractors are required to consider language, culture, and possible prior traumatic experiences during encounters with minors. In addition, like adults, many minors may have been preconditioned to respond to police and other government authority figures with distrust and/or fear.

When speaking to a minor, plain language expressed in an age-appropriate tone is most effective. The FOJC may be the first plain-clothes officer that a minor interacts with; it's recommended that the officer take the opportunity to build rapport with the minor and help them feel safe while in ERO custody.

1.3 UAC Operational Process

Several DHS components retain responsibilities for apprehending and managing UAC, FAMU, and other minors. CBP, including its U.S. Border Patrol (BP) and Office of Field Operations (OFO), and ICE's ERO apprehend, detain, process, transport, and repatriate these groups. ICE's Homeland Security Investigations (HSI) also apprehends these groups; however, ERO retains immigration-related responsibilities such as case management for all individuals placed in immigration proceedings.

Upon a UAC's arrival to a DHS processing area, the apprehending DHS officer takes fingerprints of UAC 14 years and older and initiates a search in the (b)(7)(E) system to determine

³ ERO Broadcast: "Service of the Notice to Appear (NTA) on Unaccompanied Alien Children (UAC)," August 22, 2016

any prior apprehensions and to verify identity. The officer also initiates a criminal record check to verify if the UAC has a criminal history.

1.3.1 Screening

The TVPRA requires that all UAC who are apprehended at a land border or Port of Entry (POE) from a country contiguous with the United States, undergo a screening process (within 48 hours) prior to repatriation if they express a wish to withdraw their request for admission.⁴ As a matter of policy, CBP also screens all UAC that they encounter in order to identify any indicators of human trafficking or fear of return to their home country. CBP will refer potential human trafficking cases to HSI for further investigation.

ERO officers screen any newly encountered UAC in the interior for indicators of human trafficking. If the UAC indicates potential victimization within the United States during screening or at any time, the local HSI office and ORR must be notified.

Under the TVPRA, Mexican and Canadian UAC may be permitted to withdraw their application for admission if they meet the following criteria: possesses the ability to make an independent decision to withdraw the application for admission to the United States, does not have a fear of returning to his or her country of origin, and has not been a victim of trafficking and there is no credible evidence the minor is at risk of being trafficked if returned to the country of origin. All UAC whom DHS seeks to remove from the United States should be placed in removal proceedings under § 240 of the Immigration and Nationality Act (INA). The TVPRA prohibits ERO from granting Voluntary Return, effecting Expedited Removal, or reinstating the prior removal order of any UAC.

1.3.2 UAC Processing Timelines

Processing requirements differ for UAC. By law, all UAC must be transferred from DHS custody, except in the case of exceptional circumstances, to ORR custody within 72 hours of their identification as an unaccompanied minor. Upon apprehension—and if not repatriated at the border—once processed, all UAC placed in immigration proceedings are transferred to ORR.

Once ORR designates placement of UAC, in accordance with local agreements, CBP or ERO transport UAC to ORR custody. ERO conducts local and long-distance transports using the transportation provider contracted by JFRMU. ORR houses UAC in children's shelters, staff-secure, and secure facilities. ORR also maintains bed space in residential treatment facilities for minors with special needs. ORR places young children or UAC who are accompanied by their own children in foster care or facilities with permits to house young children and infants.

⁴(8 U.S.C. § 1232(a)(2)(A))

The UAC will remain in ORR custody until released to a sponsor or transferred to foster care. ERO initiates § 240 proceedings, maintains general UAC case management, resolves any issues with the Alien File (A-File) and Notice to Appear (NTA) to ensure proper service, and works with the Office of the Principal Legal Advisor (OPLA) to file the NTA with the Executive Office for Immigration Review (EOIR). UAC may apply for various immigration benefits through U.S. Citizenship and Immigration Services (USCIS), including asylum and visas designed to assist victims of crimes, abuse and neglect, domestic violence, and human trafficking.

Although CBP may repatriate some Mexican and Canadian UAC at the border, ERO retains responsibility for repatriating UAC ordered removed by an Immigration Judge (IJ). ERO no longer offers, as a matter of law, voluntary return or voluntary departure to any UAC apprehended in the United States from non-contiguous countries. ERO may, under limited circumstances, allow a UAC from a contiguous country who is apprehended at a land border or POE to withdraw his or her application for admission, if the UAC is properly screened and if return occurs within 48 hours of apprehension. In these situations, ERO should contact CBP for assistance in processing and repatriation.

1.3.3 ERO Responsibilities

Because of their unique needs, minors in ICE custody must be given special consideration as to their safety, security, immediate physical and mental health needs, and well-being. All minors and FAMU are to receive priority for processing and transportation above all other aliens in ICE custody. Additionally, ERO will process and transport verified FAMU including adult parent(s) and/or legal guardian(s) with their own minors together and with special consideration. This includes minors who may be accompanied by their own child(ren).

1.4 FOJC Roles and Responsibilities

FOJCs play an integral role in apprehending and processing UAC. FOJCs serve as the local SMEs who provide policy guidance within their respective areas of responsibility. FOJCs are on call 24/7, as call-outs may be necessary to assist with the processing and placement of UAC. FOJCs are also responsible for facilitating arrangements between the arresting agencies (CBP or ICE) and the placement agency (ORR).⁵

When a UAC is encountered and transported to a hold room, the FOJC is responsible for ensuring that staff separate minors from unrelated adults. The FOJC must also account for the minor's age, gender, and criminality when processing and requesting placement of the UAC. Per the *Flores* Settlement Agreement,⁶ it is the responsibility of the FOJC to ensure that minors are

⁵ Per the Homeland Security Act of 2002, HHS was given sole authority to make decisions on placement, transfer, and release of any UAC. The FOJC can recommend a placement location; however, ORR will ultimately make the determination on where a UAC will be placed.

⁶ On July 6, 2016, the Ninth Circuit Court of Appeals issued its ruling on DHS' appeal, affirming in part and

held in appropriate temporary holding cells that are safe, sanitary, and that provide access to toilets and sinks. The FOJC must ensure that the temporary hold room has adequate temperature control and provides adequate supervision to protect minors from others. In addition, the FOJC must also ensure that the UAC have access to drinking water, juice, milk, food, and snacks. The UAC should also have access to medical assistance. The FOJC should also assist minors by providing them the opportunity for a phone call to their parent, guardian, consular officer, or legal representative, and provide them with a list of free or low-cost legal service providers.

The FOJC is also responsible for managing the dockets of UAC in their Area of Responsibility (AOR), including:

- Following proper book-in and book-out procedures;
- Coordinating with ORR facilities during custody transfers of UAC;
- Coordinating with other FOJCs about A-file transfers, including sending A-files via express mail to the receiving FOJC;
- Ensuring that service of the NTA on UAC is proper;
- Cancelling an NTA if service is not proper, and issuing a new NTA;
- Working with the OPLA to file NTAs with the EOIR court; and
- Coordinating with UAC's consulate for travel documents, including making travel arrangements for the UAC to get repatriated safely to their home country.

An FOJC will also assist with case review and custody redetermination. Other duties include responding to inquiries from parents, legal guardians, legal counsel, case workers, ORR Federal Field Specialists (FFS), and consulate representatives. An FOJC may also assist with age determinations and coordination with ORR shelters for UAC who have aged out of ORR custody.

1.5 Training Requirement

The TVPRA of 2008 requires specialized training for personnel:

The Secretary of State, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall provide specialized training to all Federal personnel, and upon request, State and local personnel, who have substantive contact with unaccompanied alien children. Such personnel shall be trained to work with unaccompanied alien children, including identifying children who are victims of severe forms of trafficking in persons, and children for whom

reversing in part the July and August 2015 orders issued by the United States District Court for the Central District of California. *See Flores v. Lynch*, No. 15-56434, 828F.3d 898 (9th Cir. Jul. 6, 2016). ICE continues to act as expeditiously as possible to process families in ICE Family Residential Centers, by generally limiting the average time in detention for all accompanied minors in the credible fear process to a target of 20 days. ICE also continues to seek licensing for the Family Residential Centers.

asylum or special immigrant relief may be appropriate including children described in subsection (a)(2).⁷

JFRMU provides this specialized training nationally, on an annual basis. JFRMU's training provides an overview of all requirements and legal authorities for processing UAC cases, at every phase in the process from encounter to ORR placement and through removal. To keep FOJCs updated with the most recent policy, legislation, regulation and litigation changes, all FOJCs will attend the annual training held by JFRMU. FOJCs are expected to conduct additional trainings, either formal or informal, in their field offices to educate fellow ERO officers and staff. JFRMU also develops job aids and other supporting guidance as needed.

FOJCs must also participate in monthly conference calls with JFRMU. These national conference calls ensure that all FOJCs are aware of any operational changes and provide a forum for information dissemination as well as discussion of best practices, challenges, or trends.

2 Legislation and Judicial Mandates

2.1 The *Flores* Settlement Agreement

In 1997, the *Flores* Settlement Agreement (*FSA*)⁸ was signed as a result of a class-action lawsuit filed against the Immigration and Naturalization Service (INS). Under the conditions of the *FSA*, the INS agreed to uphold the following conditions:

- Minors are placed in the least restrictive detention setting appropriate to the UAC's age and special needs;
- Minors are segregated from unrelated adults during transport and temporary detention;
- Minors are transferred out of temporary locations to a permanent location within 72 hours;
- Minors are treated with "dignity, respect, and with special concern due to vulnerabilities";
- Minors have free and ready access to drinking water, food, and snacks;
- Attorney-client visits are permitted in juvenile facilities; and
- Minors must be placed in a licensed program (i.e., residential center) within three to five days and such facilities must be non-secure as required by State law, except that minors deemed to be delinquents, criminals, or who meet other specific factors under the *FSA* may be placed in secure facilities.

⁷ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5075 (December 23, 2008); 8 U.S.C. § 1232(e).

⁸ *Flores* Stipulated Settlement Agreement, January 17, 1997 and *Flores v. Lynch*, No. 15-56434, 828 F.3d 898 (9th Cir. Jul. 6, 2016).

Adherence to the *FSA* conditions extends to INS' successor, DHS. HHS ORR is also bound by the provisions of the *FSA*. Recent litigation and court rulings have determined that the *FSA* applies to accompanied minors as well, including those who enter as members of FAMU. In addition to those items listed above, additional *Flores* advisals and Notice of Right to Judicial Review are required (See *Flores v. Lynch*, No. 15-56434, -828 F.3d 898 (9th Cir. Jul. 6, 2016)).

2.2 Homeland Security Act of 2002

On March 1, 2003, pursuant to the Homeland Security Act of 2002 (6 U.S.C. § 279), ORR assumed the authority for decisions related to the care and placement of UAC in Federal custody. ORR takes the minor's best interests into consideration by:

- Defining UAC;
- Making placement determinations for all UAC;
- Identifying a sufficient number of qualified individuals, entities, and facilities to house UAC;
- Overseeing the infrastructure and personnel of facilities in which UAC reside;
- Reuniting UAC with a parent abroad in an approved case; and/or
- Reuniting UAC with parents or legal guardians within the United States.

While UAC are in the agency's care, ORR must ensure that the UAC:

- Appear for all immigration hearings/proceedings in which they are involved;
- Remain protected from smugglers, traffickers, or others who might seek to victimize or otherwise engage them in criminal, harmful, or exploitive activity;
- Are placed in a setting in which they are not likely to pose a danger to themselves or others.⁹

2.3 *Perez-Fuñez*

*Perez-Fuñez*¹⁰ is a class action lawsuit challenging the manner in which INS implemented voluntary departure procedures and resulted in both a preliminary injunction and a permanent injunction issued in 1984 and 1985 respectively. The case involves two consolidated actions against INS: *Jose Antonio Perez-Fuñez, v. District Director* and *Yanira Pena and Claudia Pena v. Immigration and Naturalization Service*. The two plaintiffs challenged the way INS implemented its voluntary departure procedures as it pertained to UAC.

The injunction orders that any person taken into custody by the INS who is under the age of 18 and not accompanied by at least one of his or her lawful parents:

⁹ The Homeland Security Act of 2002, Pub. L. No. 107-296, November 25, 2002.

¹⁰ *Perez-Fuñez v. District Director*, 611 F. Supp. 990 (C.D. Cal. 1984) (preliminary injunction ordered), 619 F. Supp. 656 (C.D. Cal. 1985) (permanent injunction ordered)

- Be verbally advised of rights verbatim, in English, Spanish, or any language understood by the UAC;
- Be provided a copy of the written notice and a copy of a list of free or low-cost legal services; and
- Sign the acknowledgement on a separate copy of the notice indicating the notices have been provided and are understood.

It also outlines the UAC's rights to be represented by an attorney, to a hearing before an IJ, to apply for asylum, and to apply for voluntary departure.¹¹

Pursuant to 8 C.F.R. § 236.3(h), Notice of Rights and Request for Disposition (Form I-770) must be issued to all minors apprehended by DHS. The I-770 also provides instructions to DHS officers on meeting their obligations under the purview of law. See Section 3.1.3.2 "Form I-770 Notice of Rights and Request for Disposition" for additional instruction.

2.4 Trafficking Victims Protection Reauthorization Act

Signed into law on December 23, 2008, and reauthorized in 2013, the TVPRA is the most recent and comprehensive law that governs the apprehension, detention, and processing of UAC.¹² Where the *FSA* applies to any minor in ICE custody, TVPRA specifically governs detention conditions for UAC in ORR custody. The TVPRA significantly affects DHS operations at POEs, at the northern and southern borders of the United States, and in the interior of the United States.

The provisions of the TVPRA:

- Outline the definition of an UAC;
- Establish age determination procedures;
- Define the conditions of release reunification;
- Establish a screening process and eligibility for UAC from contiguous countries who may request voluntary return/withdrawal of application;
- Establish the time limit after screening process to notify HHS upon the initial encounter of UAC (48 hours);
- Establish in law the maximum transfer time for custody transfer of UAC to ORR (generally 72 hours, with some exceptions);
- Establish requirements for UAC to be placed in removal proceedings under § 240 of the INA;
- Transfer Special Immigrant Status authorization from DHS to USCIS;

¹¹ *Perez-Fuñez v. District Director*, 611 F. Supp. 990 (C.D. Cal. 1984).

¹² The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5077 (December 23, 2008); 8 U.S.C.

- Eliminate expedited removal proceedings, reinstatement of prior removal orders, and voluntary departure (without seeing a judge) if not from contiguous countries.

2.5 Violence Against Women Act Reauthorization of 2013

The Violence Against Women Act Reauthorization of 2013 (VAWA) affords services and protections to specific populations of minor noncitizens, including unaccompanied children who turn 18 years old while in the custody of the Office of Refugee Resettlement. VAWA § 1261 requires that unaccompanied children who are transferred from HHS to DHS when they turn 18 shall be considered for placement in the least restrictive setting available after taking into account the individual's danger to self and the community, and risk of flight. The statute further requires that these individuals shall be eligible to participate in programs that use a continuum of alternatives to detention based on the need for supervision.¹³

2.6 The Prison Rape Elimination Act (PREA) of 2003

PREA was signed into law in 2003 and promulgated in the 2014 DHS regulation titled, "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities". ICE has a zero-tolerance policy for all forms of sexual abuse or assault. It is ICE policy to provide effective safeguards against sexual abuse and assault of all individuals in ICE custody. Directive 11062.2: Sexual Abuse and Assault Prevention and Intervention (SAAPI) establishes ICE policies and procedures to implement the DHS regulation. The SAAPI Directive contains responsibilities for reporting; protection; response; and medical, mental health, and rape crisis advocacy representatives for victims. Further information regarding ICE's PREA requirements are available here: <https://icegov.sharepoint.com/sites/insight/ero/custody/Pages/saapi-rc.aspx>.

2.6.1 Allegations of Sexual Abuse and Assault

Definitions of sexual abuse and assault are set forth in Directive 11062.2: Sexual Abuse and Assault Prevention and Intervention 3.

All allegations of sexual abuse and assault will be reported immediately in accordance with Directive 11062.2: Sexual Abuse and Assault Prevention and Intervention 5.3 and 5.7.

Directive 11062.2: Sexual Abuse and Assault Prevention and Intervention 5.4 requires that if an ICE employee has a reasonable belief that anyone is subject to a substantial risk of imminent sexual abuse or assault, that employee will take immediate action to protect the individual.

¹³ The Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4 § 1261, March 7, 2013.

2.6.2 PREA Reporting for Individuals with Disabilities or Limited English Proficiency (LEP)

In accordance with Directive 11062.2: Sexual Abuse and Assault Prevention and Intervention 5.6, individuals with disabilities or LEP shall have an equal opportunity to participate in, or benefit from, all aspects of ICE's efforts to prevent, detect, and respond to sexual abuse and assault.

In-person or telephonic interpretive services shall be provided as set forth in Directive 11062.2: Sexual Abuse and Assault Prevention and Intervention 5.6.

2.7 Ms. L Class Action Lawsuit

In 2018, a proposed settlement was reached in the following class action lawsuits regarding the way certain separated parents and children may pursue asylum or other protection in the United States.

- Specific claims in *Ms. L v. U.S. Immigration and Customs Enforcement*, No. 18-428 S.D. Cal. June 26, 2018;
- *M.M.M v. Barr*, No. 18-1835 S.D. Cal. July 27, 2018;
- *Dora v. Barr*, No. 18-1938 D.D.C. August 27, 2018.

A parent may be a member of the Parent Settlement Class if he or she:

- Is an adult alien parent who entered the United States at or between designated ports of entry with his or her child(ren) who before the date of the agreement (November 15, 2018):
- Was detained in immigration custody by DHS;
- Has a child who was or is separated from him or her by DHS and who was in DHS custody, ORR custody, or ORR foster care on or after June 26, 2018; and
- Has been continuously physically present in the United States since June 26, 2018.

A child may be a member of the Child Settlement Class if he or she:

- Is an alien child under the age of 18 as of the effective date of the agreement, (November 15, 2018), who:
- Entered the United States at or between designated POEs with an alien parent;
- Was separated from their parent(s) by DHS on or before November 15, 2018);
- Has been or will be reunified with his or her parent(s) under the preliminary injunction issued in *Ms. L. v. U.S. Immigration and Customs Enforcement*, No. 18-428 (S.D. Cal. June 26, 2018); and
- Has been continuously physically present in the United States since June 26, 2018.

In 2019, the Ms. L Class was expanded to include all adult parents who entered the United States at or between designated POEs on or after July 1, 2017.

The class does not include alien parents with a criminal history or communicable disease, or those encountered in the interior of the United States.

The Judge overseeing the lawsuits temporarily stopped removals of families that were reunited after being separated at the border. The plaintiffs and the U.S. government subsequently agreed to a settlement, which grants both parents and children access to procedures to seek asylum or other protection from removal in the United States.

Class members covered by this agreement cannot be removed unless the government receives a settlement election form. For information regarding the applicable terms of the agreement to a specific case, please contact your local OPLA field office.

2.8 *Garcia Ramirez*

In August 2018, the U.S. District Court for the District of Columbia certified a class defined as all “former [UAC] who are detained or will be detained by ICE after being transferred by ORR because they have turned 18 years of age and as to whom ICE did not consider placement in the least restrictive setting available, including alternatives to detention programs, as required by [VAWA 2013].” On July 2, 2020, the court issued its Findings of Fact and Conclusions of Law Concerning Liability and set forth the steps ICE must take when making an age-out custody determination under VAWA 2013. The Court found that VAWA 2013 requires ICE to (1) take into account for each individual age-out, the statutory factors of danger to self, danger to community, and flight risk; (2) do so as it considers placement in the least restrictive setting available; and (3) make each age-out eligible for alternatives to detention.

Among other things, the Court found that:

- “ICE officers must be able to identify what available setting would be least restrictive. This requires making an inquiry into available placements for age-outs that ICE officers throughout the country frequently do not undertake.”
- ICE HQ did not “train officers on proper decision making” and was giving guidance that was contrary to the statute.
- ICE was lacking practices that could facilitate compliance with the statute, and instead left it to the field officers’ discretion.

On September 21, 2021, the Court permanently enjoined ICE from violating VAWA 2013 by repeating the violations and failures to comply described in the July 2, 2020 decision. The Court also ordered that ICE take specific actions relating to documentation, mandatory training, and periodic reporting, among other things, for a period of five (5) years. In light of the Court’s decision, revisions have been made to age-out training materials and the Age-Out Review Worksheet, but it remains imperative that age-outs and custody determinations for age-outs are identified, tracked, and thoroughly documented. Age-Out training materials, the FOJC Handbook, and National Age-Out Shelter List are available on the ICE intranet.

The permanent injunction requires ICE to train FOJCs on making placement determinations in compliance with VAWA 2013 and the Court’s July 2, 2020 decision, using approved training materials and the revised Age-Out Review Worksheet (AORW). Pursuant to the Court’s

permanent injunction, training must occur within 60 days of the court's order, annually, and at least once a calendar quarter as part of FOJC on-boarding.

2.9 *Saravia v. Sessions*

In November 2017, the U.S. District Court for the Northern District of California issued an order granting a nationwide preliminary injunction that directly impacts the arrest and detention of minors. The injunction applies to alien minors who:

- arrived in the United States as a UAC;
- were previously detained by ORR and then released to a sponsor; and
- were arrested or will be rearrested by DHS on or after April 1, 2017, and there is an indicia of gang membership or affiliation.

The agreement requires that ICE provide training to all officers and agents who come into contact with class members and make job aids, including the *Saravia Flowchart*, available. ICE must vet minors being targeted in enforcement actions to determine class membership. Rearrests must be reported to class counsel.

If a class member is rearrested, ICE will issue a notice of a *Saravia* hearing, which will be served to the minor in person and to the sponsor of record by mail, e-mail, or in person. The notice will also be provided to *Saravia* class counsel and the minor's immigration counsel if he or she has one.

- The notice (appendix 2) will:
 - Specify that the class member may choose to have the *Saravia* hearing in the jurisdiction of arrest, jurisdiction of residence, or jurisdiction of detention.
 - Explain the nature of the proceedings, the legal authority under which the proceedings are conducted, and the specific acts or conduct that provide the authority for the arrest.
 - The notice will be served on the minor and his or her immigration counsel within 48 hours of rearrest.
 - ICE will file the *Saravia* notice with the immigration court in the jurisdiction of rearrest as soon as practicable.

