



Policies and Procedures Involving Detained Parents and Legal Guardians

U.S. Immigration and Customs Enforcement’s (ICE) current policy and procedures address considerations when detaining and removing parents and legal guardians of minor children. These policies were first set out in an August 23, 2013 directive entitled *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities*. This Directive remains in effect as modified by the January 2017 Executive Orders on Immigration until issuance of a new directive that will revise and update processes accordingly.

Current policies and procedures governing the intake, detention, and removal of parents and legal guardians in a number of ways, including:

PLACEMENT: Making appropriate initial placement and transfer decisions for detained alien parents and legal guardians who are identified as parties in ongoing family court or child welfare proceedings.

FACILITATING PARTICIPATION IN FAMILY OR STATE COURT PROCEEDINGS: Arranging for transportation to family court or child welfare hearings if the location is within a reasonable distance and when doing so would not be unduly burdensome or present security and/or public safety concerns. If transport is impracticable, identifying alternative means for parents to participate in hearings, such as through video or teleconference technologies.

PARENT-CHILD VISITATION: In addition to following relevant ICE Detention Standards on visitation, facilitating parent-child visitation where required by a family or dependency court or a child welfare authority.

COORDINATING CARE OR TRAVEL OF CHILD: Accommodating detainees’ efforts to make care arrangements for minor children in the U.S. Obtaining travel documents for detainees’ minor children to accompany them to the country of removal, or to reunite in country of removal.

ICE Detention Standards

ALL VERSIONS OF ICE DETENTION STANDARDS REQUIRE:

PHONE ACCESS: Detainees are allowed to make direct or free phone calls to immediate family or others in personal or family emergencies or who otherwise demonstrate a compelling need (to be interpreted liberally).

VISITATION FOR MINORS: Family members, including minor children, are allowed to visit relatives in detention. Where there is no provision for visits by minors at a facility, ICE will arrange for a visit with children, stepchildren, and foster children.

REQUESTS FOR TRANSFER: ICE will consider a request for transfer, when possible, to a facility that allows such visitation. If the transfer is not approved, or until an approved transfer can be effected, ICE will continue to accommodate monthly visits,

VISITATION HOURS: Each facility is required to set a visitation schedule based on detainee demand that should allow for 30 minutes minimum, and more generous limits when possible, especially for family members traveling significant distances. Visitation hours on weekends and holidays are required, and some facilities may allow visits by family members outside of normal visiting hours.



Did You Know?

Further, the Performance Based National Detention Standards (Revised December 2016) state that facilities should try to facilitate contact visitation when possible, and should allow detainees to see their minor children as soon as possible after admission. Generous time allotments for visitation with minor children are recommended.

Additional Resources

CALL CENTER: The Detention Reporting and Information Line (DRIL) is a toll-free service that provides a direct channel for detainees and stakeholders to communicate with ERO to answer questions and resolve concerns, including separation from a child. To reach the DRIL, call: 1-888-351-4024

LOCATING A PARENT: The Online Detainee Locator System (ODLS) is a public system available on the internet that allows family members, legal representatives, and members of the public, to locate persons who are in ICE detention. To use ODLS, visit: <https://www.ice.gov/locators>.

WEBSITE: For additional information on ICE Detention Standards visit: <https://www.ice.gov/factsheets/facilities-pbnds>.

EMAIL: For more information on this topic, please submit inquiries to Parental.Interests@ice.dhs.gov