STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
**DEPARTMENT OF SOCIAL SERVICES**
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AUGUST 21, 2015

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[X] Federal Law or Regulation Change
[ ] Court Order
[ ] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

ALL COUNTY INFORMATION NOTICE NO.: I-68-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL COUNTY REFUGEE PROGRAM COORDINATORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE): PARENTAL INTERESTS DIRECTIVE INFORMATION FOR CHILD WELFARE PROFESSIONALS

REFERENCE: ICE FACILITATING PARENTAL INTERESTS IN THE COURSE OF CIVIL IMMIGRATION ENFORCEMENT ACTIVITIES (PARENTAL INTERESTS DIRECTIVE); SENATE BILL (SB) 1064 (CHAPTER 845, STATUTES OF 2012)

This All-County Information Notice (ACIN) provides information regarding ICE's Parental Interests Directive Information for Child Welfare Professionals. This ACIN may be helpful in working in a child dependency case when the parent or legal guardian is detained by ICE. This ACIN also supports compliance with California's Reuniting Immigrant Families Act (SB 1064, Chapter 845, Statutes of 2012).

## BACKGROUND

California enacted SB 1064 in 2012. The purpose of SB 1064 is to eliminate or reduce family reunification barriers faced by many immigrant families involved with the child welfare system by creating uniformity across state and county policies and practices; it is the nation's first law to do so. Broadly speaking, SB 1064 is designed to help ensure that undocumented immigrant parents and relatives are treated as equitably as possible in child custody and dependency cases in California. Provisions in the law allow family reunification efforts to proceed amid barriers caused by detention of the parents or primary caregiver(s). The law clarifies that maintaining children's ties to their families remains the priority despite barriers imposed by immigration status, including

immigration detention and deportation. The provisions are similar to existing provisions for incarcerated or institutionalized parents. For more information about this law and its provisions, please refer to All County Letter No. 14-21, dated March 19, 2014.

On August 23, 2013, the ICE, the principal investigative arm of the U.S. Department of Homeland Security, issued the Parental Interests Directive (Directive). The ICE handles civil enforcement of the nation's immigration laws through apprehension, detention if necessary, and removal of persons not lawfully present in the United States. The ICE is committed to intelligent, effective, safe, and humane enforcement of the nation's immigration laws and seeks to enforce immigration laws fairly.

## SUMMARY

The Directive, referenced in the enclosure, guides the ICE agency personnel to enforce immigration laws fairly and with respect for a parent's/guardian's rights and responsibilities, and seeks to ensure that immigration enforcement activities do not unnecessarily disrupt parental rights of both parents or legal guardians of minor children.

The policy provides that ICE personnel are to ensure that immigration enforcement activities do not unnecessarily disrupt the parental rights of both parents or legal guardians of minor children.

Key provisions of the Directive include the following:

- ICE staff members are to maintain a comprehensive process for identifying, placing, monitoring, accommodating, and removing alien parents or legal guardians of minor children while safeguarding parental rights;

- Each ICE field office is to designate a specially trained coordinator to serve as the Point of Contact for Parental Rights who is responsible for addressing public inquiries related to parental rights or family ties of detained parents or legal guardians of minor children;

- These Points of Contact are also responsible for addressing inquiries not only from family members and legal representatives, but also child welfare agencies, and courts;

- Subject to detention space availability, the field office director will initially place the detained alien parent of a child involved in a child welfare proceeding as close as practicable to the child or to the location of the child welfare proceeding;

- A detained parent, or his or her attorney or other representative on that individual's behalf, may request to be transported to the child welfare proceeding. Absent any unique obstacles such as excessive distance, undue logistical

burden, or presentation of an unusual security risk, the individual should be permitted to attend the proceedings. However, this authorization will not affect an individual's legal status with the United States government, regardless of the dependent's legal status;

- If it is not practicable to transport the individual, the ICE is directed to work with the child welfare agency to identify alternative means for the individual to participate in the proceeding, such as by video or standard teleconferencing.

The Directive provides several elements of key guidance to ICE's Enforcement and Removal Operations (ERO) field offices with regard to handling cases involving primary caretakers, parents or legal guardians of minor children, and particularly focuses on persons involved in family court or child welfare proceedings. These elements are briefly explained in the attached information sheet.