Class members are entitled to a *Saravia* hearing *within 10 days* of rearrest, unless a continuance is granted or venue is changed. Class members may request a continuance before or after the government presents its case. ICE will not oppose an initial request for continuance. Other continuances may be granted for good cause or due to other causes such as court closure.

The burden of proof at *Saravia* hearings is on ICE to establish that circumstances have changed such that the class member now presents a danger to the community or is a flight risk. If the

minor prevails at the *Saravia* hearing and is in ICE custody, he or she will be released to the prior sponsor or parent/legal guardian. Other provisions apply to minors in ORR custody.

3 Operational Requirements

3.1 Processing a UAC

The TVPRA requires that all UAC whom DHS seeks to remove from the United States be placed in removal proceedings under §240 of the INA). The removal order of a UAC may not be reinstated, nor as a matter of law may a UAC be placed in expedited removal. ICE may release a UAC only to a parent or legal guardian who is in possession of legal documents supporting the validity of the claimed relationship. ICE must transfer the custody of all UACs to ORR within the 72 hour time frame indicated in the TVPRA.

3.1.1 Apprehension at the Border

Most UAC are apprehended by CBP at points along the Southwest border and at POEs. CBP requests placement from ORR and processes and houses UAC while ORR identifies bed space for the minor. It is ICE policy not to accept the custody of UAC from CBP until bed space has been designated. Transportation from CBP housing to ORR shelters is a shared responsibility between CBP and ERO. JFRMU's transportation contractor coordinates extensively with CBP and ORR regarding the custody transfer and transport of UAC.

3.1.1.1 CBP Voluntary Return following Apprehension at the Border

The TVPRA allows for special rules for minors from contiguous countries to the United States (Mexico and Canada). A UAC who is a national of either of these countries, once screened by CBP for human trafficking or fear of return, may be permitted to withdraw his or her application for admission to the United States.

(b)(7)(E)

(b)(7)(E)

3.1.2 Age Determination Procedures

In cases where the age of an alien is in question, the TVPRA requires that age-determination procedures include reviewing multiple forms of evidence. Under these procedures, each case must be evaluated carefully based on the totality of all available evidence, including the statement of the individual in question.

(b)(7)(E)

Acceptable documentation for age determination includes:

¹⁴ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5075 (December 23, 2008); 8 U.S.C. § 235(a) (2) (B).

¹⁵ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5076 (December 23, 2008); 8 U.S.C. § 235(a) (4).

¹⁶ Field Guidance for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) & Violence Against Women Reauthorization Act of 2013 (VAWA), § E, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, January 13, 2016.

¹⁷ Not **(b)(7)(E)**

(b)(7)(E)

- Official government-issued documents, including birth certificates. If a document's authenticity is in question, or the alien does not possess documentation, verify the validity of the alien's claim by contacting government officials of the alien's home country; and
- Other objective documentation (e.g., baptismal certificates, school records, medical records) that indicate the alien's date of birth.

Acceptable statements by individuals (including the one whose age is in question) asserting personal knowledge of the alien's age, and who ERO concludes can credibly attest to the person's age include:

(b)(7)(E)

Information from another government agency (Federal, State, local, or foreign) may include:

- State/local arrest records;
- Child welfare agency records; and
- Consular records.

(b)(7)(E)

The medical age assessment reporting process is as follows:

- The examining doctor submits a written report indicating the probability percentage that the individual is a minor or an adult;
- The Field Office Director (FOD) or designee Supervisory Detention and Deportation Officer (SDDO) reviews the medical report; and
- If the probability of an individual being 18 years old or older is 75 percent or greater, and the totality of the evidence suggests the person is an adult, process the individual as an adult.

The final age determination will be made by the FOD, or designee, based on the totality of evidence provided. The FOD will promptly evaluate new information regarding the age of the individual in ERO custody if presented by the individual, his/her family, and or legal representative.

The FOJC maintains a record of results, especially radiographic (x-ray) results, in appropriate fields of the ENFORCE Alien Removal Module (EARM) and maintains a copy in the alien's A-file. The FOJC documents all information relied upon to determine age (the information referenced, data systems used, individuals or agencies consulted, statements, and conclusions) in accordance with local procedure using Form I-213, Record of Inadmissible/Deportable Alien; Form G-166C, Memorandum of Investigation; or memorandum to file.¹⁸

3.1.3 Screening of a UAC

Although the TVPRA requires that CBP screen UAC from contiguous countries for trafficking indicators, as a matter of policy, CBP screens all UAC it encounters. A UAC who does not screen positive for trafficking, meets certain other criteria (ability to make independent decisions and no claim of fear), and is determined to be a citizen or national of Mexico or Canada, may be permitted to withdraw his/her application for admission.

3.1.3.1 (b)(7)(E)

(b)(7)(E)

¹⁸ Age Determination Procedures for Custody Determination, Policy Number ERO 11301.4, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, December 11, 2015.

3.1.3.2 Form I-770 Notice of Rights and Request for Disposition

(b)(7)(E)

3.1.4 Screening of ICE Apprehended UAC: Human Trafficking

(b)(7)(E)

¹⁹ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5079 (December 23, 2008); 8 U.S.C. § 1158(b)(3)(C).

(b)(7)(E)

3.1.5 HSI Operations Referrals

HSI special agents are sometimes required to arrest and detain FAMU pending an arraignment with the local Federal magistrate. In other instances, HSI may encounter UAC incidental to an ongoing investigative or enforcement action. In these instances, minors must be issued charging documents and transferred to ORR custody.

HSI Victim Assistant Specialists (VAS) may contact the FOJC with a specific case requiring action. The FOJC should advise the HSI VAS of the necessary operational processes specific to minors and families. When a minor *who has not been placed in removal proceedings* must be transferred to ORR, it is at the discretion of the ERO field office to assist with the transport request.

(b)(7)(E)

(b)(7)(E)

When HSI special agents alert an FOJC that a minor has come into custody due to one of the above scenarios, the FOJC should seek answers to the following questions to help determine the best course of action:

(b)(7)(E)

²⁰ Broadcast: Screening of Unaccompanied Alien Children (UAC) Apprehended by ICE for Human Trafficking Indicators, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, February 4, 2016.

(b)(7)(E)

3.1.6 Minors Who Surrender Themselves to Law Enforcement

On occasion, minors may surrender themselves to local law enforcement, requesting to be turned over to ERO. The FOJC should first determine whether or not the minor is a foreign national. If a foreign national, and the minor has no lawful status, he/she is subject to removal proceedings. If the FOJC determines the minor meets the definition of a UAC, initiate §240 proceedings by issuing the charging documents and refer/transfer the minor to ORR.

If the FOJC determines that the minor is accompanied and meets the criteria of Executive Order 13767, “Border Security and Immigration Enforcement Improvements” (January 25, 2017) or Executive Order 13768, “Enhancing Public Safety in the Interior of the United States” (January 25, 2017) and has criminal convictions, delinquency findings, or pending charges, the FOJC should seek JFRMU assistance. Accompanied minor’s detention (ICE detention) must be reviewed by OPLA for legal sufficiency and approved by JFRMU. Refer to Section 3.5.6 “Accompanied Minors Who Are Delinquent or Are Chargeable as Delinquent” for further information.

(b)(7)(E)

3.1.7 Child Protective Services

In rare instances, local Child Protective Services (CPS) authorities may have custody of a minor whose parent or legal guardian is in ICE custody. In these instances, consult the ERO Resource Center on Detained Parents. You may also seek JFRMU’s assistance. If a UAC is in CPS custody as a result of ORR sponsorship breakdown, the UAC has already been placed in removal proceedings, and he or she is not subject to a final removal order, the FOJC does not need to take any action as the UAC is not in imminent danger. If the UAC has a final order of removal, the FOJC would take appropriate action.

3.1.8 Operations of ERO Staging/Holding Areas

ERO established comprehensive standards for hold rooms during processing of minors, as directed in ICE Policy Directive No. 11087.1: “Operations of ERO Holding Facilities” (September 22, 2014). A staging/holding facility is a facility that contains hold rooms that are primarily used for the short-term confinement of individuals who have recently been detained, or are being transferred to or from a court, detention facility, another holding facility, or other agency. Individuals may not be placed in hold rooms for periods exceeding 12 hours.

3.1.8.1 Monitoring Minors within Hold Rooms

Please refer to Section 3.1.8.3 “Separation of Minors by Age, Gender, and Criminality” for considerations of least restrictive setting.

- Staff must maintain continuous, close, and direct visual monitoring of all minors. When the hold room is not in direct line of sight, visual checks must be performed at least every 15 minutes.
- If the hold room is not equipped with restroom facilities, the supervisor must position an officer within sight or hearing of each hold room so minors can be escorted to the restroom when requested. If there are no toilets in the hold room, staff should advise those being held that restrooms are available for use at any time and that they should notify any officer when they need to use the facilities.
- It is recommended that each field office purchase and maintain a supply of clothing for minors (e.g., shirts, sweatshirts, shoes, diapers). However, if the circumstances of the encounter prevent access to clothing or footwear and there is no readily available supply, arrangements must be made to purchase these items for the minor.
- Staff must maintain a separate detention log, or designated equivalent for every minor brought into ERO custody regardless of purpose (e.g., new arrivals, awaiting legal visitations, awaiting interviews, etc.).
- Staff assigned to monitoring minors in hold rooms must sign in before documenting the details of each “check-in” in the daily log or equivalent.
- All times must be documented when meals, drinks, snacks and when applicable, other items (e.g., blankets, sweaters, etc.) are provided or distributed.
- If a minor complains of harassment or any other safety issue with another minor, immediately separate the minors and notify the duty supervisor. Record all incidents into the log.

(b)(7)(E)

3.1.8.2 Sexual Abuse and Assault Prevention and Intervention

Each ERO staging/holding area designated for the processing of UAC and/or FAMU must adhere to the zero-tolerance policy for sexual abuse or sexual assault. ICE policy on SAAPI²¹ establishes an integrated and comprehensive system of preventing and responding to sexual abuse or assault. The SAAPI policy directive was established to be consistent with the PREA.²² SAAPI regulations are guidelines to prevent, detect, and respond to sexual abuse and assault of any individual, regardless of age, in ERO custody. The policy includes all phases of custody from initial encounter to transportation and final release from ERO custody.

UAC and/or parents with accompanied child(ren) should not be confined in the same hold room as other detainees. Additionally, all minors must be detained in the least restrictive setting appropriate to their age and special needs.

3.1.8.3 Separation of Minors by Age, Gender, and Criminality

ERO will not co-locate unaccompanied minors with unrelated adults in hold rooms. FAMU groups may be housed together under ICE supervision.

The layout of a holding area and the amount of traffic in the holding area will determine the least restrictive setting(s) in which to hold minors during processing. Every effort must be taken to ensure the safety and well-being of the UAC.

Using available spaces (benches, interview rooms, break rooms, etc.), group the minors as follows:

- Ensure separation of those unrelated minors age 14 years and older from younger minors; and, whenever possible, separate the minors 10 to 13 years old from those age 9 and younger;
- Separate males from females, and assign same-gender monitoring staff whenever feasible;
- Whenever possible, keep siblings together (same and opposite-sex siblings) while in ERO custody. This is especially important when an older sibling may be the younger sibling's caretaker (note "caretaker" does not mean legal guardian). This will also better ensure that siblings are transported together;
- If an arriving minor appears at higher risk of sexual or other form of abuse, separate the at-risk minor from potential aggressor(s). For example, minors with developmental delays or those lacking mental or physical maturity commensurate with their age should be separated from potential aggressors. In these instances, officers and staff should

²¹ ICE Policy Directive No. 11062.1: Sexual Abuse and Assault Prevention and Intervention (SAAPI) (May 11, 2012).

