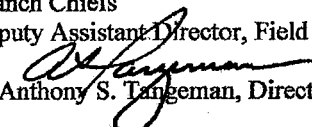




U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

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

From:  Anthony S. Tangeman, Director, Office of Detention and Removal

Date: December 20, 2003

Re: Placement of Unaccompanied Alien Children

This memorandum provides updated guidance to field offices regarding the placement of unaccompanied alien children (UACs).

On March 1, 2003, pursuant to the Homeland Security Act, the Office of Refugee Resettlement (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, 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.

Effective immediately, 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 approved by ORR (see attached list). Prior to placing ANY UAC in a juvenile facility, the Field Office Juvenile Coordinator (former District Juvenile Coordinator) must contact ORR for pre-authorization. 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 below relating to initial placement following apprehension. ORR's 24-hour number is 202-441-7748 or 202-441-7749.

Following verbal approval for placement, Field Office Juvenile Coordinators must immediately complete a Case Action Worksheet (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 mailbox (orrducs@acf.hhs.gov).

In the event the Field Office Juvenile Coordinator calls ORR's 24-hour number and ORR fails to respond to the phone call within a reasonable amount of time (normally 1 hour), the coordinator shall place the juvenile in a facility that is on the ORR approved facility list, consistent with existing policies and in consultation with appropriate Branch Coordinators. The Field Office Juvenile Coordinator will then immediately prepare a CAW and forward it as mentioned above. The CAW will reflect the attempts made by the coordinator to contact ORR.

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 Branch Juvenile Coordinators and to Headquarters DRO. The Branch Juvenile Coordinator will in turn forward such to the respective field office, as is current practice. 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.

Several Field Offices have requested that additional juvenile facilities be made available for use because the nearest ORR facility (or the initial placement designated by ORR) may be a substantial distance from the UAC's point of apprehension. In these cases, transportation to the ORR facility may require an overnight stay. Headquarters DRO will continue to address this issue with ORR and provide Field Offices with information regarding the progress made in this area. Pending future guidance and/or resolution of this issue, Headquarters DRO is permitting specific Field Offices (listed below) to contract with appropriate juvenile facilities for the temporary, short-term care of apprehended juveniles who are en route to an ORR placement. These facilities should only be used where necessitated by the logistics of transportation, and the length of stay at these facilities should not exceed one or two days, absent extraordinary circumstances.

Field Offices using such "initial placement" facilities must adhere to established policies related to the use of juvenile facilities. Placements must be made in accordance with the policies found in the *Juvenile Protocol Manual*. As in the past, juvenile facilities must meet all established requirements and pass inspection prior to their use. In addition, all appropriate notifications as per this memorandum must be made. Upon proper notification, ORR will designate, through appropriate channels (mentioned above), the facility the UAC is to be transported to following his or her "initial" placement.

It is imperative that this policy be adhered to and that the UAC be transported by DHS officers to an ORR approved facility as soon as possible.

Designated Field Offices

The following Field Offices have permission to enter into contracts with appropriate juvenile facilities as specified by location. Please note that all facilities must be inspected as per instructions in the *Juvenile Protocol Manual*. All inspections must be reviewed and approved by the local Field Office Juvenile Coordinator, the appropriate Branch Juvenile Coordinator and Headquarters Office of Detention and Removal.

- Boston – in the area of Portland, Maine
- Buffalo – in the areas of Buffalo, Niagara, and Albany, New York
- Newark – in the area of Newark, New Jersey
- Atlanta – in San Juan, Puerto Rico

- Chicago – in the areas of Kansas City, Missouri; and Louisville, Kentucky
- Detroit – in the area of Monroe, Michigan
- El Paso – in the areas of Fort Stockton, and Pecos, Texas; and Las Cruces, New Mexico
- New Orleans – in the areas of New Orleans, and Lake Charles, Louisiana; Bay Minette, Alabama; and Conway, Arkansas
- Saint Paul – in the areas of Lino Lakes, Chaska, and Stillwater, Minnesota; Rapid City, and Sioux Falls, South Dakota; Grand Forks, North Dakota; and Oklahoma City, Oklahoma