It should be noted that the Directive applies to ICE personnel and does not create any private right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil or criminal matter. The security and safety of any ICE employee, detainee, ICE detention staff or member of the public will be paramount in the exercise of the procedures and requirements of the Directive. Nonetheless, the Directive can be very beneficial in working in a child's dependency case when the parent or legal guardian of the child is detained by ICE.

**ADDITIONAL INFORMATION**

Attached for your reference is an information sheet explaining key elements of the Parental Interests Directive and other information about ICE functions that may be relevant to child welfare professionals.

The ICE's full Parental Interests Directive can be located at:
http://www.ice.gov/parental-interest.
To find local ICE field offices and Points of Contact, please visit:
https://www.ice.gov/contact/ero

Questions regarding this ACIN should be directed to the Child Welfare Policy and Program Development Bureau at (916) 651-6160.

Sincerely,

***Original Document Signed By:***

KEVIN GAINES, Chief
Child Protection and Family Support Branch

Attachment

# U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
## Parental Interests Directive
## Information for Child Welfare Professionals

## About ICE

The mission of U.S. Immigration and Customs Enforcement (ICE) is to promote homeland security and public safety through the enforcement of federal laws governing border control, customs, trade, and immigration.

## Enforcement Priorities

ICE prioritizes immigration enforcement to:

- **Priority 1**: persons who pose a national security threat, have been convicted of a felony or aggravated felony, convicted of a criminal street gang offense or intentionally participated in gang activity, or are apprehended attempting to unlawfully enter;
- **Priority 2**: persons convicted of three or more misdemeanors or a significant misdemeanor, who illegally entered after January 1, 2014, or significantly abused the visa or visa waiver programs;
- **Priority 3**: persons issued a final order of removal on or after January 1, 2014.

## Prosecutorial Discretion

ICE exercises prosecutorial discretion on a case-by-case basis. Prosecutorial discretion can take various forms, including:

- Deciding whom to detain or to release on bond, supervision, personal recognizance, or other conditions; and
- Granting deferred action, granting parole, or staying a final order of removal.

**Questions about prosecutorial discretion can be directed to a person's Deportation Officer (DO) or the field point of contact for parental interests (contact information below).**

## ICE Parental Interests Directive

**What is the Parental Interests Directive?** ICE directive 11064.1: *Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities* outlines ICE policies and procedures concerning the placement, monitoring, accommodation, and repatriation of parents or legal guardians.

**To whom does it apply?** The Parental Interests Directive applies to parents, legal guardians, and primary caretakers of minor children.

**How is the directive relevant to families involved in the child welfare system?** The Parental Interests Directive contains several important elements related to individuals involved in both immigration court and child welfare proceedings. It requires that ICE:

- Designate a specific **point of contact for parental interests matters** in each ICE field office;
- Weigh whether an exercise of **prosecutorial discretion** is warranted;
- **Refrain from making initial placement or transfers** outside the area of initial apprehension if the person's child, children, or family court or child welfare proceedings are within the area;
- Arrange for detained parents' **participation in court-proceedings**, either in-person or by video or teleconferencing;
- Facilitate **parent-child visitation** required by the family court or child welfare authority;
- **Accommodate the arrangements of parents, legal guardians, or primary caretakers** who are facing pending removal for the care and travel arrangements of their children; and
- On a case-by-case basis, facilitate the return of lawfully removed persons to the United States, by granting **parole for the sole purpose of participation in termination of parental rights proceedings**.

## Finding a Person in ICE Custody

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 the ODLS, visit: https://www.ice.gov/locator.

Tips for using the Online Detainee Locator System:

- The best way to search the system is to use the person's A-Number and country of birth. The A-Number is the nine-digit identification number that is assigned to a person who applies for immigration benefits or is subject to an immigration enforcement action.
- In addition to the A-Number, you will need to input the person's country of birth.
- If you do not have the person's A-Number, you can search the system using the person's first and last name and country of birth.
- The ODLS performs an "exact match" search. In order to find someone using the ODLS, you need to have the person's A-Number or his first and last name as it appears on his detention record.