²² Prison Rape Elimination Act of 2003, Pub. L. No 108-79, 117 Stat. 972 (2003).

consider whether the minor with special needs requires additional supervision/observation beyond the required 15-minute checks discussed below;

- UAC who are accompanied by their own child(ren) should be housed together. They should not be housed with other UAC or unrelated adults. In some instances, it may be appropriate to house the minor and his/her child with other FAMU, under ICE supervision;
- Separate delinquent/criminal minors, or those with suspected gang affiliation from other minors; and
- For UAC referred to ORR, notify ORR in all instances when a referred UAC has a history of and/or has been convicted or found delinquent of a crime related to sexual abuse or any other serious offense(s). ORR must be notified of all factors that could affect ORR's placement decision.

3.1.8.4 Minors with Special Needs

If a minor with a disability arrives with an adult caregiver, staff may allow the adult to care for the minor until his or her identity is verified. These instances may require additional supervision. JFRMU's transportation contractor can assist in caring for the minor with special needs until placement is received. Often, ORR may be able to provide additional licensed staff to assist with minors who have special needs. For assistance and/or additional recommendations in cases such as these, contact JFRMU.

3.1.8.5 Temporary Housing (Custody Determination or Placement Pending after 12 Hours)

Processing and issuing UAC charging documents takes priority over processing all adult detainees. Placing tender-age UAC into appropriate housing is ICE's highest priority. If placement is not possible before this 12-hour deadline because of limited resources or operational limitations, ERO must move UAC to a hotel or a JFRMU-approved under 72 hour juvenile facility.

UAC can **NEVER** be placed into any adult detention facility.

Field offices are encouraged to have standing contractual agreements with local hotels. UAC placed in hotels may be supervised by ICE officers and/or approved ICE contractors. JFRMU's transportation contractor can also assist in temporary housing of UAC.

- **Hotel rooms:** When using a hotel temporarily to house one or more UAC pending placement, have the supervising staff bring sufficient clothing and toiletries for the duration of their stay.
- **Under 72 hour facilities:** JFRMU maintains a list of approved facilities that may be used to house UAC.

3.1.8.6 Searches

Only when there is a reasonable suspicion that the UAC is concealing contraband should ERO officers conduct a search. Use the least intrusive search method practical—such as clothed pat-down searches, searches of outer garments and contents of pockets, intake questioning, x-rays and metal detectors, etc.—to detect contraband. When operationally feasible, a same-gender officer shall conduct the search. At least one witness will observe if an opposite-gender officer search is necessary.

Do not subject anyone 14 years of age or younger to a pat-down search without explicit authorization from a supervisor. If a supervisor authorizes the pat-down, the approving supervisor's name, date, and time of authorization will be documented in the daily intake log.²³

3.1.9 Meals and Snacks During Transport

ERO officers must inquire and identify any special dietary needs for those requiring transport. To ensure that suitable food is available during the trip, the local food service provider must be notified of any special dietary needs prior to departure. The originating field office must provide meals for minors during transport whenever the time in transit will exceed four hours. The provided meals must be nutritional and of sufficient calories for the age/size of the minor. In accordance with ERO policies, and regardless of the trip's duration or the time of day, snacks and drinks must remain available the entire time.

Additional stipulations for meal/snack provisions are as follows:

- A constant supply of drinking water, along with cups or bottles suitable for the minor's ease of use, must always be available;
- Consider the timing of the most recent meal when deciding when to serve the next meal;
- Observe safe food-handling procedures, including proper temperatures and refrigeration, personal hygiene, and general sanitation (cleaning and sterilization);
- If meals have not been provided because of an emergency or other ICE management-approved decision, purchase meals from a commercial source.

Note: Follow local procedures—including use of a government purchase card or other reimbursement procedures—when paying for meals.

3.1.10 Reunification Before ORR Transfer

If ERO encounters a minor who identifies a parent or legal guardian who, within 24–48 hours, can provide care and physical custody, ERO may release the minor to that parent or legal

²³ Operations of ERO Holding Facilities, Policy 11087.1, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, September 22, 2014.

guardian if the FOJC can verify the relationship through supporting documentation. The parent/legal guardian must provide at least one document from any of the following categories:

A. Identity document:

- Passport;
- Consular Identification card;
- Notice to Appear; or
- Government-issued document.

B. Legal document establishing the relationship:

- Birth Certificates (sponsor's and minor's); or
- Court order granting custodial rights for minors.

Note: a notarized letter is unacceptable.

C. Proof of employment:

- Letter from employer on letterhead stationery.

D. Affidavit of support (I-134) establishing financial support from head of household.

E. Proof of residence:

- Lease/rental agreement; or
- Utility bill.

If there are doubts about any of the above-listed documents and a supervisor approves further investigation, the FOJC should ask the local consulate for help with verification/authentication.

ERO must transfer custody to ORR within 72 hours of determining the minor is unaccompanied (which generally means within 72 hours of apprehension) if a parent/legal guardian cannot meet the reunification requirements.

A parent/legal guardian must be able to physically reunite with the minor within 24–48 hours. If the parent/legal guardian is unable to reunite with the minor, the FOJC must make contingency plans to facilitate timely transfer to ORR. ERO must comply with the TVPRA's requirement to transfer unaccompanied minors from ERO custody within 72 hours of determining that the minor is unaccompanied.²⁴

3.1.11 Request for ORR Placement

Once a UAC is identified, a request for ORR placement should be submitted via ORR's UAC Portal. Generally, it is the apprehending agency's responsibility to refer the minor to ORR via the Portal. CBP has developed an electronic process where information entered in its system of record (E3) is automatically transferred into the Portal. Because this process is automatic, no

²⁴ Field Guidance for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) & Violence Against Women Reauthorization Act of 2013 (VAWA), § E, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, January 13, 2016.

interaction is required on the part of ERO. In limited cases, ERO may need to assist non-DHS Federal agencies in completing the referral process. **For UAC apprehended by CBP, ICE is not to take physical custody of the UAC until ORR has designated bed space for that minor.**

All FOJCs and FOJC Supervisors should have access to the UAC Portal. To request access the Portal, please contact JFRMU.

If the UAC Portal is not available, a placement request can be submitted by completing the UAC Initial Placement Referral Form and submitting to the ORR Intakes mailbox. This form is available on the JFRMU Intranet site: [\(b\)\(7\)\(E\)](#)

Complete the UAC Initial Placement Referral Form in its entirety, including as much detail as possible. Review and verify all information to ensure accuracy. Be sure to include any available contact information for parents, legal guardians, or adult relatives, as this information can assist in ORR's reunification process. Also include information related to medical conditions and delinquent/criminal history, to allow ORR to place each UAC in a facility that is equipped to handle that UAC's specific needs.

A completed UAC Initial Placement Referral Form, along with any supporting documentation, should be scanned and emailed to [\(b\)\(7\)\(E\)@acf.hhs.gov](#) (with read receipt), or faxed to (202) 401-1022. If there are concerns regarding the placement request, please call ORR Intakes directly at (202) 401-5709. ORR Intake staff handle placements seven days per week between 9:00 am and 9:00 pm EST.

3.1.11.1 Criminality Information and Documents

ORR may request additional information that cannot be found in the National Crime Information Center (NCIC) criminal history or in the UAC's Form I-213 within the A-file. If the UAC has a criminal record, ORR may request copies of court documents, police reports, indictments, and documentation on gang affiliations and/or ties to cartels. DHS officers cannot provide copies of these reports without the consent of the originating agency (Third Agency Rule). Officers should consult with their law enforcement agency (LEA) partners and use their best judgment regarding documents obtained from other jurisdictions. The FOJC can provide the name and contact number for the probation officer for ORR to contact them directly. The UAC Initial Placement Referral Form includes a field to document the contact information for the probation officer.

If a UAC has a criminal or delinquent record or is coming from a State or local jail, record the I-213 with information regarding crimes committed, sentences served, as well as use of weapons or suspected gang affiliation (including gang-related tattoos). Provide ORR with any information regarding behavioral problems or disciplinary action prior to transfer to ICE custody. Provide this information as promptly as possible.

3.1.11.2 Medical Documents

ORR may request copies of medical documents, particularly in cases of contagious disease, pregnancy, or physical disability. These documents should be submitted to ORR along with the UAC Initial Placement Referral Form. Often the medical documentation (or medical transfer summary) is not available prior to the UAC's transfer to ICE custody; if not, please indicate such on the UAC Initial Placement Referral Form. If DHS officers learn that the UAC has a medical condition after the placement request is submitted, provide updates to ORR as needed.

Note: Do not send a copy of the NCIC criminal history to ORR, as they are not authorized to receive law enforcement sensitive information; however, a summary can be included.²⁵ A copy of the I-213 can be provided with redacted personal identifying information, such as the FBI and FINS numbers. Describe any issues and include necessary information on the UAC Initial Placement Referral Form and in the body of the email if necessary.

3.1.12 ERO Required Transportation Notifications

FOJCs should use JFRMU's transportation contractor to transport UAC to shelters and are required to notify the following when coordinating and conducting transport to staff-secured or secured shelters:

- Notify the component staging the UAC of the intended time of travel;
- Notify the FOJC of the designated ORR shelter location AOR that the shelter is receiving a UAC;
- Notify the designated ORR shelter of the UAC's estimated time of arrival at the shelter.

3.1.13 Transportation Request

CBP will submit the request for placement to ORR Intake. ORR Intake will inform CBP and ERO via email that the UAC is ready to be transported. JFRMU's transportation contractor will coordinate directly with CBP to transport the minor to the shelter. ERO officers are instructed to only accept custody of a UAC for purposes of transportation to ORR designated shelters for placement. ERO will accept custody of the UAC from CBP **only after** the following conditions have been satisfied:

- UAC has been processed; charging documents have been issued and served; ORR shelter placement and bed space is confirmed.
- NTA has been reviewed for legal sufficiency, including confirmation that the certificate of service has been signed by the appropriate party.

²⁵ James M. Chaparro, Sharing Information with the Department of Health and Human Services Office of Refugee Resettlement, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, November 30, 2010.

- The certificate of service can only be signed by UAC 14 years of age and older, and must be left blank for UAC 13 years of age and younger.
- For UAC younger than 14 years old, the NTA must be personally served on the “conservator.” In most cases, the conservator will be the person in charge of the ORR facility in which the UAC is housed (or an ORR case manager). The FOJC in the AOR where the ORR facility is located is responsible for visiting the ORR facility to personally serve the conservator, ensuring that the conservator legibly signs the NTA and prints his or her name and title beneath the signature. This requirement will ensure that ICE can demonstrate proper service to the immigration court.

FOJCs should use JFRMU’s transportation contractor to coordinate the transportation of UAC to the placement location. Some offices have local agreements with CBP and do not take custody of a UAC until time of transport. If the field office is transporting the minor, it is still responsible to provide all notifications (e.g., placement notification, itineraries for flights, etc.) to the receiving AOR. These notifications ensure that transporting officers are aware of the travel arrangements and help to avoid travel delays or cancellations.