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

Attachment

DIVISION OF CHILDREN'S SERVICES (DUCS)
OFFICE OF REFUGEE RESETTLEMENT

UNACCOMPANIED MINOR DAILY CUSTODY COUNT

DATE Oct 28, 2003

FACILITY NAME	LOCATION	TOTAL CAPACITY	TOTAL FILLED	OPEN BEDS	COMMENTS
WESTERN					
	LOS ANGELES	10	10	0	Long Term Secure SA / 12 Max
	PHOENIX	80	65	15	Shelter - Latin / Chinese Males/Females/Babies
	TUCSON Tucson, AZ	15	6	9	Long Term Secure SA / 12 Max
	PORTLAND, OR	15	15	0	Long Term Secure SA / 12 Max
	SEATTLE Spokane, WA	10	10	0	Long Term Secure SA / 12 Max
	SAN FRANCISCO San Jose, CA	24	15	9	Shelter Males/ Females
	SAN DIEGO	0	0	0	Short Term Shelter SA / 14 Max
	SAN DIEGO	0	0	0	Long Term Secure SA / 12 Max
	SAN DIEGO El Cajon	15	11	4	Shelter - Latin / Chinese Males/Females
	TUCSON, AZ	0	0	0	Short Term Shelter SA / Max
	TUCSON, AZ Yuma, AZ	0	0	0	Short Term Shelter SA / Max
	DENVER Alamosa, CO	0	0	0	Secure Therapeutic Males SA / 12 Max
	SEATTLE Tacoma, CO	4	0	4	Group Home Shelter
	LOS ANGELES	1	1	0	Group Home Shelter
	LOS ANGELES	2	0	2	Group Home Shelter
	LOS ANGELES	2	0	2	Group Home Shelter
	LOS ANGELES	1	0	1	Group Home Shelter
	SEATTLE	6	2	4	Staff Secure
	SEATTLE	2	0	2	Group Home Shelter
	PHILADELPHIA Reading, PA				
	Shelter Secure	37	28	9	Shelter and Secure Males/Females
	ATLANTA	36	36	0	Shelter - Latin / Chinese

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	Meansville, Ga			Males / Females
	VIRGINIA Arlington, Va			0 Short Term Secure SA
	MIAMI	32	36	-4 Shelter - Latin / Chinese 0 Males/Females/Babies Licensed to 42 for Overflow
	CHICAGO	60	28	32 Shelter - Latin / Chinese, Other Males/Females/Babies
	DETROIT Canton, Ohio			0 Short Term Secure SA/21 Max
	EL PASO, TX	48	44	4 Shelter - Latin Males / Females
Shelter Foster	HARLINGEN Los Fresnos, TX	104 20	100 18	4 Shelter - Latin 2 Males / Females / Youngsters
	HARLINGEN Brownsville, TX	43	40	3 Shelter - Latin Males - 4 Medlum Secure
Shelter	HOUSTON	21	18	3 Shelter - Latin Males / Females
	HOUSTON	14	12	2 Staff Secure Males
	SAN ANTONIO	0	0	0 Long Term Secure SA/21 Max
	SAN ANTONIO	0	0	0 Shelter SA / 3 Max
	SAN ANTONIO Nixon, TX	36	16	20 Shelter - Latin Males / Females
	EL PASO Santa Fe, MN	0	0	0 Short Term Secure SA
	NEW ORLEANS Memphis, TN	0	0	0 Short Term Secure SA
TOTAL		650	512	138
Total Shelter		582	468	114
Total Secure		68	44	24

Shaded Area indicated Secure or Staff Secure Facility

SA = Space Available - Please check directly with facility for actual availability.