




# Family Separations at the U.S. – Mexico Border

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# Training Outline

- Disclaimer: this training is intended for employees and volunteers of migrant shelters that are part of the Border Shelter Network. This training is an overview and may not provide all the information needed to provide direct legal representation to immigrants.
- Overview of family separation at U.S. – Mexico Border
- How to approach situations of family separation?
  - ORR process to locate minors
  - Locating adults in ICE custody
  - Locating adults in Federal criminal custody
- Updates on change of address with ICE (update from last training)



## Overview of family separation at U.S. – Mexico Border

- Under the “Zero Tolerance” policy, the U.S. government separated minor children from their adult parents after they entered or attempted to enter the United States for purposes of prosecuting parents for unauthorized entry or reentry to the United States. Adult parents were placed in adult immigration detention following completion of criminal proceedings and children were sent to unaccompanied minor shelters across the country.
- In June 2018, an executive order to end this practice was signed and later a federal court enjoined the federal government’s practice of family separation, but left the door open to exceptions and thus some family separations may still occur.
- Additionally, families that do not fit into the Department of Homeland Security (DHS)’s rigid definition of what constitutes a family remain susceptible to separations despite the order and injunction.



## How to approach situations of family separation?

- Family separations are difficult and traumatizing to families.
- It is important for your intake teams to have an understanding and have a procedure they can follow when they encounter issues of family separation.
- Organizations that may not have the capacity or resources to have a legal component within their shelter can use the resources created by other organizations to provide the information about next steps to follow.
- It is also important to have contacts in your community where you can connect people for legal assistance.
- You may sometimes encounter immigrants who are going to travel immediately, so providing them information in writing may help them navigate the situation when they reach their destination. Also, providing them legal referrals at their destination, if available, is also important.



