



## FAQs on the Parental Interests Directive



### What is the Parental Interests Directive?

The Parental Interests Directive complements ICE's existing immigration [enforcement priorities](http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf) (<http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>) and [prosecutorial discretion](http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf) (<http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>) memoranda, as well as detention standards and policies that govern the intake, detention and removal of individuals in the United States illegally, including parents, legal guardians and primary caretakers. The directive is meant to aid ICE in enforcing immigration laws fairly and with respect for a parent's rights and responsibilities by outlining ICE policies and procedures concerning the placement, monitoring, accommodation and removal of alien parents or legal guardians.

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### Does the Parental Interests Directive do for unlawfully present parents what Deferred Action for Childhood Arrivals (DACA) does for certain undocumented youth?

No. The Parental Interests Directive is unrelated to [DACA](#). The directive does not establish a process for immigration relief nor create an immigration benefit. Rather, it reiterates existing prosecutorial discretion emphasis regarding certain parents, legal guardians and primary caretakers. The directive also addresses placements and transfers of detained alien parents, legal guardians and primary caretakers, participation in domestic family court, visitation of detained alien parents by their children, coordination of care and travel for children of detained alien parents facing pending removal and facilitating the return of lawfully removed alien parents to participate in termination of parental rights proceedings in the United States (which will be applicable in very few instances).

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### What kinds of cases does the Parental Interests Directive cover?

The Parental Interests Directive addresses the placement, monitoring, accommodation and removal of all alien parents or legal guardians who have children residing in the United States. With respect to several of the directive's provisions, particular attention is paid to those who are:

1. Primary caretakers of minor children without regard to the dependent's citizenship;
2. Parents and legal guardians who have a direct interest in family court proceedings involving a minor or child welfare proceedings in the U.S.; OR
3. Parents or legal guardians whose minor children are U.S. citizens (USCs) or lawful permanent residents (LPRs).

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### Does the Parental Interests Directive apply to primary caretakers who are not the biological parent or legal guardian of a child who is physically present in the United States?

The directive's provisions may cover primary caretakers who are not the biological parent or legal guardian of a child who is physically present in the United States.

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### What is ICE's policy with respect to detaining alien parents, legal guardians or primary caretakers near where their children reside?

Upon apprehension and a determination that detention is warranted, ICE will seek to place detained alien parents, legal guardians or primary caretakers as close as practicable to their children and/or family court or child welfare proceedings if located within the area of initial apprehension. Additionally, ICE intends to avoid transferring them away from this location, unless deemed operationally necessary. This determination will be made consistent with ICE Policy 11022.1: [Detainee Transfers](http://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf) (<http://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf>).

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### Are detained alien parents, legal guardians, or primary caretakers allowed to visit with their children while in ICE detention?

Yes, per the following:

- Detention standards require visitation hours on weekends, and many facilities offer more extensive visiting schedules
- Information about visiting hours at each ICE detention facility can be found on the ICE website at <http://www.ice.gov/detention-facilities/> (<http://www.ice.gov/detention-facilities/>)
- Facilities and field offices may make arrangements to accommodate visits by family members at other times outside of normal visiting hours.
- ICE will also 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 issued stating the visitation requirement.

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### How would the directive impact those involved in ongoing family or dependency court proceedings?

The provisions of this directive will assist parents, legal guardians and primary caretakers involved in ongoing family or dependency court proceedings by:

1. Subject to exceptions, placing them as close as practicable to their children and/or the location of the family court or child welfare proceedings;
2. Arranging for their transportation to family court or child welfare hearings if the location is within a reasonable distance to the detention facility and when they provide evidence of the hearing and doing so would not be unduly burdensome and would not present security and/or public safety concerns;
3. Identifying alternative means, if practicable, for aliens to participate in these hearings, such as through video or teleconference technologies;
4. Facilitating parent-child visitation where required by a family or dependency court or a child welfare authority.
5. Accommodating their efforts to make provisions for their minor children's care or travel when facing pending removal;
6. In very limited circumstances, allowing the return of a lawfully removed parent or legal guardian, on a case-by-case basis, back into the United States through humanitarian parole for the sole purpose of participating in termination of parental rights proceedings. Termination of parental rights permanently ends a parent's legal relationship with his or her child.

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### How do I contact ICE if I, or someone I know, is in ICE detention and has a family court or child welfare hearing date pending?

You may contact ICE in several ways:

- If you have an arriving court or hearing date, and are in detention, you may advise your detention officer of the pending hearing date and your desire to participate.
- If you are contacting ICE on behalf of a detained individual, you may:



Use this interactive map to submit an email inquiry or request to the outreach mailbox of the ICE field office located in the area that is <http://www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm> (relevant to your inquiry).

<http://www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm> (Note: Enter "Parental Interests Inquiry" into the subject line of the email.

- Send an email to ERO Community Outreach at ICE Headquarters: [ERO.Outreach@ice.dhs.gov](mailto:ERO.Outreach@ice.dhs.gov). Note: Enter "Parental Interests Inquiry" into the subject line of the email.
- If you are in detention OR are contacting ICE on behalf of someone else, you may contact ICE headquarters by calling the ICE Community and Detainee Helpline 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" and that it relates to participation in a pending family court or child welfare hearing. Bilingual (English/Spanish) operators are available. If necessary, interpretation services are also available to communicate with individuals in other languages.