3.1.14 Transport Documents

When traveling by bus or van, ERO officers must complete Form G-391, Official Detail (“Trip Ticket”) or equivalent, recording the names of the escorting ERO officers or contract transportation specialists, type of transport vehicle, and mileage at the start and end of the trip. In addition to recording the time in custody for every minor on the manifest (I-216, Record of Persons and Property Transferred) in the ENFORCE Alien Booking Module (EABM), the transporting officer or contract transportation specialist must send the receiving FOJC a copy of the I-216, along with the estimated time of arrival.²⁶

3.1.15 Escort Requirements

The following requirements must be met during the transportation of UAC:

- Although the preferred practice is a minimum of two escorts for one UAC, if necessary and with supervisory approval, one escort of the same gender can escort one UAC;
- Two escorts may transport up to five UAC;
- Female UAC must be escorted by at least one female escort;
- Each additional group of five minors requires one additional escort;

²⁶ John P. Torres: “Update to the Detention and Deportation Officers Field Manual: Appendix 16-4, Part 2; Enforcement Standard Pertaining to the Escorting of Aliens”, January 31, 2008

- Instances in which both male and female minors are being transported require an additional escort of each gender;²⁷
- Additional escorts may be necessary when very young children are being transported as part of a group (e.g., an infant will require one escort). Toddlers and children in diapers will require additional assistance from escort staff—adjust escort to UAC ratios accordingly.
- Separate unrelated UAC by gender and age.
- Place a divider or empty seats between adults and juveniles and between males and females.

3.1.16 Requirements for Transfer of Custody to ORR

FOJCs must ensure that a custody-transfer packet is prepared and completed prior to the UAC getting transported and that the packet is given to the ORR shelter staff who are receiving the UAC.

The custody-transfer packet includes the following:

- I-862, Notice to Appear (or charging document);
- I-770, Notice of Rights and Request for Disposition;
- I-200, Warrant of Arrest;
- I-286, Notice of Custody Determination;
- Medical Screening Form;
- Medical paperwork (e.g., hospital records), if any;
- List of medications, if any;
- List of free legal service providers, if applicable; and
- Orantes advisals and notifications, if applicable.

Although it is standard operating procedure for ERO to deliver custody-transfer packets in the manner prescribed in this section, no ORR shelter can refuse to accept UAC because of limited or missing DHS-issued paperwork.²⁸

²⁷ John P. Torres: “Update to the Detention and Deportation Officers Field Manual: Appendix 16-4, Part 2; Enforcement Standard Pertaining to the Escorting of Aliens”, January 31, 2008

²⁸ Field Guidance for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) & Violence Against Women Reauthorization Act of 2013 (VAWA), § H, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, January 13, 2016.

3.1.17 Medical Screening and Medications

UAC should travel with documentation of a recent medical screening. If a UAC comes into ERO custody without a medical screening, contact the IHSC Field Medical Coordinator (FMC) or Health Services Administrator (HSA) to coordinate.

- When possible, if a UAC is encountered by ERO (or another agency) and is in possession of an unfilled prescription, consult with IHSC or a medical provider. ERO should contact IHSC to administer medication and/or monitor the UAC taking the medication, as directed by the prescribing medical authority.
- Prior to transporting any UAC from a holding facility, attach a list of all medications or prescriptions to the I-216 manifest. In addition, note any medications in the manifest comments section in the ENFORCE Alien Detention Module (EADM).

3.1.18 Money, Valuables, and Other Personal Property

At the beginning of, during, and upon completion of each transport, ERO officers and contract transportation specialists are required to verify that all items listed on the manifest are accounted for. If a UAC claims missing funds, valuables, identity documents, or personal property, that UAC should remain in the staging/holding area while completing the required paperwork (SF-95 and I-387, or equivalent) to note what is missing. The processing officer and receiving FOJC should ensure that the completed forms are placed in the A-file. UAC should not have access to personal property while in transit from a holding facility to another location. However, unless there are safety concerns, the following items may remain on person:

- Contacts phone number(s);
- Eyeglasses and/or contact lenses;
- Receipts for money and property (forms G-589 and I-77);
- Copies of charging documents and identity documents (e.g., I-200, I-286, I-862, I-770, list of legal services, birth certificates, and government IDs).

Note: Although custody of UAC is transferred to ORR, case management remains with ERO. Original documents may be needed to secure travel documents if UAC is ordered to be removed. A copy can be provided to ORR and the individual at the time of transfer.

3.1.19 Driving Hours

With full consideration for escort safety and security, all escorts will make a reasonable, but limited, number of rest stops, taking into account the ages of any minors being transported. Younger children may require more frequent restroom use, and these needs should be anticipated and accommodated. Before allowing those being transported to leave the vehicle during a rest stop, escorts will secure the area. After disembarking a transport vehicle, the escorts will keep all minors under constant observation to prevent external contact(s) or contraband smuggling. If one

or more individual remains inside or near the vehicle during a rest stop, at least one escort must stay with the vehicle.

Prior to commencing a transport, escorts must be cognizant of travel times and ensure adherence to Section 3.1.9 “Meals and Snacks During Transport” regarding the availability and timing of meals and snacks during transport.

- UAC will not be transported by bus if the trip would normally exceed six hours, except under exigent circumstances. If the bus route is likely to exceed six hours, transportation by auto or van is required with frequent breaks as indicated above. When exigent circumstances occur and transportation by bus will exceed six hours, refer all requests for authorization to JFRMU. When transporting minors, follow all State laws and regulations regarding child restraints and car seats.
- When ERO officers are transporting individuals of the opposite gender, transport staff is required to call in their time of departure and odometer reading to the originating field office’s transport supervisor. The transporting officers will provide the same trip details upon arrival at their destination. All trip logs including method of travel, dates, times, locations, and designated supervisory official are to be maintained in accordance with ICE record retention policies.

3.1.20 Use of Restraints

ERO officers will not transport anyone without considering the person’s risk to ICE staff, the public, himself or herself, and the likelihood of escape. The use of restraints should be on a strict case-by-case basis and not as a general practice. As a rule, do not handcuff minors during transport unless there is evidence of a perceived threat of violent behavior, a history of criminal activity, or other reasons to believe the alien is an escape risk. Any minor deemed not to pose a threat of harm or escape by an ERO officer will not be restrained.²⁹

If it is necessary to restrain a minor, always consider size, age, gender, and cognitive ability when considering the type of approved restraints to apply. Minors under 12 years of age will never be placed in full restraints. As a rule, full restraints should never be used on minors over the age of 12 unless they are actively presenting combative behavior and there is articulable evidence that suggests violent behavior is imminent, or very likely to occur, or the minor has a significant criminal history and/or a history of escape such that safety and security would be compromised. The use of restraints on a minor must be approved by a supervisor in all cases. The use of full restraints on a minor must be approved at the AFOD or Unit Chief level. Use of restraints on any minor must be fully documented with an after-action report. Minors who are pregnant will never be placed in restraints, unless deemed to pose a threat of harm or escape.

²⁹ Use of Restraints, Policy ERO 11155.1, Department of Homeland Security, Immigration and Customs Enforcement, November 19, 2012.

3.1.20.1 Use of Restraints while Transferring Minors on ICE Air Flights

Except in exigent circumstances, minors being transported by ICE Air Operations (IAO) flights shall not be handcuffed or restrained, unless the individual has demonstrated or threatened violent behavior has, a history of criminal activity, or demonstrates a likelihood of escape. In these instances, the use of restraints should be on a strict case-by-case basis and not as a general practice.

If a Flight Officer in Charge (FOIC) determines it necessary to restrain an entire group of minors on an IAO flight, that decision must be approved at/or above the Unit Chief level and an After-Action Report must be completed. The same process must be followed when any minor under the age of 12 is restrained in any manner.³⁰

3.1.21 Contractor-Led Transport

JFRMU continues to operate a UAC and FAMU transportation program to support ERO field offices in safely transporting these populations to ORR shelters or ICE family residential centers within the interior of the United States. JFRMU's transportation contractor coordinates directly with CBP and HHS for operational arrangements and estimated time of arrival notifications. Operations are currently headquartered in McAllen, Texas, with sub-offices in San Antonio and El Paso, Texas; and Phoenix, Arizona.

Once travel arrangements are finalized, JFRMU's transportation contractor will ask the apprehending agency to meet his or her staff at the airport for a commercial flight. ORR_DUCs will forward all UAC placement information to the appropriate FOJC.

To request transportation assistance, please email JFRMU's transportation contractor's Command Center **(b)(7)(E)** @mvminc.com, with a copy to the JFRMU Domestic Transport Manager.

3.1.22 Transport to ICE Air Operations Flight Line

JFRMU's transportation contractor is available to assist with the transportation of non-criminal FAMU from all ERO Field Offices (to include sub-offices) and any non-criminal UAC from ORR shelters or ERO office to any IAO flight line location. The process for requesting transport of UAC or FAMU to IAO repatriation flights is as follows:

Field Offices are responsible for requesting seat availability from IAO consistent with current IAO guidelines. Once Field Offices receive approval from IAO they should request transport by

(b)(7)(E)

³⁰ Broadcast: Interim Guidance Regarding the Use of Restraints while Transferring Minors on ICE Air Flights.

(b)(7)(E)

3.1.23 Emergency Situations

ICE officers should refer to procedures established in PBNDS 2011 and the Family Residential Standards regarding escapes/attempted escapes, hostage-taking, illness, death, fire, riots, traffic accidents, special needs, and other medical issues (e.g., emergency plans, terminal illness, advance directives, and death).

3.2 Case Management

Although UAC are placed in the care and custody of ORR, ERO retains responsibility for immigration case management. Proper case management includes such activities as monitoring the status of immigration proceedings and documenting case updates in (b)(7)(E) and timely removal of the UAC if ordered removed at the conclusion of his/her immigration proceedings. Once a UAC is transferred to ORR custody, his or her case is to be maintained on a separate detained juvenile docket until such time as ORR releases him or her to a sponsor. At that time, the case may be transferred to a non-detained docket. The case should be managed on a separate juvenile non-detained docket.

3.2.1 Book-In Procedures

FOJCs, or assigned officers, must immediately book each UAC into the (b)(7)(E) upon the UAC's transfer into ERO custody (including the custody of an ICE transportation contractor). JFRMU's transportation contractor will book in the UAC transported to ORR shelters. If operational logistics prevent immediate (b)(7)(E) book-in, no more than four hours may elapse without recording the time in ERO custody. All UAC book-ins must record the actual day and time in custody to account for a proper detention record. FOJCs, or assigned officers, must also ensure that the transfer to Docket Control Office (DCO) is changed to the location where the UAC is being transferred and that the "book-out comments" indicate the exact location of the transfer.

