



Fact Sheet: Zero Tolerance Immigration Prosecutions – Families

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The risks of crossing the Rio Grande and desert terrain, or hiding in stash houses or tractor trailers, are high for adults and even more deeply concerning for children. Individuals who seek to enter the United States should do so at ports of entry.

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 information below provides information about:

- Care for children
- Family communication processes
- The removal process

Additional Information

- [Click here for Frequently Asked Questions regarding Zero Tolerance Immigration Prosecutions](https://www.dhs.gov/news/2018/06/15/frequently-asked-questions-zero-tolerance-immigration-prosecutions) ([/news/2018/06/15/frequently-asked-questions-zero-tolerance-immigration-prosecutions](https://www.dhs.gov/news/2018/06/15/frequently-asked-questions-zero-tolerance-immigration-prosecutions)).
- [Click here to view information provided to individuals while in CBP's custody](https://www.dhs.gov/publication/next-steps-families). ([/publication/next-steps-families](https://www.dhs.gov/publication/next-steps-families)).
- [Click here for Information on the location of ICE detainees](http://locator.ice.gov/odls/#/index) (<http://locator.ice.gov/odls/#/index>).

Prosecution/Removal Proceedings

Individuals who are apprehended by Border Patrol are taken to stations for processing.

- All individuals, including both adults and children, provide biographical information and, in many cases, fingerprints.
- Border Patrol agents enter information into appropriate electronic systems of records, including information about the claimed or confirmed family relationship.

Individuals who are believed to have committed any crime, including illegal entry, will be referred to the Department of Justice and presented before a federal judge.

After the conclusion of any criminal case, individuals will be transferred to U.S. Immigration and Customs Enforcement (ICE) for appropriate immigration proceedings.

Any individual processed for removal, including those who are criminally prosecuted for illegal entry, may seek asylum or other protection available under law.

Alien children may also present an individual claim for asylum and depending on the circumstances, may undergo separate immigration proceedings.

Communication and Coordination for Families

Children in HHS ORR custody are provided with appropriate care, including medical care, mental health care, and educational programs. Children are normally held in a temporary shelter or hosted by an appropriate family.

While in HHS care, ORR begins the process of locating a sponsor for the child for discharge from federal custody.

- A sponsor can be a parent, adult sibling, relative, or appropriate home that meets criteria for the safety of the child and continuation of any immigration proceedings. A parent who is prosecuted and later released can be a sponsor and ask HHS to release his or her child back into his or her custody.
- In Fiscal Year 2017, 90 percent of the children were released to a sponsor who was either a parent or close relative.

HHS and DHS work to facilitate communication between detained parents and their children in HHS care.

- ICE is dedicating a facility as its primary family reunification and removal center.
- Parents and legal guardians who have been criminally prosecuted and are awaiting removal will normally be detained there.
- All ICE facility staff who interact with parents will receive trauma-informed care training.
- ICE is augmenting mental health care staffing, to include trained clinical staff, to provide mental health services to detained parents who have been separated from their children.
- ICE will work with detained parents to provide regular communication with their children through video conferencing, phone, and tablets.

HHS and ICE can take steps to facilitate family reunification for purposes of removal, consistent with federal law where the parent or legal guardian 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.

Contact Information

For assistance in locating child(ren), individuals may contact the Office of Refugee Resettlement by calling 1-800-203-7001, email information@ORRNCC.com (<mailto:information@ORRNCC.com>), or visit <https://www.acf.hhs.gov/orr/resource/orr-national-call-center> (<https://www.acf.hhs.gov/orr/resource/orr-national-call-center>). Individuals should provide the child's full name, date of birth, and country of origin, as well as the alien registration number (A number), if available. Operators are available 24 hours a day, 7 days a week, and speak both Spanish and English. If calling from an ICE detention facility, dial 699# on the free call platform.

For information about an immigration case or the process for reunifying with child(ren), individuals can call the ICE hotline at 1-888-351-4024, email Parental.Interests@ice.dhs.gov (<mailto:Parental.Interests@ice.dhs.gov>), or visit <https://www.ice.gov/contact/detention-information-line> (<https://www.ice.gov/contact/detention-information-line>). If calling from an ICE detention facility, call using speed dial 9116# on the free call platform. ICE is committed to connecting family members as quickly as possible after separation so that parents know the location of their children and have regular communication with them. ICE has posted information in all longer-term facilities with this information.

- [Click here for Information on the location of ICE detainees](http://locator.ice.gov/odls/#/index) (<http://locator.ice.gov/odls/#/index>)

- [Click here to view information provided to individuals while in CBP's custody](#)
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