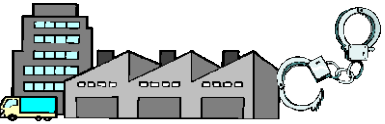


# DEPORTATION SYSTEM FOR MINORS

## ICE/CBP Arrest



- Vast majority of child apprehensions occur at the border.
- Internal apprehensions:
  - ICE may coordinate with local police, juvenile probation or detention officers;
  - Detainers: immigration hold while juvenile is completing sentence;
  - Denial of applications for immigration benefits.

## ICE/CBP Processing Station

- At the border, CBP screens all children for fear of return/human trafficking.
  - If child is from a contiguous country (Mexico, Canada) and is determined not to be in need of protection, they are voluntarily returned.
  - Children from non-contiguous countries, e.g., Central America, are usually transferred to ORR custody.
- Both CBP & ICE must make a determination at arrest whether the child is "unaccompanied."
  - Unaccompanied means a child who has no lawful imm status in the U.S., is under 18 years of age, & has no parent or legal guardian in the country present or available to provide care & physical custody.
  - If determined to be a UAC, the child must be transferred to ORR within 72 hours (as req'd by TVPRA).
- Charged with immigration violations.
- No counsel provided and if you have counsel, not typically allowed at this stage.
- Risk of losing right to hearing.
  - Pressured to sign documents giving up right to hearing.
- Consular assistance - Vienna Convention.

**Juvenile or Criminal Prosecution**  
 • Deportation process happens simultaneously or after prosecution/adjudication.

## Detention: ICE or ORR



- Facilities can be federal, local/county, private.
  - Little is known about ICE facilities and they are generally secure.
  - ORR facilities include shelters, staff secure, secure, or therapeutic.
- Very little control over transfer.
- Juvenile delinquency, drugs, suspected gang affiliation, or any indication that minor is a flight risk increases likelihood of detention in secure setting.
- UACs should receive KYR and legal screening while detained.
- If child turns 18, will likely be transferred into ICE custody.

## Release

- Process may happen concurrently w/ imm court.
- While in ORR custody, a parent, relative or friend fills out reunification packet and is approved or denied.
- Option of federal foster placement if no sponsor is identified and legal services provider confirms eligibility for imm relief.

**Deportation**  
 If immigrant has a final administrative order of deportation/removal, and no stay of deportation, ICE may deport him/her. Consulate usually issues travel documents first.

## Immigration Court System

- No right to counsel at the gov't expense at Immigration Court or Appeals Court.
- Immigration Judge makes decision to deport and/or grant relief (lawful imm status), but USCIS has initial jurisdiction to consider Special Immigrant Juvenile Status (SIJS) and asylum applications.
- If granted voluntary departure, UAC not req'd to pay own return.
- Immigration Judge is DOJ employee.
- Appeal to Board of Immigration Appeals within 30 days.
  - Can be detained throughout appeal.

## Federal Courts

- Circuit Courts of Appeal are extremely limited as to what immigration cases they can review.

Immigrant Legal Resource Center  
[www.ilrc.org](http://www.ilrc.org)  
 Adapted from Deportation 101 by Families for Freedom, National Immigration Project of the NLG, NYSDA Immigrant Defense Project, and Detention Watch Network (March 2007)  
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