Transferring FOJCs must notify the receiving FOJC via email of the transfer, to avoid “hanging transfers” in the (b)(7)(E) system.³¹

3.2.2 Book-Out Procedures

Upon receiving notification from ORR that a UAC will be released to a sponsor:

- Verify the validity of the address given by using the USPS webpage at: (b)(7)(E) If the address is not valid, have ORR verify information provided on the Final Discharge Notice and submit a corrected address.
- In (b)(7)(E) under the (b)(7)(E) tab, select “Addresses,” then review the address listing. If the appropriate address isn’t listed, select “Add Address Type,” then select “In care of” from the drop-down tab, and enter the start date as the current date, sponsor’s name, and complete address. Click “Submit.”
- After the record has been updated, verify that all other biographical information is correct, including the individual’s “Person Details”—name and date of birth. Update case comments to reflect current case information in (b)(7)(E) then proceed (b)(7)(E) to book subject out on an “Order of Recognizance” (OREC).
- Select (b)(7)(E) “book out to OREC” and choose the previously entered address from the drop-down box as the “released-to” field and submit.³²

3.2.3 Alien File Process

A-files need to be routed via UPS next day service to the FOJC located in the AOR of the UAC’s ORR designation. NTAs for UACs need to follow the same procedures as any other ICE detained docket. The immigration proceedings for UACs in ORR care/custody need to be managed in the same manner as anyone detained in ICE custody. The FOJCs need to ensure that legally sufficient charging documents are routed to the Office of Chief Counsel (OCC) and the EOIR in a timely manner. Also, the FOJCs should properly document Case Actions and Decisions in (b)(7)(E)

When a UAC is transferred or released, the A-file must be sent via next day air to the appropriate AOR of the minor’s release or where the minor currently resides.

UAC A-files will be maintained and transferred in accordance with the most recent ERO-approved UAC A-file Process, available on the JFRMU intranet site.

³¹ Broadcast: Unaccompanied Alien Children (UAC) Book-ins, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, July 23, 2015.

³² Broadcast: UAC Shelter Book Out Procedures, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, March 21, 2015.

3.2.4 Reviewing Charging Documents

UAC not allowed to withdraw an application for admission into the United States will be placed in § 240 proceedings. (For limited exceptions, refer to the TVPRA.) When accepting custody of a UAC from an outside agency, verify A-file(s) for issued and served charging documents. Form I-213 should be contained in the A-file for proper processing, and should include:

- Alienage and removability (including notation of documents, if any, provided by UAC to establish alienage, i.e., birth certificate, passport):
 - Country of birth;
 - Country of citizenship;
 - Date of entry;
 - Port of entry; and
 - Manner of entry.
- Signature of issuing officer;
- Designation as UAC;
- Notation of other family members and their A-numbers (i.e., UAC traveling with their own child(ren), UAC siblings);
- Location of immediate family with contact information (if possible);
- Location of intended parties or destination in the United States;
- Length of time in transit to the United States;
- Financial support or monies on person;
- Medical issues (e.g., medications, pregnancy, medically issued items [walker, shoes, prescribed glasses]);
- Mental health (e.g., medications, behavioral, monitoring requirements);
- Notation of special needs (e.g., dialect, language barrier, age, vulnerabilities);
- Notation if family contact was made and duration of the call;
- Notation if consulate/attorney contact was made and duration of the call;
 - Consulate contact required for mandatory notification countries; for all other cases, consulate notification is available upon request and local agreement.

While interviewing a UAC received from another Federal agency or DHS component, and encountering new information that is necessary to include in Form I-213, add to the bottom of the current Form I-213 as an addendum/addition in order to maintain the integrity of the initial encounter record. Do not remove or change the other component's narrative.

The I-862/NTA should also be contained in the A-file for proper processing. Verify the following:

- Name and alias(es) are included on NTA;
- A-number is accurate and comports with number listed elsewhere in/on A-file;

- The UAC’s address corresponds with the placement location:
 - File an I-830 (Notice to EOIR: Alien Address) to correct the address if this is the only error;
 - If local EOIR does not accept an I-830 with initial filing, an NTA may have to be superseded by ERO to place correct address;
- Certificate of Service is signed by UAC (older than 14 years of age):
 - If younger than 14 years, the NTA needs to be served to the conservator (ORR Program Director or designee);
 - It may be necessary to serve the NTA on the conservator for UAC older than 14 years of age if his or her cognitive ability is insufficient, or if the minor is developmentally delayed;
- Allegations should concur with the local OPLA legal sufficiency.

The A-file also requires the following additional documentation:

- I-770 Notice of Rights and Request for Disposition (this form is in lieu of an I-826 Notice of Rights issued to adults);
- I-200 Warrant of Arrest;
- I-286 Notification to Alien of Custody/Conditions of Release;
- I-217 Information for Travel Document (other than Mexican (OTM) cases);
- List of Legal Service Providers;
- Form CBP-93—UAC Screening Addendum, if applicable;
- Orantes advisals and notifications, if applicable.

If the UAC is apprehended at the POE:

- Depending on the ERO field office location and local agreements with CBP/OFO, processes with UAC may vary. Local arrangements may include UAC being transported directly to ORR placement from CBP, therefore A-file verification may be challenging.

The NTA packet should have two copies with the original signed documents in the A-file. The A-file should be created by USCIS (Records Dept.), if available, in the local field office. Ensure the following steps are taken:

- Assign the UAC to the appropriate detained juvenile docket;
- Ensure each UAC is booked into the correct “detention” location;
- Ensure your DCO has a “DET LOC” (drop down for all your ORR facilities);
- Update all Actions and Decisions, as well as Case Category;
 - Charging documents forwarded to OPLA or EOIR;
 - Filed Motion to Change of Venues (COV) (I-830 if necessary);
 - A-file forwarded to Trial Attorney;
- Final Orders: Voluntary Departure/Removal/Proceedings Terminated;

- Call-Ups;
 - Status of case: Hearing Pending/COV Pending/Pending Travel Documents (TD);
 - All relevant information for anyone reviewing the case;
- Comments;
 - Identify juvenile at an adult detention facility;
 - Age-out/adult verification from ORR;
 - Attorney/family contacted ERO;
 - Release to sponsor—name and address;
 - Escape/AWOL details: provide Police Department (PD) contact info;
 - Any additional information that will aid future review;
- Ensure proper Book-in and Book-out;
 - “Release/Transfer”;
 - “Final Order”;
 - “Final Orders: VD/Removal/Proceedings Terminated.”

Note: Once the initial AOR no longer needs an A-file, the A-file should be transferred to the receiving office, other DCO, Records, NRC, or USCIS. Follow the local best practices.

3.2.5 Docket Management

It is important that FOJCs conduct proper docket management, as seen in the Table 1 below.

Coordinate	Verify	Respond	Complete
<ul style="list-style-type: none"> • With FOJCs at receiving AORs when receiving and/or sending A-files. • With ORR facilities during custody transfers of UAC. • ORR shelter site visits with ORR program managers, as needed. • With consulates for travel documents and repatriation efforts. 	<ul style="list-style-type: none"> • All UAC in ORR shelters in the AOR are properly booked-in and out of EADM. • All required documents and case actions are complete in A-file. 	<ul style="list-style-type: none"> • To inquiries from the consulates in regard to UAC. • To parents', legal guardians', or legal representatives' inquiries regarding UAC. • To requests from case workers, program managers, or ORR staff. 	<p>(b)(7)(E)</p>

3.3 Age-Outs

3.3.1 Overview of VAWA 2013

When unaccompanied children are still in the custody of ORR when they turn 18, federal law provides that custody is transferred to ICE, which must make a custody determination as to where they will be placed. Such UAC are referred to as “Age Outs,” and ICE’s decision as to where they will be placed is referred to as a “custody” or “placement” determination. A 2013 provision in the Violence Against Women Act (sometimes referred to as “VAWA 2013” or 8 U.S.C. § 1232(c)(2)(B), the section of the U.S. Code in which this statute is codified) governs how this decision must be made.

It imposes two requirements and obligations on ICE:

- First, ICE “shall consider placement in the least restrictive setting available after taking into account the alien’s danger to self, danger to the community, and risk of flight.”
- Second, such alien “shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien’s need for supervision, which may include placement of the alien with an individual or organizational sponsor, or in a supervised group home.”

(b)(7)(E)

(b)(7)(E)

3.3.1.1 Top 10 Dos and Don'ts

Pursuant to the Court's decision, ICE has identified a number of things FOJCs should and should not do in making Age-Out placement determinations:

(b)(7)(E)

(b)(7)(E)

3.3.2 How to Make a Custody Determination under VAWA 2013

(b)(7)(E)

3.3.2.1 Step I: Analyze Statutory Risk Factors

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

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(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Amended Age-Out Review Worksheet: What's New?

The AORW has been revised to comply with the Court's decision and the process set forth in this handbook. As revised, the AORW is intended to guide the FOJC through the Age-Out custody determination process and to provide evidence of the FOJC's compliance with his or her obligations pursuant to 8 U.S.C. § 1232(c)(2)(B).

- The AORW now includes a section for JFRMU concurrence if recommendation is detention, issuance of bond or release on ICE's ATD program.
- The revised AORW requires that you detail the information you collected and relied upon during the custody determination process. This includes the sponsors and other placement alternatives you identified and considered.
- Just providing conclusory answers (*e.g.*, "Age-Out is a flight risk," "no sponsor available" or "no viable sponsor") are not acceptable. Instead, you are to explain your efforts, thought process, and analysis in the provided narrative boxes!
- AORWs should only be completed by the FOJC and supervisor involved in the Age-Out's custody determination. **Do not complete an AORW on behalf of another officer.**

SharePoint

For Age-Outs who are placed on ATD, issued an ICE Bond, or detained, FOJCs must upload and attach to the SharePoint record all documents they considered in reaching the placement determination. This includes:

1. The Age-Out Review Worksheet (ICE Form 70-070);
2. All Post-18 Plans received from ORR;
3. Copies of all emails or other communications with ORR, the Age-Out's attorney or representative, any potential individual or organizational sponsor, or any other third-party, or within ICE, concerning the placement of such Age-Out;
4. The Age-Out's Form I-213;
5. Any comments relating to the Age-Out in ICE's Enforcement and Removal Module ("EARM") database; and
6. Any other documents considered or relied on by ICE in making or relating to ICE's placement determination.

For Age-Outs who are released from ICE custody with no additional conditions (ATD/Bond), FOJCs must upload and attach the following documents to the SharePoint record:

1. The Age-Out Review Worksheet (ICE Form 70-070); and
2. Post-18 Plan, if submitted by ORR.

Add the case to the SharePoint site and upload the accompanying documents within 24 hours of making the final custody determination.

3.3.7 Putting it All Together: Process Overview

- Keep track of and monitor UACs who are close to aging out.
- Reach out to ORR two (2) weeks in advance of the UAC's 18th birthday (where possible) to request a Post-18 Plan.
- If ORR does not provide a Post-18 Plan, check to see if the UAC is represented by counsel/representative and contact that individual to find out if there is anyone willing and able to accept the Age-Out.
- Look for point of contact information in the Form I-213 and A-File.
- Request to interview (in-person or by phone) the UAC to identify potential sponsors (if needed).
- Still no sponsor available or to whom the Age-Out can be released? Contact a minimum of five (5) shelters, including those on JFRMU intranet site to see if they have housing available to accept the Age-Out.
- If no individual or organizational sponsor is available, or there are flight risk concerns that are not addressed by release to a sponsor, consider release pursuant to the ATD program or on an ICE bond.
- Consider all available alternatives in determining the least restrictive setting available after taking into account the Age-Out's danger to self or community or flight risk.

Promptly consider alternatives to detention identified through efforts described previous.