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### How do I contact ICE if I, or someone I know, is in ICE detention and is trying to schedule required (i.e. from a court or child welfare authority) visitation with my/his/her children?

You may contact ICE in several ways:

- If you are in detention, you should advise your detention officer or facility staff of your desire to schedule visitation with your children and comply with court orders.
- If you are contacting ICE on behalf of a detained individual, you may:



Use this interactive map to submit an email inquiry or request to the outreach mailbox of the ICE field office located in the area that is relevant to your inquiry. (<http://www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm>) (<http://www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm>)

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### What do I do if I, or someone I know, is in ICE detention facing pending removal and is trying to coordinate the care or travel of my/his/her children?

ICE will, to the extent practicable, accommodate detained parents, legal guardians or primary caretakers in their efforts to arrange guardianship for their children to remain in the United States or travel for their children to accompany them back to their home country. Detainees in this situation may need to contact their attorney, consular officials, court officials and/or family members in the weeks leading up to removal to execute signed documents (e.g., powers of attorney, passport applications, appointments of guardianship or other permissions). Detainees may also need to purchase airline tickets or make other preparations prior to removal. If you, or someone you know, is facing pending removal and needs to coordinate care or travel for your/his/her children, you may contact ICE in several ways:

- If you are in detention, you should advise your detention officer of your desire to coordinate the care or travel of your children related to your pending removal.
- If you are contacting ICE on behalf of a detained individual, you may:



Use this interactive map to submit an email inquiry or request to the outreach mailbox of the ICE field office located in the area that is relevant to your inquiry. (<http://www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm>) (<http://www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/contact.htm>)

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- If you are in detention OR are contacting ICE on behalf of someone else, you may contact ICE headquarters by calling the ICE Community and Detainee Helpline 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" and that it relates to coordinating the care or travel of your children related to your pending removal. Bilingual (English/Spanish) operators are available. If necessary, interpretation services are also available to communicate with individuals in other languages.

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### **Does this directive address parents, legal guardians or primary caretakers who have already been removed from the United States?**

Yes, at ICE's discretion, and on a limited case-by-case basis, ICE may consider facilitating the return of a lawfully removed person back into the United States (by granting humanitarian parole) if they:

- Provide verifiable evidence that they have a hearing or hearings related to the termination of their parental or legal guardianship rights before a family court or child welfare authority in the United States;
- Provide verifiable evidence that the family court or child welfare authority requires their physical presence at the hearing(s), rather than allowing participation via other means (e.g., phone or VTC);
- Demonstrate that their return would not present any safety or security concerns;
- Acknowledge in writing that:
  - They may be subject to additional restrictions, including, but not limited to, detention, electronic monitoring or routine reporting requirements;
  - Their sole purpose in traveling to the United States is to attend their termination of parental rights hearing(s);
  - The grant of parole can be terminated at any time;
  - They are not traveling to the United States in order to pursue immigration benefits or relief or protection from removal, or to otherwise circumvent orderly visa or immigration processing;
  - They will depart the United States without delay following the conclusion of the final parental rights termination hearing for which they traveled to the U.S.; and,
  - They may be subject to removal from the United States without further hearing as an arriving alien if they do not depart the United States promptly upon the completion of such hearing.
- Facilitation of return will not relieve an alien of any ground of inadmissibility, deportability or ineligibility for immigration benefits or relief or protection from removal.

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### **How do I contact ICE if I, or someone I know, has a pending parental rights termination hearing in the United States but has already been lawfully removed from the country?**

You may contact ICE by:

1. Sending an email to ERO Community Outreach at ICE Headquarters: [ERO.Outreach@ice.dhs.gov](mailto:ERO.Outreach@ice.dhs.gov). Note: Enter "Parental Interests Inquiry – Facilitation of Return Request" into the subject line of the email; OR
2. Contacting ERO headquarters by calling the ICE Community and Detainee Helpline 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" and that it relates to making a facilitation of return request to participate in a termination of parental rights hearing. Bilingual (English/Spanish) operators are available. If necessary, interpretation services are also available to communicate with individuals in other languages.

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**I have been removed from the United States and am involved in pending parental rights termination proceedings. What kinds of documents do I need to present to ICE to verify the pending proceedings?**

Documents that verify your pending parental rights termination proceedings may include, but are not limited to:

- A notice of a termination of parental rights hearing directing the parent to appear in person;
- A subpoena directing the parent to appear at the termination of parental rights hearing;
- or
- A state court minute order directing the parent to appear at the termination of parental rights hearing.

In addition, you must provide to ICE written correspondence from the court stating that you must appear in person, and that your attendance (e.g. by phone or video-conference) by alternative means is not acceptable.

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**Will ICE help a person who has been lawfully removed from the country to pay for travel back into the United States to participate in a pending parental rights termination hearing?**

ICE will not assist with any costs associated with returning to, or departing from, the United States in this situation. Individuals must arrange to cover all costs to travel to the United States and from the United States back to their home country.

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**If I have been removed from the United States, will ICE facilitate my return to the United States if I have a pending child welfare hearing, child support hearing, or divorce proceeding?**

No, not under this directive. While ICE has authority to consider parole on a limited, case-by-case basis for any alien, under this directive ICE will only consider facilitating the return of lawfully removed individuals to participate in parental rights termination proceedings. (See Question 11 [Does this directive address parents, legal guardians or primary caretakers who have already been removed from the United States?].)

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