



# Fact Sheet for Child Welfare & Guardianship Stakeholders: *ICE Policies and Standards Related to Detained Parents & Legal Guardians*

## Parental Interests Directive

### **The ICE Directive entitled *The Interests of Noncitizens Parents and Legal Guardians of Minor Children or - Incapacitated Adults*:**

This Directive (hereinafter “Parental Interests Directive” or “PID”) ensures that when a parent or legal guardian is arrested or detained for a civil immigration proceeding that the alien can maintain visitation with their child or incapacitated adult for whom they serve as guardian, coordinate their care, and participate in any related court or child welfare proceedings, without regard to the dependent’s citizenship or immigration status. The PID and this flyer may be found here: <https://www.ice.gov/parental-interest>

**Covered Individuals:** The specific individuals to whom the policies and procedures contained in this Directive apply are alien parents or legal guardians who are: 1) primary caretakers or have custody of minor child(ren) or incapacitated adults in the United States; and/or 2) those who have a direct interest in family or probate court, guardianship, or child welfare proceedings involving a minor or incapacitated adult (herein, referred to as “Covered Individuals”).

## Child Welfare, Family, or Guardianship Court Proceedings & Services

**Participation:** The Parental Interests Directive (PID) allows Covered Individuals to make in-person appearances in family court or child welfare proceedings when required to maintain or regain custody of minor child(ren) or incapacitated adult(s) (dependents). If transport presents security and/or public safety concerns, or negatively impacts mission needs, facility staff will identify alternative means of participation, such as telephonic or video or standard teleconferencing, when technologically feasible. In addition to court participation, ICE will facilitate remote participation in court or child welfare mandated services, programs, or trainings.

**Documentation:** Child welfare and guardianship stakeholders should provide documentation for court proceedings or mandated services (to the extent feasible and legally permissible) to ERO Field Offices, such as:

- Evidence of the proceeding, including a notice of hearing, scheduling letter, or court order;
- Evidence of legal representation, such as a court-order of appointment, etc.
- Any documentation recommending that the custody and care of the minor child(ren) be returned to or maintained by the detained parent/legal guardian, or, in the case of an incapacitated adult, any documentation from a relevant court or stakeholder (e.g., a guardian ad litem) recommending that guardianship of the incapacitated adult be returned to or maintained by the detained legal guardian;
- Any court orders to produce a Covered Individual for in-person court participation;
- Orders or written requests for special visitation, including contact visits;
- Mandated services, programs, or trainings (for remote participation);
- Notice of proceedings and/or orders of a Termination of parental or guardianship rights);
- Court-ordered paternity or other DNA testing (in cases where stakeholders are requesting detention facility access for testing technicians).

## Custodial Placement of Detained Covered Individuals

If a Covered Individual is involved in family court or child welfare proceedings or has dependents located in a specific ERO Field Office, it is recommended that you notify the ICE detention facility or ERO Field Office as soon as possible to ensure they are aware of the situation. This informs ICE so they can take appropriate steps.

## Phone/Video-Conference Access

**Calls with Legal Representatives:** Each facility permits legal calls with legal representatives and ensures privacy by providing a reasonable number of telephones in a setting where such calls cannot be overheard by staff or other detainees. Staff permit Covered Individuals to make such phone calls as soon as possible after the request but no longer than 24 hours after the request has been made (this includes calls to family or child welfare legal representatives upon proof of representation.) At [facilities where Talton is the phone provider](#), legal representatives can register their phone numbers for unmonitored calls. Instructions are available under “Legal Calls” at: <https://www.ice.gov/detain/attorney-information-resources#communicating-with-your-client-or-prospective-client>.



**Calls with Child Welfare Stakeholders:** Additional phone calls are permitted to allow a detained parent or legal guardian to make arrangements for their minor child(ren). This may include calls with immediate family members or others necessary to make alternate plans for care of minor children.

**Virtual Attorney Visitation (VAV) Program:** To facilitate improved detainee access to legal representatives, ICE has implemented VAV in many ICE detention facilities nationwide. Utilizing platforms such as Microsoft Teams and Cisco WebEx, the VAV program allows legal representatives to meet with their clients or prospective clients virtually using video technology in private rooms or booths to ensure confidentiality of communications during remote legal visits. Contingent upon availability, VAV rooms/booths may also be used for special visitation purposes or court hearings, particularly in the event that physical visitation at the detention facility is either impossible or impracticable. Please note that VAV rooms/booths are not in every ICE detention facility. For a list of facilities with the VAV program, go to: <https://www.ice.gov/detain/attorney-information-resources#virtual-attorney-visitation>.

## Parent-Minor Child Visitation

The Parental Interests Directive requires facilitation of parent-child visitation when mandated by the family/dependency court or child welfare authority, unless there are safety or security concerns. Child welfare stakeholders should inform ICE if special visitation, such as contact visitation, is required by a court or state child welfare agency. Information for each ICE facility's visitation rules and regulations, including whether contact visitation is permitted, may be found by looking up the specific facility online here: <https://www.ice.gov/detention-facilities>. As an alternative, video visitation may be available at some facilities.

## Enforcement Actions Involving Covered Individuals

At the time of arrest by ICE, if a Covered Individual was not able to make alternative care arrangements, or if there was evidence that the minor(s) had been subject to abuse or neglect, ICE personnel may have contacted the local child welfare/social service authority or local law enforcement to take custody of minor child(ren) or incapacitated adult. ICE detention facility personnel may not be aware that the child(ren) are now in CPS custody. It is recommended that if a stakeholder is aware that the parent of a child in CPS custody is being detained by ICE, they notify ICE of the situation as soon as possible. Information about ICE Field Offices can be found at: <https://www.ice.gov/contact/field-offices?office=16>.

