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ICE NEWSROOM

JULY 14, 2022 • WASHINGTON, DC • OPERATIONAL

ICE extends preservation of parental, guardianship rights for minor children, incapacitated adults

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WASHINGTON – As part of continuing efforts to build a more fair, orderly, and humane immigration system, U.S. Immigration and Customs Enforcement (ICE) announced it will update a policy, procedures and requirements for its officers and special agents, to preserve access to family visitation and child welfare services.

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“In the course of their duties, our officers and special agents will preserve family unity and the parental rights of noncitizen parents and legal guardians to the greatest extent possible,” said ICE Acting Director Tae D. Johnson. “ICE will ensure that our civil immigration enforcement activities do not unnecessarily disrupt or infringe upon the parental or guardianship rights of noncitizen parents or legal guardians of minor children or incapacitated adults.”

ICE Directive 11064.3, *Parental Interest of Noncitizens Parents and Legal Guardians of Minor Children or Incapacitated Adults*, ensures that when a parent or legal guardian is arrested or detained for a civil immigration proceeding that the noncitizen can maintain visitation with their child or incapacitated adult for whom they serve as guardian, coordinate their care, and participate in any related court or child welfare proceedings.

Additionally, the updated directive makes important changes, including but not limited to:

- Requiring that ICE directorates have procedures in place to identify individuals who are parents or legal guardians of minor children or incapacitated adults, including by affirmatively inquiring about such status when a noncitizen is encountered.
- Establishing enhanced procedures and requirements regarding the initial placement and subsequent transfer of parents and legal guardians, including provisions to ensure access to family visitation and child welfare services and programs.
- Allowing, on a case-by-case basis, for the return of a previously removed noncitizen via parole in instances where the noncitizen’s in-person participation at a hearing or hearings related to the termination of their parental rights or guardianship is required.
- New training will be developed for relevant ICE personnel on safeguarding the parental or guardianship rights of noncitizens they encounter while executing their duties.

While the prior version of this policy applied to parents and legal guardians of minor children, the current policy also applies to the parents and legal guardians of incapacitated adults.

DOCUMENTS

The policy goes into effect immediately and full implementation will be complete in the next several months.



[ICE Directive 11064.3, Parental Interest of Noncitizens Parents and Legal Guard...](#)

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