



U.S. Department of Justice
Immigration and Naturalization Service

HQDRO 50/10.9

Office of the Executive Associate Commissioner

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Washington, DC 20536

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MEMORANDUM FOR SEE DISTRIBUTION

FROM: Johnny N. Williams
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Interim Guidance Regarding Release of an Accompanied Juvenile Alien from Immigration and Naturalization Service Detention, on Orders of Recognizance

This is interim guidance regarding the release from Service detention of an accompanied juvenile on an order of recognizance. Until further notice the following guidelines are to be followed when releasing an accompanied juvenile from Service detention on recognizance. Chapter 11 of the Detention and Deportation Officer's Field Manual will be updated accordingly.

11.9 Special Detention Cases.

If a juvenile is to be released from detention on an Order of Recognizance to the custody of an accompanying relative or authorized legal guardian who is placed into immigration proceedings or to a relative or authorized legal guardian already in the United States and in immigration proceedings, the juvenile should have the same reporting requirements as the relative or authorized legal guardian.

Thus, if the relative or authorized legal guardian is released on a bond or is currently on a bond and is not required to regularly report, the juvenile will not be required to regularly report. If unusual circumstances present themselves and it is determined that the juvenile should be required to regularly report, a bond demand must be made on the obligor of the relative's or authorized legal guardian's bond to have the relative or authorized legal guardian appear on the same date and at the same office as the juvenile. This demand will be made each and every time to coincide with the juvenile's reporting requirements.

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In the event the relative or authorized legal guardian is released or has been released on an Order of Recognizance, the juvenile will have the same reporting requirement as the relative or authorized legal guardian (i.e. relative or authorized legal guardian reports on the first Tuesday of every other month, the juvenile will have the same requirement.)

If the juvenile is to be released to the custody of a relative or authorized legal guardian who has legal status (i.e. USC, LPR, etc.) in the United States and is not under the custody and control of the Service (i.e. Order of Recognizance, Order of Supervision, bond, etc.), the juvenile may be required to regularly report to the Service for determination that the juvenile is being maintained in proper health and custody.

In either case, at such time as the juvenile fails to report as required, the Service needs to immediately determine the location of the juvenile, return him or her to Service custody, and proceed through a custody re-determination for the juvenile. If a bond demand has been made on the relative or authorized legal guardian having custody of the juvenile and the relative or authorized legal guardian fails to appear as required, normal bond breach procedures will be followed. In addition, the Service should determine the location of the relative or authorized legal guardian, return her or him to custody, and conduct a custody re-determination.

Additionally, anytime either of the individuals required to report fail to appear, district counsel or the appropriate trial attorney will be notified. This will provide the attorney needed information for the ongoing immigration proceedings.

Please direct any question regarding this interim policy to Headquarters, Office of Detention and Removal, at (202) 305-b6

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