## Coordinating Care or Travel of Dependent Pending Removal of Covered Individual from U.S.

**Travel Arrangements:** ICE personnel will facilitate a Covered Individual's efforts to make travel arrangements for their dependents to accompany them upon repatriation to their home country ("removal"). This may include access to counsel, consulates, and family members in the weeks preceding their removal, so that parents and legal guardians can arrange care, sign documents, or make other necessary preparations. Coordination is also permitted with the field office to allow access to detained parents and legal guardians for the purpose of executing signed documents, such as powers of attorney, passport applications, appointments of guardians, and other permissions.

**Notice of Repatriation (Removal) Itinerary:** Subject to security considerations, the Covered Individual's repatriation/removal itinerary may be shared with stakeholders in order to coordinate travel arrangements for Covered Individual's dependents.

## Repatriation of a Covered Individual without Their Dependent

**Covered Individual's Repatriation without their Dependent:** Covered Individuals will be afforded an opportunity prior to their removal to elect (in writing) to have their dependent remain in the U.S. and make alternative caregiving arrangements if necessary. In all law libraries, parents and legal guardians have access to forms from all 50 states that authorize the delegation their parental authority.

**Child Welfare & Guardianship Proceedings:** In the event a Covered Individual with an on-going child welfare or guardianship proceedings is being repatriated, ICE will consider whether in the totality of the circumstances continuing with the repatriation is appropriate and whether the Covered Individual may need to communicate with a child welfare/guardianship stakeholder in advance of their repatriation.

## Facilitation of Return



In the event a lawfully repatriated (removed) Covered Individual provides verifiable evidence indicating a Termination of Parental Rights (TPR) or Guardianship Termination proceeding are pending or on-going in the U.S. ICE may facilitate the reentry of the Covered Individual. ICE will make a decision about the parole based on all relevant factors, including safety, security, and whether the family court or child welfare authority will permit the repatriated Covered Individual to participate through alternative means (video or phone) and if it is feasible from the country where the Covered Individual is living. Parole requests must be submitted through USCIS (see below).

## Contact Information and Additional Resources:

### Locating a Detainee

The **ICE Online Detainee Locator System (ODLS)** can be found at <https://locator.ice.gov/odls>. Please try locating the detainee here first.

### ICE Contact Information

**ERO Field Office Information:** To determine the appropriate ERO Field Office to address your inquiry and to find the contact information for that office, please visit: <https://www.ice.gov/contact/field-offices?office=16>

**Community Relations Officer in the ICE Field Office:** If you have inquiries relating to this Directive or for stakeholder outreach, you may contact your local Field Office at: <https://www.ice.gov/leadership/ope>

**Parental Interests Team at ICE Headquarters:** [ERO Contact Form](#), select "Parental Interests" in Type of Inquiry. The inquiry will then be routed to HQ Parental Interests Team, who coordinates and provides guidance on the Parental Interests Directive, as needed to all Field Offices. For training or other information, contact [Parental.Interests@ice.dhs.gov](mailto:Parental.Interests@ice.dhs.gov).

**ICE Privacy Forms:** If you are requesting ICE to release information about a Covered Individual, it is recommended that you have the Covered Individual fill out the Privacy Waiver ICE Form 60-001. <https://www.ice.gov/forms>

**ICE Case Review:** After contacting your local ERO field office, individuals may also initiate the ICE Case Review (ICR) process by emailing the ERO Senior Reviewing Official to request a case review. <https://www.ice.gov/ICEcasereview>

**ICE VOICE:** ICE established the Victims Of Immigration Crime Engagement Office to acknowledge and serve the needs of crime victims and their families who have been impacted by crimes committed by individuals with a nexus to immigration. <https://www.ice.gov/doclib/voice/factsheetVoiceEnglish.pdf>

### Info for Attorneys

ICE information for attorneys: <https://www.ice.gov/detain/attorney-information-resources>

### Other Federal Agency Information

**USCIS (SIJS, Asylum Interviews):** Contact the local field office first: <http://www.uscis.gov/about-us/find-uscis-office/field-offices>

- If no response, call the USCIS Customer Service Center 800-375-5283
- If problems continue, contact the Ombudsman <https://www.dhs.gov/case-assistance>

**USCIS (Parole):** <https://www.uscis.gov/forms/explore-my-options/humanitarian-parole>

**EOIR:** For case information go to <https://portal.eoir.justice.gov/InfoSystem/Form?Language=EN>

- For other issues, contact your local court's Assistant Chief Immigration Judge (ACIJ): <http://www.justice.gov/eoir/acij-assignments>
- EOIR engagement office: [EngageWithEOIR@usdoj.gov](mailto:EngageWithEOIR@usdoj.gov)
- EOIR Hotline: 800-898-7180 or 240-314-1500

**DHS Centralized Complaint Center (Joint Intake Center):** [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov) 877-246-8253

**Office of Refugee Resettlement (ORR)** (alien unaccompanied children):

ORR National Call Center: [information@ORRNCC.com](mailto:information@ORRNCC.com) or 800-203-7001

**U.S. State Department** Office of Children's Issues (international parental child abduction): <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction.html>