- Is **release without a sponsor** appropriate after taking into account the noncitizen's danger to self, danger to the community, and risk of flight?
- Is **release to a sponsor** appropriate after taking into account the noncitizen's danger to self, danger to the community, and risk of flight?
- Is **release with ATD** appropriate after taking into account the noncitizen's danger to self, danger to the community, and risk of flight?
- Is **issuance of a bond** appropriate after taking into account the noncitizen's danger to self, danger to the community, and risk of flight?
- Is **detention** appropriate after taking into account the noncitizen's danger to self, danger to the community, and risk of flight?

To the maximum extent possible and in coordination with ORR, arrange for Age-Out releases to occur directly from the ORR facility.

- FOJC completes AORW and submits to supervisor for review.
 - For more complicated cases or those in which the recommendation is to detain the Age-Out, begin discussing the case with your supervisor as soon as possible.
- Recommendations to detain or issue a bond or place on ICE ATD must be approved by JFRMU in advance of finalizing the custody determination.

Once supervisor makes a custody determination, promptly:

- Create case in SharePoint.
- Upload AORW + supporting documentation.
- Update (b)(7)(E) the correct book-out code and add case comments.
- Summarize VAWA 2013 determination in I-213 addendum.

3.3.8 Best Practices

(b)(7)(E)

3.4 Removals and Returns

In accordance with the TVPRA, repatriation will be effected at no cost to the minor. Associated costs will be borne by ICE, which will coordinate and arrange all travel plans with the UAC, consulate, ORR shelter (if any), and UAC's sponsor. ICE will coordinate with the family in the home country when possible.

ERO is obligated to provide a safe and supervised return of UAC. When an IJ issues a final order of removal or grants voluntary departure, follow standard removal procedures.

ERO's priority is to preserve family unity during repatriation. To best preserve family unity while protecting children:

- Verify kinship with the consulate to safeguard minors from smugglers or other threats before repatriation;
- Coordinate with each consulate to verify citizenship before transporting to the country of origin; and
- Prior to transporting a UAC to the land border, verify with the local FOJC the established hours of operation for receiving UAC. Minors and females have special limitations on when (time of day) they are able to cross from the United States.

Minors must be repatriated under additional safeguards, including:

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

When a UAC has been issued a Voluntary Departure or Removal Order, the coordination of repatriation will begin with updating the case category. For each type of repatriation, steps are outlined below:

Consulate Travel Document Request:

- Submit via Electronic Travel Document (eTD);
- ORR may facilitate the interview;
- FOJCs must coordinate the various steps of the travel document process with ORR to ensure timely interviews and issuance.

Note: Follow local best practices for obtaining travel documents.

Local Repatriation:

- Consulate notification;
- Transportation Arrangements;
- Repatriation must take place within regular business hours;
- Place copy of I-216 in A-file.

International Repatriation:

Coordinate with the AOR's respective travel unit to:

- Request escorting officers;
 - Ensure at least one officer is the same gender.
- Coordinate with CONCUR for itinerary;
- Submit Threat Assessment to HQ Travel Unit (submit assessment 10 business days prior to the transport):
 - Risk assessment;
 - Flight itinerary;
 - Threat assessment;
- HQ Removal Unit will provide the country clearance notification;

³⁴ Repatriation and Custody Transfer of UAC in ICE Custody to Foreign Government Officials, Policy 11049.1, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, April 17, 2008.

- Coordinate with consulate and/or legal representative so family in home country can be contacted; and
- Have a consular/government official sign for juvenile and upon return, place copy of I-216 in A-file.

(b)(7)(E)

Note: It is important to maintain professional and positive relationships with the consulates in your AOR because they also work with your ORR facilities in verifying their respective nationals, conducting interviews, and at times may even provide further assistance when repatriation notification has been given.

3.4.1 Electronic Nationality Verification

ERO extended the Electronic Nationality Verification (ENV) program to include UAC ordered removed pursuant to §240 proceedings from Guatemala, Honduras, and El Salvador. Those UAC are now eligible for removal to these countries on ICE charter flights without a travel document or passport.

Normally, UAC are eligible for removal to El Salvador, regardless of age. UAC must be 13 and older for removal to Honduras and 14 and older for removal to Guatemala.

Cases should meet the following conditions:

- Criminal or Non-criminal;
- Have made an affirmative claim to citizenship;
- Have no medical concerns, except for those returning to Honduras;
- Have an executable final order of removal.

The following cases should NOT be included in ENV

- High-profile removals;
- Cases with dual nationalities;
- Cases where nationality is in question;
- Case w/medical concerns should be cleared by IAO prior to scheduling removal via ENV;
- Any other case of interest that is not deemed routine.

Requirements:

- Consular notification must continue to be made consistent with current guidelines;

- Possession of the country's identity document (ID) is preferred, but not required;
- When available, national ID and/or Passport numbers must be listed in the comment section of the I-216 manifest;
- Cases without an ID/Passport number available must be annotated in the comment section of the I-216 manifest as "No Docs";
- ID and Passports, when available, must be placed in the UAC's property, with a copy in the A-file;
- All UAC property must be carefully tagged and accounted for.

For those UAC returning to Guatemala, a copy of the charging document, executable final order of removal, and a photo must be stapled as a packet to turn over to Guatemalan officials, in lieu of a travel document (TD).

For those UAC returning to Honduras, cases MUST reflect the city and state where the returning Honduran national will reside upon arrival in Honduras. This information should be entered into EARM Comments and must be annotated in the comments section of the I-216.

For those UAC returning to El Salvador, a properly serviced copy of the Orantes rights must be included in the A-file.

Field offices are not required to upload and complete TD requests into the Electronic Travel Document System (eTD) for ENV removals.

3.5 Specific Case Scenarios

3.5.1 Law Enforcement Agency Referrals

On occasion, a local law enforcement agency (LEA) may contact an FOJC to request that a detainer be placed on a juvenile in its custody. In these circumstances, consider the following as possible factors for consideration:

(b)(7)(E)

(b)(7)(E)

3.5.2 Interior ERO Apprehensions

In some cases, minors are apprehended within the United States interior through enforcement actions on the part of ICE or by other Federal, State, or local agencies. During enforcement actions, once immigration status is determined, FOJCs are responsible for ensuring that bed space is requested within established protocols for both UAC and AC and coordinating transport.

It is considered best practice for a FOJC to accompany Fugitive Operations teams when there is potential for a targeted alien to be a minor. When a minor is apprehended during interior enforcement activities, the FOJC must:

- Determine whether the minor is accompanied.³⁵ or unaccompanied;
- Seek contact information for a parent or guardian (if not present at the minor's apprehension);
- Provide the family with contact information so the family can contact the FOJC regarding the minor's immigration and detention status;
- Obtain any medications currently prescribed to the minor and ensure any medical concerns expressed by the minor are addressed appropriately.

All ERO officers are responsible for ensuring the minor is processed in accordance with the TVPRA and/or *FSA* guidelines; however, the FOJC serves as the SME. If the minor is determined to be a UAC, the FOJC must contact ORR to request placement.³⁶

³⁵ Field Offices must receive JFRMU approval before taking an accompanied minor into custody as required by the FSA.

³⁶ Enforcement and Removal Operations: Fugitive Operations Handbook, July 23, 2014.

3.5.3 UAC with Convictions

All minors who meet the UAC criteria are to be referred to ORR for placement.³⁷

When referring a UAC with a conviction to ORR for placement:

- Include the UAC's criminal history on the UAC Initial Placement Referral Form or add the criminal history to the referral through the UAC Portal. Include all arrests, convictions, and delinquency findings, including charges that were dismissed and arrests without a disposition. If placement was requested through the UAC Portal, documents can be emailed directly to ORR Intakes ((b)(7)(E) @acf.hhs.gov) after the request for placement has been submitted.
- Provide relevant agency (e.g., probation office) point of contact information for ORR to enable ORR to follow up when necessary.

Note: ORR may request additional information that cannot be found in the NCIC criminal history. If this happens, respond to ORR to assist in placing UAC in the appropriate facility placement type.

3.5.4 Sponsorship Breakdown after ORR Release

Sometimes sponsorship breaks down once ORR releases a minor from its care. ERO may be made aware of these situations by the sponsor themselves, the UAC, local law enforcement, and/or local child protection agencies. When ERO becomes aware of a case involving a sponsorship breakdown, the FOJC should immediately contact ORR for assistance. ORR may require a new referral (submitted through the UAC Portal) from a Federal agency prior resuming custody of the UAC. In some instances, particularly when a minor's safety may be at risk, the local ERO office may, at the discretion of the FOD, assist and re-refer the minor to ORR care. With FOD approval, the FOJC may arrange for the UAC to be transported from his or her current location to a newly designated ORR shelter.

Should sufficient resources not be available to assist, or when the minor's safety is not in question, the FOJC may:

- Recommend that the sponsor refer the UAC to local CPS;
- Contact the respective consulate to identify an NGO willing to sponsor the UAC;
- Recommend that the sponsor contact local authorities if the sponsor thinks he/she and/or the UAC are in danger;
- Advise the current sponsor to notify the court of the change so that the IJ is aware of the situation.

³⁷ Field Guidance for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) & Violence Against Women Reauthorization Act of 2013 (VAWA), § A-D, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, January 13, 2016.

The FOJC must also do the following:

- Notify the OPLA trial attorney of the sponsorship breakdown prior to the next EOIR hearing; and
- Note the issue in the (b)(7)(E) comments section for future reference.

When the FOJC becomes aware that a minor is at risk and ICE declines to intervene directly as described above, the FOJC must contact local child welfare authorities and/or local law enforcement authorities.

3.5.5 Non-UAC Minors with Status

A legal permanent resident (LPR) minor may not be taken into ICE custody unless he or she has been convicted of a crime as an adult that makes them removable from the United States. If an LPR minor has been convicted of a crime as an adult that makes him or her removable, he or she may be housed at a JFRMU approved juvenile facility. To house an LPR minor who has been deemed removable from the United States at an approved facility, the FOD and JFRMU must review and approve the case.

Note: If a minor has *any* legal status in the United States, he or she is not considered a UAC.³⁸

3.5.6 Accompanied Minors Who Are Delinquent or Are Chargeable as Delinquent

The *FSA* sets specific rules regarding the detention of accompanied minors. The criteria for secure custody are listed under paragraph 21 of the *FSA*:

A minor may be held in or transferred to a suitable State or county juvenile detention facility or a secure INS detention facility, or INS-contracted facility, having separate accommodations for minors, whenever the District Director or Chief Patrol Agent determines that the minor:

A. has been charged with, is chargeable, or has been convicted of a crime, or is the subject of delinquency proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act; provided, however, that this provision shall not apply to any minor whose offense(s) fall(s) within either of the following categories:

- Isolated offenses that (1) were not within a pattern or practice of criminal activity and (2) did not involve violence against a person or the use or carrying of a weapon (Examples: breaking and entering, vandalism, DUI, etc. This list is not exhaustive.);*

³⁸ Field Guidance for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) & Violence Against Women Reauthorization Act of 2013 (VAWA), § A, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, January 13, 2016.