**What should I do if I cannot find someone using the Online Detainee Locator System?** If you cannot find someone who is in ICE custody using the ODLS, you should contact the ICE ERO field office in the area where you believe the immigration enforcement case was initiated.

**What is a Deportation Officer and how do I contact him?** A deportation officer (DO) is assigned to each detained person's case. To contact a person's DO, you must first contact the field office that is responsible for the facility where the detainee is located. Field offices can be contacted by phone, email, or the ERO contact form, available at: http://www.ice.gov/exec/forms/erofaq-contact/erofaq-contact.asp.

## Information about Visitation

**Can persons detained by ICE visit with their children, family, and caseworker?** Yes, generally persons detained by ICE can visit with their children, other family members, caseworkers, and attorneys.

- Detention standards require visitation hours on weekends, and many facilities offer more extensive visiting schedules. Visitation hours vary between facilities.
- Please call ahead to determine an appropriate visitation time.
- Please arrive for your visit at least 30 minutes ahead of time for a security screening. All visitors are required to present a valid government-issued ID.
- Facilities and field offices may make arrangements to accommodate visits by family members outside of normal visiting hours.

## Parent/Child Visits

ICE will facilitate parent-child visitation, to the extent practicable, when required by a family or dependency court or a child welfare authority **AND** documentation is provided of this requirement, including but not limited to:

- A reunification plan;
- A scheduling letter; or
- Other documentation stating the visitation required.

In California, **most facilities do not allow contact visits as a matter of course**. If contact visits are required by a family or dependency court or child welfare authority, please contact the field point of contact for parental interests to discuss visitation.

## Points of Contact for Parental Interests

**How do I contact ICE with a question about parental interests?** Anyone may contact ICE on parental interests matters, including but not limited to: detained parents, legal guardians or primary caretakers of minor children in the United States; family or child welfare court officials; social workers or other child welfare authorities; immigration attorneys; family law attorneys; and other child welfare or immigration advocates.

Prior to contacting ICE headquarters about a parental interests concern or question, you should first try to resolve your request or concern at the field level through one of the field points of contact. **The field points of contact for California are:**

- James Pilkington; james.m.pilkington@ice.dhs.gov (213) 830-7908, Area of Responsibility: Los Angeles Metropolitan Area, Central Coast
- Craig Meyer; craig.meyer@ice.dhs.gov (415) 844-5690, Area of Responsibility: Northern California, Hawaii, and Guam
- Varion Espinoza; varion.g.espinoza@ice.dhs.gov (619) 710-8310, Area of Responsibility: San Diego and Imperial County

## Contacting ICE Headquarters

**If you cannot resolve your concerns or request at the field level,** you may send an email to ERO at ICE Headquarters: ERO.INFO@ice.dhs.gov. **Note:** Enter "Parental Interests Inquiry" into the subject line of the email.

You may also contact ICE Headquarters by calling the **ICE Detention Reporting and Information Line at 1-888-351-4024** during regular business hours, 8 a.m. to 8 p.m. EST, Monday through Friday. **Note:** State that your request is a "Parental Interests Inquiry." Bilingual (English/Spanish) operators are available.

You may also contact the national points of contact for parental interests:

- National Parental Rights Coordinator, Andrew Lorenzen-Strait; Andrew.R.Lorenzen.Strait@ice.dhs.gov

## ICE California Field Offices

| Field Office | Responsibility | Address | Phone | Email |
|---|---|---|---|---|
| Los Angeles | Los Angeles Metropolitan Area, Central Coast | 300 North Los Angeles Street, Room 7631A, Los Angeles, CA | (213) 830-7911 | LosAngeles.Outreach@ice.dhs.gov |
| San Diego | San Diego and Imperial County | 880 Front Street, Suite 2232, San Diego, CA | (619) 557-6343 | SanDiego.Outreach@ice.dhs.gov |
| San Francisco | Northern California, Hawaii, Guam | 630 Sansome Street, Room 590, San Francisco, CA | (415) 844-5512 | SanFrancisco.Outreach@ice.dhs.gov |