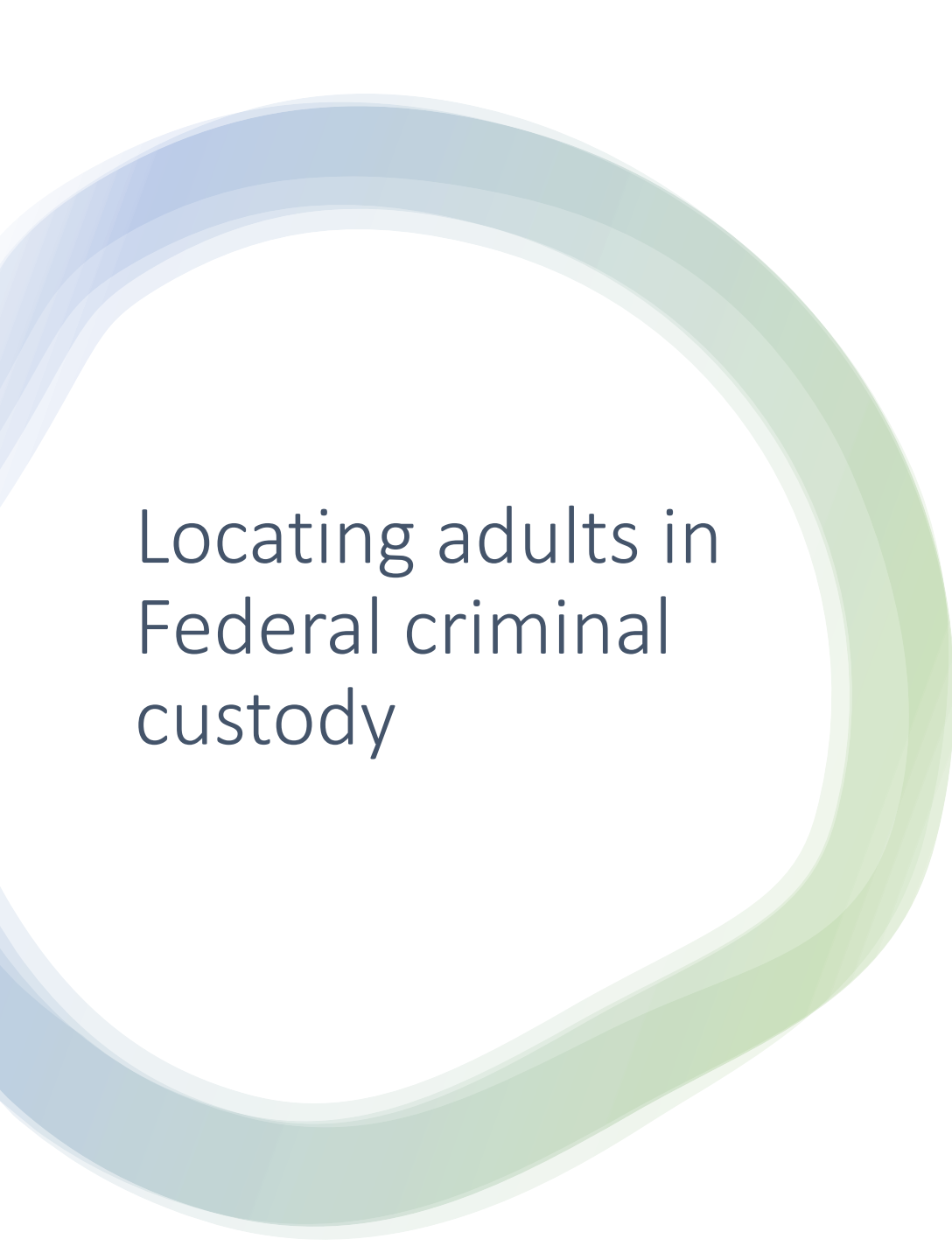
## ORR process to locate minors

- When children are apprehended without their parent or legal guardian, they are considered unaccompanied minors. “Unaccompanied minors” who are under the age of 18 must be placed in the custody of the Office of Refugee Resettlement (ORR) of the Department Health and Human Services (HHS). Similar to adults, unaccompanied minors are placed in removal proceedings. They will be scheduled for future immigration court hearings that they are required to attend.
- It is possible for a child to be released from ORR to live with sponsors. Sponsors may be family members or trusted adult friends who are willing to submit to ORR’s vetting process. If you decide to become a sponsor, you must go through a sponsorship process and must be approved by the U.S. government. Becoming a sponsor means you agree to take care of the unaccompanied minor and ensure they have all their basic needs, attend school and their immigration hearings, etc. In order to become a sponsor, you first must locate the minor through the different paths previously mentioned. After locating the minor, you can find the ORR Family Reunification Packet for Sponsors at <https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program>.
- Under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), a law was established defining an unaccompanied minor, and it set protections for relief to them. The important protection in this context, is that DHS officials who apprehend an unaccompanied minor must transfer the minor to ORR within 72 hours. ORR will then provide support with reunification with family.
- Families who were separated from minors should do the following:
  - **Contact:**
  - Office of Refugee Resettlement (ORR)
  - Dial 1-800-203-7001
  - You can also locate more information about ORR at <https://www.acf.hhs.gov/orr/outreach-material/office-refugee-resettlement-national-call-center>. You will find information flyers here in different languages.




# Locating adults in ICE custody

- To locate a family member that may be in ICE custody, the family should access the ICE Online Detainee Locator System found at <https://locator.ice.gov/odls/#/index>. They will have **2 options** to locate a family member in ICE custody.
  - **OPTION 1: Search by A-Number**
    - A Number (File No.)
    - Country of Birth
  - **OPTION 2: Search by Biographical Information**
    - First Name
    - Last Name
    - Country of Birth
    - Date of Birth (Month, Day, and Year)
- If the link does not produce a record, it is possible the family member has not yet entered ICE's database. Families may want to gather as much information as possible about where and how the family member entered the United States. You can also recommend them contact a reputable immigration attorney or non-government organization that provides immigration legal services in the United States. It is important to note that if a family member is in Border Patrol or Office of Field Operations (OFO) custody, they will not be in a public system, and it is complicated to locate family members in those situations.
- Family members can also call the following number if you are not able to locate your family member:
  - ICE ERO Detention Reporting and Information Line (DRI)
  - Dial 1-888-351-4024
  - Any person contacting ICE directly should have legal status or a case already pending with immigration.



## Locating adults in Federal criminal custody

- To locate a family member that may be in federal criminal custody, the family can visit the Federal Bureau of Prisons at <https://www.bop.gov/inmateloc/>. They have two options to locate their family member.
- **OPTION 1: Find by Number**
  - BOP Register Number (this is the number used to identify people detained in the Federal Bureau of Prisons)
- **OPTION 2: Find by Name**
  - First, Middle, and Last Name
  - Race
  - Age
  - Sex



## Updates on change of address with ICE (update from last training)

- The ICE Online Change of Address form is live as of June 14, 2023:

<https://www.ice.gov/> has the primary link (scroll down to Resources & select Update Address) or go directly to <https://onlinechangeofaddress.ice.gov/>

- 1) Does not change address with EOIR or USCIS. Those processes still have to be completed separately.
- 2) A separate request must be made for each member of a family/group.
- 3) Some individuals may be eligible to opt-in to receive their NTA by mail depending on their circumstances. It may take up to 6 months to receive the NTA by mail.
- 4) Residential addresses only – will not accept commercial addresses, shelters, churches, etc.



# Q & A Session

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