



U.S. Immigration
and Customs
Enforcement

February 24, 2004

MEMORANDUM FOR: Field Office Directors
Branch Chiefs
Deputy Assistant Director, Field Operations Division

FROM: *Anthony S. Langeman*
Anthony S. Langeman, Director
Office of Detention and Removal

SUBJECT: Placement of Unaccompanied Alien Children

This memorandum is effective immediately and modifies the December 30, 2003 memorandum regarding the placement of unaccompanied alien children (UACs). In that communication, permission to temporarily contract with juvenile facilities in specific areas was given. This portion of the memorandum is in no way impacted by this document. This directive reinforces and slightly revises the process to be utilized when contacting the Office of Refugee Resettlement (ORR) for the purpose of placing UACs in ORR funded facilities.

As you know, on March 1, 2003, pursuant to the Homeland Security Act, ORR assumed the authority for decisions related to the care and placement of UACs in Federal custody. This includes their placement, transfer, and release.

Field Officers are still authorized to take initial enforcement actions after the apprehension of certain UACs. Such enforcement actions include, but are not limited to: voluntary returns to Mexico and Canada of UACs who are nationals of such countries, and immediate release to a parent or other adult relative. However, Field Office Juvenile Coordinators (former District Juvenile Coordinators) must continue to be contacted, as per current policy, and then coordinate placement in all cases involving a decision to detain a UAC. Branch Juvenile Coordinators (former Regional Juvenile Coordinators) remain a vital link between field offices and Headquarters' DRO, regarding the proper handling of UACs in federal custody.

In accordance with existing policy, all UACs taken into custody and requiring placement pending their release, return to country of origin, or the outcome of their immigration hearings may only be placed in those juvenile facilities referenced in the December 30, 2003 memorandum. Prior to placing ANY UAC in a juvenile facility, the Field Office Juvenile Coordinator must contact the designated ORR representative (see attached list) for pre-authorization and placement information. ALL UACs require pre-authorization prior to placement in a juvenile facility regardless of their anticipated length of stay at the facility, except in the special narrow circumstances described in the December 30, 2003 memorandum. In these

cases the ORR representative **must** also be contacted to inform him/her of the placement made by the Field Office Juvenile Coordinator and make arrangements to transport the UAC from his/her present location to the ORR facility identified by the ORR representative. This plan/arrangement must be documented in the Case Action Worksheet (CAW). In the event the Field Office Juvenile Coordinator is unable to reach the ORR representative in a reasonable amount of time (1 hour), the Field Office Juvenile Coordinator must call the ORR Headquarters "on-call" staff at 202-441-7749 (8:30 a.m. to 5:30 p.m., Monday through Friday, Eastern time) OR 202-441-7748 (after hours, weekends and holidays) and document such in the CAW. In the event the Field Office Juvenile Coordinator has concerns regarding the placement (e.g., distance from point of apprehension) or the UAC or cannot reach an ORR representative or ORR, the Field Office Juvenile Coordinator should immediately contact his or her respective Branch Juvenile Coordinator for further guidance or assistance.

When contacting the ORR representative for placement of a UAC, the Field Office Juvenile Coordinator should be prepared to provide as much information as possible (verbally), listed on the attached *ORR/DUCS Initial Placement Questionnaire Guide*.

Following verbal approval for placement, Field Office Juvenile Coordinators must immediately (same day if during business hours, if not, then next business day) complete a CAW and forward the CAW (electronically) to their respective Branch Juvenile Coordinator. Branch Coordinators are directed to forward all CAWs (electronically) to both the current Headquarters DRO mailbox (Office, JuvenileOPS) and the ORR Headquarters mailbox (orrducs@acf.hhs.gov). In addition, the Field Office Juvenile Coordinator will transmit via e-mail or fax, available source documents, at time of placement, to the appropriate ORR representative (see attached list). Source documents will include:

- 1) The I-862 (Notice to Appear);
- 2) The I-200 (Warrant of Arrest) – except in cases of arriving aliens;
- 3) The I-286 (Notice of Custody Determination) – except in cases of arriving aliens;
- 4) The I-770 (Notice of Rights and Request for Disposition);
- 5) The I-217 (Biographical Data for Travel Documents); and
- 6) The I-284 (Orantes Rights-for El Salvadorans only).
 - In the event the Field Office Coordinator has reason to suspect that the UAC should be placed in a secure or medium-secure juvenile detention facility, s/he should include information to support such. This information may include, but is not limited to: criminal history; immigration status (final order issued, previous removal, stowaway); disruptive or delinquent behavior; history of gang involvement, security and/or safety concerns, etc.
 - The I-213 shall **not** be provided unless approved by Headquarters DRO.

Once a CAW has been sent to ORR requesting placement, ORR will provide a response via the CAW. ORR's responses will be sent to the Branch Juvenile Coordinator and to Headquarters DRO. The Branch Juvenile Coordinator will in turn forward such to the respective Field Office Juvenile Coordinator, as is current practice. All CAWs must be filed in the UAC's A file. Field Offices are not authorized to act upon instructions provided directly by ORR officials, except

with regard to initial placements immediately following apprehension (as discussed above). Any special requests or instructions from ORR must be directed to Headquarters DRO.

Any questions regarding this instruction may be directed to [REDACTED] Headquarters Office of Detention and Removal at 202- [REDACTED] [REDACTED]

Attachments

ORR/DUCS Initial Placement Questionnaire Guide
(To be provided verbally)

1. Juvenile Coordinator's Name, Title and Field Office:

2. Phone:

3. Child's Name, Sex, DOB: *(Is there a question about aliens's age?)*

4. A#:

5. Country of Birth and/or Country of Habitual Residence:

6. Spoken language(s):

7. Date, Place and Manner of Entry:

8. Reason for coming to US:

9. Apprehension (Date and Field Office)

10. Current Location of Minor: *(City, St. – Facility)*

11. Have family members been contacted?

12. Does the child want to return to his/her country?

13. Does the child have any charges or convictions? If so, for what reason?

14. How was child apprehended; possession of any illegal contraband/weapons; any escape attempts?

15. Was someone with the child at the time of apprehension; any relationship? *(Family, smuggler, etc)*

16. Is child married and/or does he/she have children?

17. Does the child report that he/she was a witness to a crime or traumatic event; or that he/she does not remember his/her trip to the US?

18. Is child aware of, or does child have existing medical concerns? *(Pregnancy, TB, coughing, etc.)*

19. Does the child report that he/she was beaten, sexually assaulted, smuggled, sold/bought and/or is indebted to someone?

20. What services/ assistance has the child received?

21. Please describe child's appearance: (*Exhaustion, dehydration, hypothermia, cuts/burns/bruises, injuries, unfamiliar odor, somatic complaints, etc.*)

22. Please describe child's behavior: (*Angry, happy, calm, crying, yelling, not talking, incoherent, drunk/drugged, violent, acting out sexually, dizzy, vomiting, suicidal, delusional, etc*)

23. Does the child appear to understand you?

24. Any additional information?

25. DFC's Comments:
