Office of Detention and Removal Operations

U.S. Department of Homeland Security
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

JUL 2 9 2004

MEMORANDUM FOR: Field Office Directors
Deputy Assistant Director
Unit Chiefs

FROM: Victor Cerda
Acting Director

SUBJECT: New Release Procedures for Unaccompanied Alien Children Placed with and Cared for by the Office of Refugee Resettlement

This memorandum modifies existing release policies and procedures for unaccompanied alien children (UACs) placed with and cared for by the Office of Refugee Resettlement (ORR). The policies and procedures contained within this memorandum become effective Monday, August 2, 2004.

Currently, documents and information (family reunification packet) needed from sponsors related to the release of UACs are gathered by a representative of the ORR and forwarded to the Detention and Removal Operations Field Office Juvenile Coordinator (FOJC) with a request for the FOJC to perform a record check on the proposed sponsor. The FOJC also completes the appropriate release documents for the UAC and the sponsor.

Effective Monday, **August 2, 2004**, ORR will complete and sign all appropriate release documents for the UAC and the sponsor. In summary, on August 2, 2004, the FOJC will no longer prepare or sign release documents, set conditions of release, or set bond on UACs being released by ORR. Also, effective **August 2, 2004**, the FOJC will no longer perform record checks on proposed sponsors. ORR will perform background checks prior to releasing a UAC to a sponsor.

Release Procedures

In the event ORR chooses to release the UAC, ORR will complete and sign the release paperwork and send a copy of such to the FOJC where the UAC's A-file is located. In most cases this will be the location where the UAC is being housed. In other instances it will be the jurisdiction having venue over the case. Documentation will include, but not be limited to, the following: 1) UAC's name, date of birth, A-number, sex, current address and facility name, address where the UAC will be residing upon release, and release date; 2) Sponsor's, name, date

of birth, A-number, sex, social security number, address, telephone number, and employer name and address; and 3) Release documents prepared and signed by ORR. Upon receipt of this information, the FOJC will immediately update DACS and other appropriate computer systems and place the documentation provided by ORR into the UAC's A-file.

Once the UAC is released, the case should be handled as per current policy and practice relating to UACs released from federal custody.

DHS Form I-94, *Arrival/Departure Record*

In the event (for arriving aliens) the DHS Form I-94, is required as part of the release package, ORR will contact the appropriate FOJC prior to releasing the UAC. The FOJC will fill out the arrival and departure sections of the I-94, stamp the I-94 with a parole stamp and complete the date, purpose, and port portions of parole stamp. The date portion of the parole stamp should not exceed six months from the date the document is stamped. The purpose section of the parole stamp should state: "Paroled to sponsor pending removal proceedings." The FOJC will then send the I-94 to ORR via Federal Express. ORR will then complete the date and officer portions of the parole stamp. When completed, ORR will provide the appropriate portion to the UAC and immediately return the remaining portion to the FOJC. The FOJC will then place the document into the UAC's A-file.

DHS Form I-286, *Notice of Custody Determination*

ORR is responsible for making decisions related to the care and custody of UACs in their charge. This includes decisions regarding release to include bond and reporting requirements. Consequently, once a UAC has been referred to ORR for placement and placed in an ORR facility, the FOJC must review the I-286 and make a custody redetermination. On the I-286 and in the section entitled "Result of Custody Redetermination," the FOJC must check the box marked "other" and write or type in "Transfer of physical custody to ORR – any previous bond cancelled." By doing so, any bond previously set will be explicitly eliminated.

In the event ORR contacts ICE and requests that a bond be set, the FOJC will check the box marked "bond amount reset" and write or type in this section "Bond set in the amount of (enter the amount) as per the request of ORR." In this scenario, ICE will collect bond according to existing policies and procedures.

Any questions regarding these procedures may be directed to [redacted] b6,b7c, Headquarters Office of Detention and Removal at 202-[redacted] b6, b7c