- ii. *Petty offenses, which are not considered grounds for stricter means of detention in any case (Examples: shoplifting, joy riding, disturbing the peace, etc. This list is not exhaustive.);*

As used in this paragraph, “chargeable” means that the INS has probable cause to believe that the individual has committed a specified offense;

B. has committed, or has made credible threats to commit, a violent or malicious act (whether directed at himself/herself or others) while in INS legal custody or while in the presence of an INS officer;

C. has engaged, while in a licensed program, in conduct that has proven to be unacceptably disruptive of the normal functioning of the licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others, as determined by the staff of the licensed program (Examples: drug or alcohol abuse, stealing, fighting, intimidation of others, etc. This list is not exhaustive.);

D. is an escape-risk; or

E. must be held in a secure facility for his or her own safety, such as when the INS has reason to believe that a smuggler would abduct or coerce a particular minor to secure payment of smuggling fees.

In addition to those items listed in Section 2.1 “The Flores Settlement Agreement,” Flores Advisals and Notice of Right to Judicial Review are required (See *Flores v. Lynch*, No. 15-56434, 828 F.3d 898 (9th Cir. Jul. 6, 2016)).

In all instances when ICE seeks to detain an accompanied minor under this provision, JFRMU approval is required.

Note: When authorized, and upon the minor’s placement in an ICE-approved over 72 hour facility, the FOJC retains case management responsibilities for that minor. In addition to A-file management responsibilities (See Section 3.2.4 “Reviewing Charging Documents”) the FOJC must conduct regular and ongoing site visits of the facility to meet with the detained minor and to monitor compliance with the requirements under the *FSA*. These visits should occur no less than monthly but may be more frequent based on the specifics of each case. The FOJC should be available to answer any questions or concerns the minor might have and should ensure the minor has received a list of free or low-cost legal services and other locally available legal-orientation materials. The FOJC should engage with program staff to obtain information regarding the minor’s conditions of detention and acclimation to the Center that include but are not limited to the minor’s educational progress and information obtained through facility administered needs

assessments and other screenings. The FOJC will update EARM case comments with dates of site visits and relevant information as appropriate.

3.5.7 Accompanied Minors and Notice of Rights to Bond Redetermination

An accompanied minor in removal proceedings will be afforded a bond hearing before an IJ. The accompanied minor can indicate on the Notice of Custody Determination that he or she refuses the hearing. The accompanied minor has the right to change his or her mind and seek a bond hearing at any time. The accompanied minor's attorney or legal representative can request a bond hearing from the EOIR.

3.5.8 Emancipated Minors

Juvenile emancipation is a legal mechanism by which a minor is legally freed from parental or guardian control. In many instances, emancipated minors are considered adults in the eyes of the law, but this varies from State-to-State. For immigration purposes, ICE should consider all individuals under the age of 18 as a minor for custody purposes.

There are no exceptions to the statutory definition of UAC for emancipated minors still under 18 years of age. If a minor qualifies as a UAC under the definition of a UAC, ORR is responsible for his or her care and custody. The emancipated UAC should be treated as a UAC and transferred to ORR within 72 hours.

3.5.9 Married UAC

A minor can be married and therefore emancipated before turning 18 years of age. In this situation, the married minor should be treated as a UAC for care and custody purposes because he or she still meets the statutory definition.

There are no exceptions for married minors under the UAC definition. If a minor qualifies as a UAC under the definition of a UAC, ORR is responsible for his or her care and custody. The married juvenile (UAC) should be treated as a UAC and transferred to ORR within 72 hours.

3.5.10 ORR Runaway Cases

If a UAC becomes a runaway and departs from an area without authorization, the agency with custody will immediately notify local law enforcement agencies. If a UAC escapes from ORR custody, ORR must notify the FOJC within 24 hours of the escape and provide ICE a copy of the Significant Incident Report (SIR).

Within 24 hours of receiving ORR's SIR, the FOJC must complete the ORR UAC Runaway Worksheet on the JFRMU ORR Runaway SharePoint site and attach all relevant files:

<https://icegov.sharepoint.com/sites/dmd/atdd/jfrm/Lists/ORR%20Runaways/AllItems.aspx>

Each SIR should contain the A-number, height, weight, type of clothing, and direction of flight (if known).

If a UAC has a pending case with EOIR, the FOJC will notify OPLA so that the PLANet can be updated.

The FOJC will provide the SIR to OPLA to file at the next hearing date if the UAC fails to appear so that OPLA can request an order *in absentia*.

When notified of an ORR runaway, the FOJC must book out the UAC from custody in EADM by choosing “ORR Runaway” from the drop-down menu of release-reasons. The release-reason “Escaped” applies only in the case of a UAC absconding from ERO custody.

3.5.11 Special Immigrant Juvenile Status

Special Immigrant Juvenile Status (SIJS) is one of the most common forms of legal relief available to UAC for legal permanent residence. UAC who establish that they have been abused, neglected, or abandoned by one or both parents may be eligible to apply for SIJS.

Previously, under the Homeland Security Act, minors seeking SIJS were required to obtain “specific consent” from ICE before related proceedings could begin. Under the TVPRA 2008, SIJS-specific consent authority was transferred to ORR. These minors cannot be reunited with a parent due to the findings of abuse, abandonment, neglect, or similar issues. Approval of an SIJS petition allows foreign national minors to seek a lawful permanent resident status once their priority date is current and there is a visa number available..³⁹ UAC granted lawful permanent resident status through SIJ cannot petition for their parents to obtain lawful status.

To apply for SIJS, UAC must have a court order with the following findings:

- Certification that the minor is a ward of the State due to abuse, neglect, or abandonment; and
- Determination that it is not in the minor’s best interest to return to his or her home country.

Note: While the TVPRA defines a UAC as under the age of 18, individuals under the age of 21 may apply for SIJS status and adjustment of status based on the approved SIJS. Applicants do not have to meet the definition of UAC to apply for SIJS.

³⁹ As of the July 2016 Department of State Visa Bulletin, there are still no visa numbers available for minors from El Salvador, Guatemala, Honduras, and Mexico who didn’t file their Form I-360 with USCIS prior to January 1, 2010. <https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2016/visa-bulletin-for-july-2016.html>.

3.6 Collection of Biometrics for UAC who turn 14 while in ORR Custody

Federal law and DHS policy require that biometric data be collected for minors once they reach 14 years of age. Minors encountered as part of a FAMU or as UAC, who are under the age of 14, are not currently photographed or fingerprinted by CBP, increasing their risk of victimization and misidentification. To mitigate and prevent these increased risks, FOJCs will work with ORR to identify these minors and collect fingerprints for all UACs who reach the age of 14 while in ORR custody.

On the UAC's 14th birthday or after the UAC reaches 14 years of age, the FOJC will travel to the designated ORR facility to discreetly enroll the UAC's fingerprints and photo using a portable ident scanner (I-3s/ Guardian R machine).

If FOJCs are met with resistance from any ORR program, the FOJC should immediately notify JFRMU for resolution with ORR leadership. In some instances, a G-56 may be issued to have the ORR program transport the UAC to the ICE field office for biometric collection. If a G-56 is issued, please make sure to include the section of the law ⁴⁰ This should be done only as a last resource.

3.7 Interactions with FOJC Stakeholders

There are numerous other stakeholders that support the FOJC's mission—relationships with these stakeholders are imperative to ensure effective case management and ongoing, transparent communications throughout the process. FOJCs are encouraged to conduct regular site visits, develop and follow protocols for communication and information sharing, and to quickly and effectively resolve any issues that arise.

3.8 Local ORR Case Workers

Once in ORR custody, each UAC is assigned a case worker who attempts to reunify the UAC with family in the United States (and in home country). FOJCs are reminded to maintain an ongoing and professional relationship with local case workers, particularly because FOJCs may need to contact them for case management purposes. Additionally, case workers may reach out to FOJCs in their AOR for general information regarding UAC in their care.

FOJCs may disclose all relevant information contained in EARM that may assist the case worker in conducting reunification, making bed space designations, and providing special care to the

⁴⁰ 8 U.S.C. 1302 (a), “[i]t shall be the duty of every alien now or hereafter in the United States, who (1) is fourteen years of age or older, (2) has not been registered and fingerprinted under section 1201(b) of this title or section 30 or 31 of the Alien Registration Act, 1940, and (3) remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted before the expiration of such thirty days.” Regulations specify that: “Within 30 days after reaching the age of 14, any alien in the United States not exempt from alien registration under the Act and this chapter must apply for registration and fingerprinting, unless fingerprinting is waived under paragraph (e) of this section, in accordance with applicable form instructions.” 8 CFR 264.1

juvenile if needed.⁴¹ Local case workers may inquire about what happens to a UAC when custody is transferred back to ICE custody and it is appropriate for the FOJC to explain local procedures and what is involved with the transfer.

3.9 Federal Field Specialists

An FFS is the ORR representative assigned to oversee all shelters within a specific region. The FFS will approve all referrals and discharges that require ICE coordination. The FOJC should coordinate site visits (monthly, quarterly, or as needed) for general Q&A with the minors, the FFS, and the shelter. Consistent communication will assist in developing a healthy working relationship and understanding each other's roles and responsibilities. The FFS may be able to assist by providing ORR guidance in special cases. He or she can provide information regarding any issues that arise in ORR facilities within the AOR. The FFS can also serve as a liaison between FOJCs and the rest of shelter staff.

4 External Relations

4.1 Non-Governmental Organizations

Occasionally a Non-Governmental Organization (NGO) may ask an FOJC for points of contact within other groups or organizations. For example, an FOJC may be asked to provide the contact information for a consular officer who can interview a juvenile in ORR custody. This type of information sharing is appropriate and builds positive relationships. FOJCs are reminded not to provide any law-enforcement-sensitive information to NGOs.

Establishing relationships within the NGO community allows FOJCs to seek assistance on behalf of minors and families that come into ERO custody. FOJCs should spend time and effort developing these relationships and understanding the role of the NGO. It is highly recommended that FOJCs attend stakeholder meetings with NGOs in order to become familiar with existing programs in their AOR. Attending stakeholder meetings allow FOJCs to raise awareness of ERO's responsibilities and roles in the case management of UAC and families and promote understanding of ICE's mission.

Note: These meetings are not intended as outlets for responding to concerns raised by NGOs.

4.2 Consulates

During the case management of a UAC, consulates should be contacted at the following times:

- When a UAC is encountered;

⁴¹ James M. Chaparro, Sharing Information with the Department of Health and Human Services Office of Refugee Resettlement, Department of Homeland Security, Immigration and Customs Enforcement, Office of Enforcement and Removal Operations, November 30, 2010.

- When a UAC is placed with ORR, the case worker will contact the consulate for identity verification.

It is a combined interest for both ERO and ORR to work closely with the consulates because they can provide name and age verification as well as assistance in furthering the case processing. Working closely with the local consulate offices allows FOJCs to obtain travel documents and repatriate UAC to their home countries quickly and efficiently.

The FOJC should also work with the consulates in their inquiries regarding: missing minors; kidnapping victims; and victims of abuse—keeping in mind the restrictions on sharing information related to asylum, T or U visa applications, or VAWA.

5 Points of Contact

JFRMU **(b)(7)(E)**@ice.dhs.gov

ORR Intakes— **(b)(7)(E)** @acf.hhs.gov

Transportation Command Center— **(b)(7)(E)** @mvminc.com

JFRMU Field Reports— **(b)(7)(E)** @ice.dhs.gov

JFRMU Intranet— **(b)(7)(E)**

ERO Resource Center on Detained Parents—

(b)(7)(E)

UAC Portal— **(b)(7)(E)**