



# The Administration is Following the Court Order to Reunify Families in a Responsible Manner

**Release Date:** July 10, 2018

## *How Are Families Being Reunified?*

Under order of the U.S. Federal District Court, Southern District of California, on July 10, 2018, HHS and DHS will facilitate the reunification of alien minors under 5 years old who are currently in the custody of HHS with parents in the custody of DHS.

## **Four Step Process for Reunification:**

**First, the Administration has been working to ensure that any reunifications that take place are done with parents whose relationship with the child has been verified and who have successfully cleared a background check to ensure the safety and welfare of the child.**

- Some parents have been found unsuitable for reunification because of issues discovered during a criminal background check, including child cruelty, child smuggling, narcotics crimes, robbery convictions, and a warrant for murder.
- Adults that have been determined to not be the child's parent. Some adults claimed to be parents but when approached about doing a DNA test to verify parentage admitted they were not parents.
- Other issues that may prevent a parent from being eligible for reunification include:
  - Parents in the custody of the U.S. Marshall Service or in State and County jail for other offenses.
  - Parents that are being treated for a communicable disease.
  - Parents that were deported and therefore cannot be reunited on July 10.
  - Parents that have been released within the U.S. and therefore require more thorough processes to ensure that there is no danger to the child from the

release.

- Parents whose parentage and criminal background checks are still under review.
- Children that have already been reunified with a parent.

**Second, parents separated from their children are transported to Immigration and Customs Enforcement (ICE) custody.**

- For children under 5 years old, the HHS Incident Management Team (IMT) and Office of Refugee Resettlement (ORR) have investigated detained adults to verify parentage, conducted thorough criminal background checks to determine no danger is presented to the child, and gathered information from case management and clinical services provided to the child.
- On Tuesday, July 10, physical reunification of minors with parents in ICE detention will take place for all children under 5 whose parents are cleared for parentage and no danger to the child.

**Third, ORR instructs each grantee shelter with a separated child under five to prepare the child for transportation to be reunified on Tuesday.**

- The shelter program will facilitate transporting the child using staffing consistent with state licensure standards and ORR Unaccompanied Alien Children (UAC) Program procedures, with accompanying supervision.
- Programs will transport the child, the child's possessions, and – if applicable – a supply of necessities (such as medications and diapers) along with the child to an ICE custody.
- Programs will be in contact with the IMT immediately upon departure from the grantee shelter and remain in contact with the IMT while children are in transport to ICE custody.

**Fourth, upon arrival at the ICE custody, custody of the child will be transferred into ICE custody. ICE will facilitate physical reunification of parent and child. DHS will determine next steps for the parent and child.**

- HHS will complete custody transfer to ICE.
- HHS will provide ICE documentation certifying parentage that the parent does not present a danger to the child.

***HHS identified children that may have been separated from parents, and worked with DHS to determine if the adults purporting to be parents of those children meet the parameters set***

***forth by the court. HHS has sought guidance from the Court to assist in this process.***

*Disclaimer: These numbers are as 1pm ET on July 10, 2018 and are subject to change*

### *Not Eligible For Reunification*

- 14 are not eligible for reunification because their parents are not class members.
  - 8 parents had serious criminal history discovered during background checks (criminal histories identified include child cruelty and narcotics, human smuggling, a warrant for murder, and robbery).
  - 5 adults were determined not to be the parent of the accompanying child.
  - 1 parent faces credible evidence of child abuse.
  
- 2 are not eligible for reunification because their parents are not class members at this time.
  - 1 parent has been determined to present a danger to the child at this time because an adult in the household where the parent plans to live with the child has an outstanding warrant for aggravated criminal sexual abuse against a 10 year old girl. This determination can be reconsidered if the parent identifies a different living situation.
  - 1 parent detained in ICE custody is currently being treated for a communicable disease. When the parent no longer has a communicable disease, the reunification process can proceed.
  
- 10 are not eligible for reunification at this time. They will be assessed for reunification after they are released from criminal custody, provided that Defendants are made aware of that release.
  - 8 parents are in the custody of U.S. Marshals Service. They will be assessed for reunification after they are released from criminal custody and are transferred to U.S. Immigration and Customs Enforcement (“ICE”) custody.
  - 2 additional parents are in state or county custody. They will be assessed for reunification after they are released from criminal custody, provided that Defendants are made aware of that release.
  
- 1 child cannot be reunified at this time because the parent’s location has been unknown for more than a year. Defendants are unable to conclusively determine whether the parent is a class member, and records show the parent and child might be U.S. citizens.

## *Likely Eligible For Reunification*

- 4 children were reunified with family members before the July 10 deadline.
  - 1 was released to a parent that ICE released into the U.S.
  - 1 was released to a parent in the U.S. with the other parent being deported.
  - 1 was released to a parent in the U.S. with the other parent being still in ICE custody
  - 1 voluntarily departed with the child's adult sibling, with the consent of the parent who is still in ICE custody.
- 51 are eligible for reunification with a parent who is currently in ICE detention.
  - 34 parents have cleared a criminal background check and parentage has been verified through a positive DNA match. They are expected to be reunified on July 10, 2018.
  - 16 parents have cleared a criminal background check but the process for verifying parentage has not yet been completed. They are expected to be reunified on July 10, 2018, or as soon thereafter as parentage can be verified.
  - 1 parent has criminal background check results that are still in question and are being resolved today.
- 20 are eligible for reunification but cannot be reunified by July 10 due to legitimate logistical impediments that render timely compliance impossible or excusable.
  - 12 of those parents were removed from the United States. The Government will work with Plaintiffs' counsel to contact these 12 parents and determine whether they wish to have their child reunified with them in their home country. The parties' proposals regarding the process to be followed for these individuals are laid out below.
  - 8 parents were previously released into the United States and are undergoing safety and suitability screening in accordance with the TVPRA.

## ***What Happens to Children 5 Years of Age and Older?***

- The IMT continues to collaborate with ORR and ICE on planning for the larger population of separated UAC aged 5-17, who would be transferred into ICE custody for purposes of reunification with a parent.
- Personnel under the direction of the Assistant Secretary for Preparedness and Response (ASPR) continue to meet with parents of children aged 5-17 in ICE detention

to assist in completion of family sponsorship application materials, complete parentage verification tests, and facilitate contact by phone between parents and children.

- The personnel include representatives from the U.S. Public Health Service Commissioned Corps, National Disaster Medical System, ACF/ORR, ASPR, with contractor support.

Topics: [Immigration and Customs Enforcement \(/topics/immigration-enforcement/\)](/topics/immigration-enforcement/).

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