



Frequently Asked Questions: Zero Tolerance Immigration Prosecutions

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The Attorney General directed United States Attorneys on the Southwest Border to prosecute all amenable adults who illegally enter the country, including those accompanied by their children, for 8 U.S.C. § 1325(a), illegal entry. Children whose parents are referred for prosecution will be placed with the Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR). The following are Frequently Asked Questions regarding Zero Tolerance Immigration Prosecutions.

Why Are Parents Being Separated From Their Children?

The Department of Homeland Security (DHS) may separate a parent or legal guardian from his or her child for several reasons, including situations where DHS cannot ascertain the parental relationship, when DHS determines that a child may be at risk with the presumed parent or legal guardian, or if a parent or legal guardian is referred for criminal prosecution, including for illegal entry.

Where Are Children Going?

Alien children who are separated from their parents or legal guardians will be transferred to the Department of Health and Human Services, Office of Refugee Resettlement (HHS ORR).

What Happens to Children in HHS Custody?

HHS ORR provides care for all alien children in its custody, to include medical care, mental health care, educational services, and other services. HHS also works to locate a sponsor (parent, guardian, other adult relative, or foster care provider) for the children in its custody, for purposes of releasing the child from government custody.

What Happens After Criminal Prosecution?

Parents or legal guardians who are charged with illegal entry will be transferred from DHS to the Department of Justice, where they will be presented to a judge for a hearing on their criminal case. After completion of criminal proceedings, they will be transferred to U.S. Immigration and Customs Enforcement (ICE) for immigration proceedings.

Any individual who is subject to removal may, in the course of immigration proceedings, seek asylum or other relief or protection from removal. The fact that an individual was prosecuted for illegal entry does not affect this right.

HHS and ICE can take steps to facilitate family reunification, for purposes of removal, if the potential sponsor is capable of providing for the physical and mental well-being of the child..and comports with the wishes of the parent or legal guardian.

Children may also present an individual claim for asylum or other relief or protection from removal, and depending on the circumstances, may undergo separate immigration proceedings.

How Can I Communicate With My Child?

For parents or legal guardians detained in ICE custody, ICE and HHS will work to schedule regular communication with their children in HHS custody, through telephone and/or video conferencing.

Additionally, individuals may locate and communicate with their children through the following methods:

- HHS Parent Hotline (24 hours a day, 7 days a week, in both English and Spanish):
 - If calling from outside an ICE detention facility, call 1-800-203-7001.
 - If calling from an ICE detention facility, dial 699# on the free call platform.
 - Please note that you will need to provide the child's full name, date of birth, and country of origin. It is also helpful to provide the child's alien registration number, if you know it.

- Email ORR at information@ORRNCC.com (<mailto:information@ORRNCC.com>).

Individuals may also obtain information about a particular immigration case (including their child's), or information about reunifying with their children, through the following methods:

- ICE Call Center (Monday-Friday, 8 am-8 pm EST):
 - If calling from outside an ICE detention facility, call 1-888-351-4024.
 - If calling from an ICE detention facility, dial 9116# on the free call platform.
- Email ICE at Parental.Interests@ice.dhs.gov (<mailto:Parental.Interests@ice.dhs.gov>).

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