



U.S. Department of Justice
Immigration and Naturalization Service

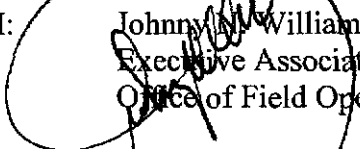
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Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

JAN 26 2003

MEMORANDUM FOR SEE DISTRIBUTION

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

SUBJECT: Guidance Regarding the Release of an Alien on an Order of Release on
Recognizance, Detention and Deportation Officer's Field Manual (DDFM)
Chapter 11.1

Below is guidance regarding the release from Service detention of an alien, either adult or accompanied juvenile, on an order of recognizance. The Office of Juvenile Affairs will continue to coordinate the release of unaccompanied juveniles. Also, attached is a copy of Form I-220A with addendums as discussed below. Please direct any question regarding this interim policy to Headquarters, Office of Detention and Removal, at (202) 305-b6,b7c

Accordingly, the DDFM is updated as follows:

1. The Table of Contents entry for Chapter 11, Section 1 is revised to read "Orders of Release on Recognizance."

2. Section 1 of Chapter 11 is revised to read:

11.1 Orders of Release on Recognizance.

- (a) Authority. The District Director has the discretion to release adult and juvenile aliens from detention on an Order of Release on Recognizance. If an alien is released on recognizance, the District Director, at his/her discretion, may set appropriate conditions for the release. The Order shall be administered using Form I-220A (Order of Release on Recognizance) clearly stating any specific release conditions set by the District Director.

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(1) Reporting Requirements.

(i) Adults If a condition of the release is that the alien is to report to the Service on a regular schedule, the Deportation Officer shall make the Deportable Alien Control System (DACS) "Case Call-up" date coincide with the reporting date on the Form I-220A. This will serve as a compliance reminder to the officer of the alien's duty to report as ordered. Compliance with the reporting requirements of the Order must be noted on the continuation page/addendum of Form I-220A and in the "Case Comments" section of DACS each time the alien reports.

If at any time it is determined that the alien has failed to report as required, or violated any other condition set, the district must take appropriate corrective action, including detention.

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(ii) Juveniles If a juvenile is to be released from detention on an Order of Recognizance to the custody of an accompanying alien relative or authorized legal guardian who is placed into immigration proceedings, or to an alien 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.

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 should 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 must be

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made each and every time to coincide with the juvenile's reporting requirements.

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 nevertheless be required to regularly report to the Service.

In either case, if the juvenile fails to report as required, the Service must immediately determine the location of the juvenile, return him or her to Service custody, and conduct a custody redetermination for the juvenile. See discussion above at 11.1(a)(1)(i). 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 redetermination.

(b) Notification to District Counsel. Additionally, any time an individual required to report fails to appear, the case officer must notify District Counsel or the appropriate Assistant District Counsel. This will provide the attorney needed information for the ongoing immigration proceedings.

Attachment

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DISTRIBUTION LIST:

REGIONAL DIRECTORS

DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, DETENTION AND REMOVAL

DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, ENFORCEMENT

ASSISTANT COMMISSIONER, INVESTIGATIONS

DIRECTOR, LAW ENFORCEMENT SUPPORT CENTER

DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, IMMIGRANT SERVICES DIVISION

CHIEF, BORDER PATROL

DIRECTOR, OFFICE OF INTERNATIONAL AFFAIRS

DIRECTOR, OFFICE OF JUVENILE AFFAIRS

File No: _____

Date: _____

Name: _____

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

You must report for any hearing or interview as directed by the Immigration and Naturalization Service or the Executive Office for Immigration Review.

You must surrender for removal from the United States if so ordered.

You must report in (writing) (person) to _____
(Name and Title of Case Officer)
at _____ ON _____ at _____
(Location of INS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

You must not change your place of residence without first securing written permission from the officer listed above.

You must not violate any local, State, or Federal laws or ordinances.

You must assist the Immigration and Naturalization Service in obtaining any necessary travel documents.

Other. _____

See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Immigration and Naturalization Service.

(Signature of INS Official)

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Immigration and Naturalization Service may revoke my release without further notice.

(Signature of INS Official Serving Order)

(Signature of Alien)

(Date)

Cancellation of Order

I hereby cancel this order of release because: The alien failed to comply with the conditions of release.

The alien was taken into custody for removal.

(Signature of INS Official Canceling Order)

(Date)

File No: _____

Date: _____

Name: _____

That you do not associate with known gang members, criminal associates, or be associated with any such activity.

That you register in a substance abuse program within 14 days and provide the INS with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.

That you register in a sexual deviancy counseling program within 14 days and provide the INS with written proof of such within 30 days. You must provide the INS with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.

That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide the INS with written proof of such within 10 days.

That you do not commit any crimes while on this Order of Release on Recognizance.

That you report to any parole or probation officer as required within 5 business days and provide the INS with written verification of the officers name, address, telephone number, and reporting requirements.

That you continue to follow any prescribed doctors orders whether medical or psychological including taking prescribed medications.

That you provide the INS with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.

That you provide the INS with written responses from the Embassy or Consulate regarding your request.

Any violation of the above conditions will may result in revocation of your employment authorization document.

Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.

Other.

Outprocessing Checklist

Sex Offenders

- Probation/Parole Officer notified.
- Registered as sex-offender as required by state statute within 7 days.
- Victim/Witness Coordinator notified.
- Victim/Witness notified.
- Written Proof of Counseling.

Substance Abusers

- Probation/Parole Officer notified.
- Written Proof of Counseling.

All Aliens

- Parole/Probation Officer notified.
- Obtain address where living and telephone number.
- Enter into IDENT
- NCIC check
- Travel document application

Completed By:

Deportation Officer

Date

Concurrence By:

Supervisory Deportation Officer

Date