

NOV 12 2010



**U.S. Customs and
Border Protection**

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Preclearance Operations (b) (6), (b) (7)(C)

FROM: Executive Director, Admissibility and Operations (b) (6), (b) (7)(C)

SUBJECT: UAC Interim Guidance Reissue - Response to OIG Report

Recent reviews by government agencies and international organizations have highlighted many of the enhanced protections for unaccompanied alien children (UAC) that CBP has implemented as a result of the enactment of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). The release of the Interim Guidance on Processing Unaccompanied Alien Children, dated March 19, 2009, set policy and guidance on the treatment, custody transfer, and screening of UAC.

(b) (7) (E)

Proper recordation of all previously stated factors and the overall care given to the UAC is critical to the ability of CBP to maintain its core missions while protecting the rights and welfare of children under the TVPRA and the Reno v. Flores Settlement Agreement.

Questions or concerns regarding this memo and muster may be directed to (b) (6), (b) (7)(C) Program Manager, a (b) (6), (b) (7)(C)

Attachments

Muster

Date: Upon Receipt

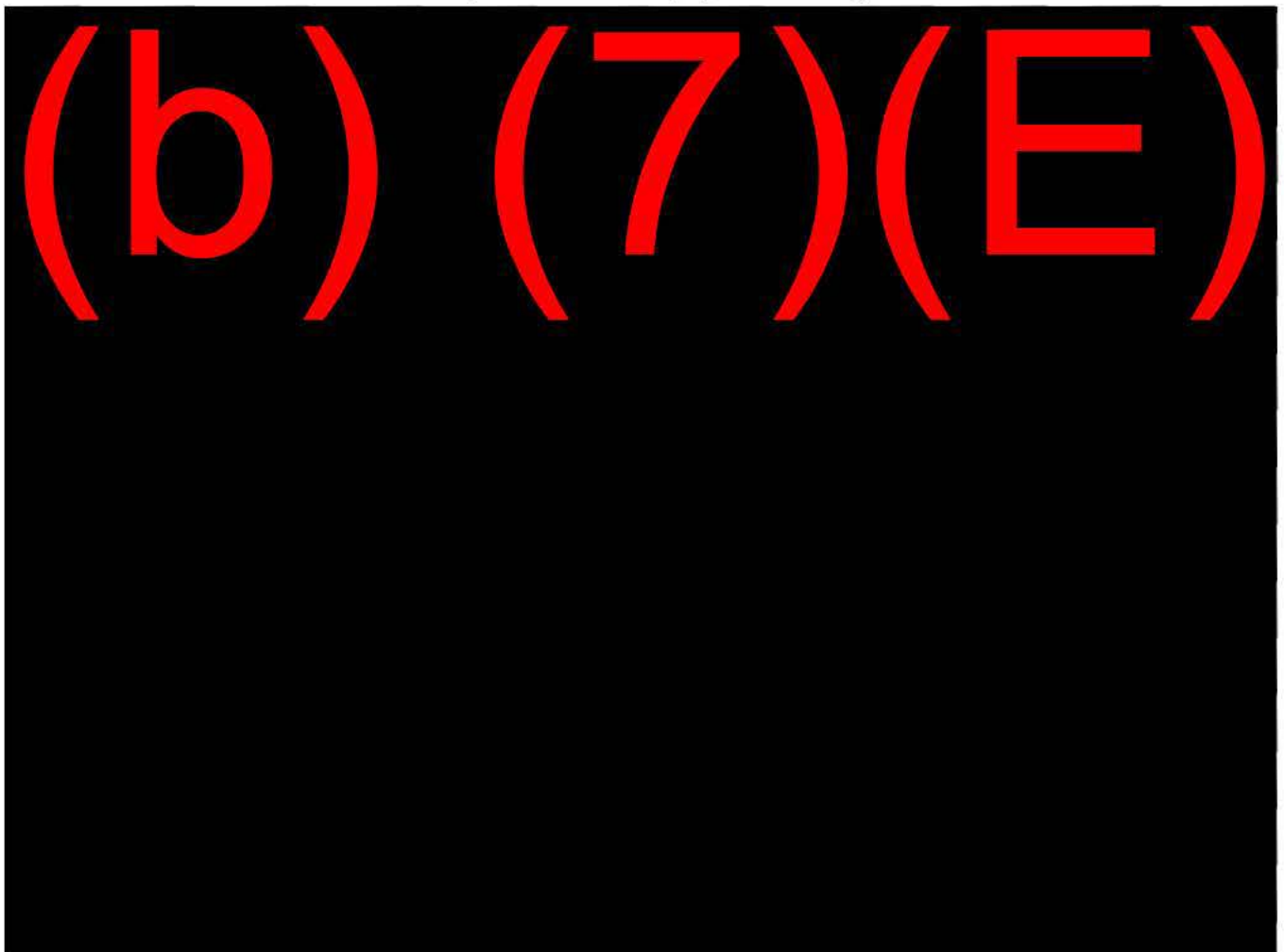
Topic: UAC Interim Guidance reissue

Headquarters POC: (b) (6), (b) (7)(C)

Office: Admissibility and Passenger Programs

This muster is a reminder to all CBP officers and managers regarding the implementation of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 and the procedures when processing unaccompanied alien children (UAC).

- The term UAC is legally defined as an alien who:
 - has no lawful immigration status in the United States;
 - has not reached 18 years of age; and,
 - has no parent or legal guardian in the United States or no parent or legal guardian in the United States is available to provide care and physical custody.





U.S. Customs and
Border Protection

March 19, 2009

MEMORANDUM FOR: Executive Directors

Acting Director, Preclearance
Operations

Directors, Field Operations
Office of Field Operations

Director, Field Operations Academy
Office of Field Operations

FROM:

(b) (6), (b) (7)(C)

Assistant Commissioner
Office of Field Operations

(b) (6), (b) (7)(C)

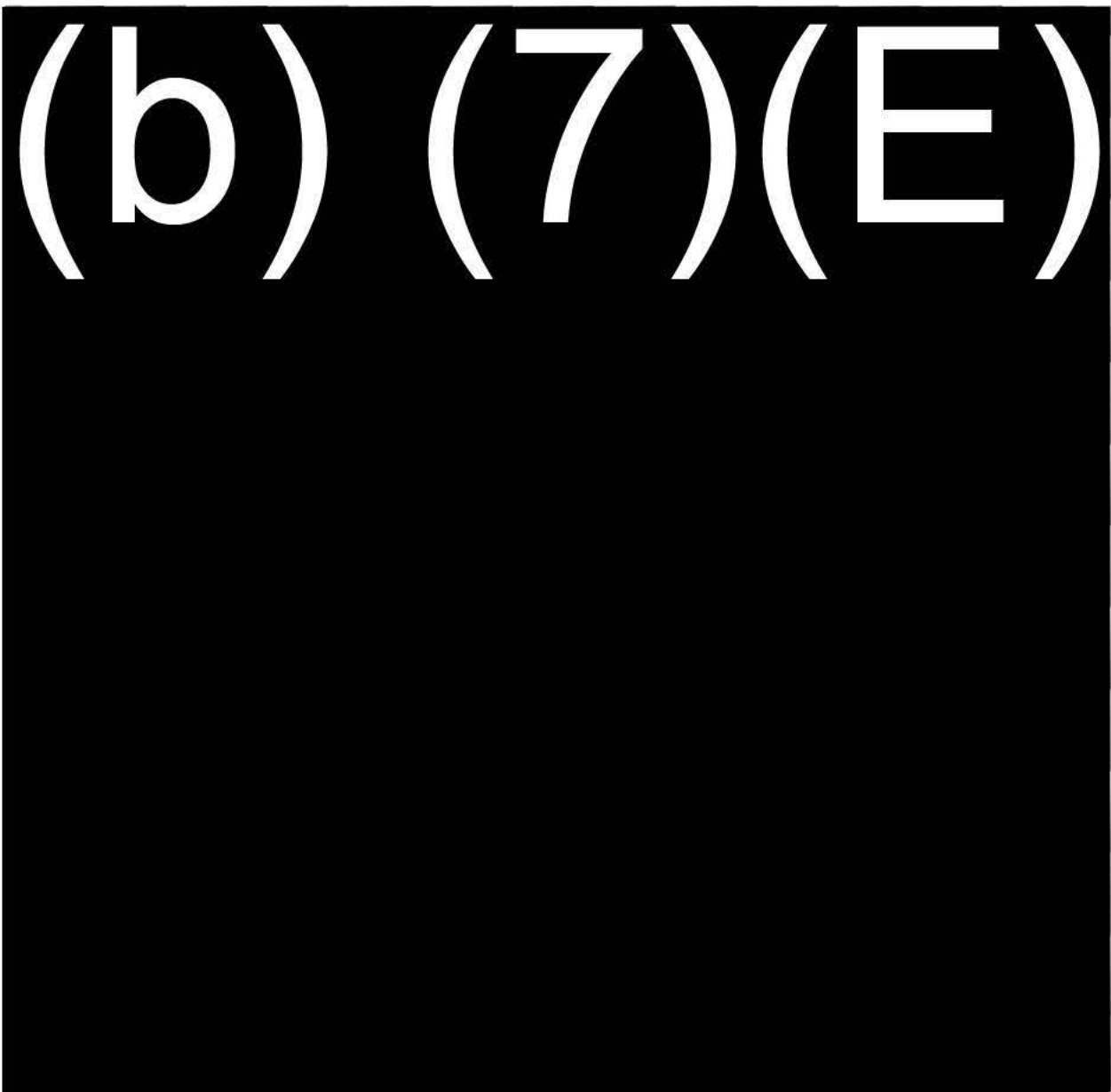
SUBJECT:

Implementation of the William Wilberforce Trafficking Victims
Protection Reauthorization Act of 2008 (TVPRA)

On December 23, 2008, President Bush signed into law the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) to combat human trafficking and provide for the care and custody of unaccompanied alien children (UAC). U.S. Customs and Border Protection (CBP) is expected to implement the provisions of the TVPRA beginning March 23, 2009. The attached CBP Interim UAC Guidance outlines policy and procedures to be followed when processing UAC.

(b) (7) (E)

~~Law Enforcement Sensitive~~
~~For Official Use Only~~



Please ensure the attached interim guidance is disseminated to all ports of entry in your area of responsibility. If you have any questions regarding this memorandum or guidance, please have a member of your staff contact (b) (6), (b) (7)(C) Acting Executive Director, Admissibility and Passenger Programs, at (b) (6), (b) (7)(C)

Attachments

Law Enforcement Sensitive
For Official Use Only

**U.S. Customs and Border Protection
Interim Guidance on Processing Unaccompanied Alien Children**

The William Wilberforce Trafficking Victims Protection Reauthorization Act, 2008 (TVPRA) was signed into law on December 23, 2008. The TVPRA will significantly impact CBP operations regarding unaccompanied alien children (UAC) apprehended by CBP at and between the ports of entry. Below are specific guidelines that all CBP officers and agents should use to determine the appropriate immigration proceedings and applicable procedures for the treatment of UAC. CBP is obligated to initiate the changes from the TVPRA beginning March 23, 2009. The TVPRA mandates, with limited exceptions, that all UAC CBP seeks to remove from the United States must be placed in removal proceedings under section 240 of the Immigration and Nationality Act (INA).

The term "UAC" is defined by section 462(g) of the Homeland Security Act of 2002 (6 USC § 279(g)) as a child who:

- (A) has no lawful immigration status in the United States¹;
- (B) has not attained 18 years of age; and
- (C) with respect to whom—
 - (i) there is no parent or legal guardian in the United States; or
 - (ii) no parent or legal guardian in the United States is available to provide care and physical custody.

(b) (7) (E)

¹ Children under the age of five who are found within the United States, commonly referred to as "foundlings" are assumed to be United States citizens and, as such, have lawful immigration status in the United States.

For Official Use Only
Law Enforcement Sensitive

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)

(b) (7) (E)