

ICE ending practice of coordinating release plans for undocumented families in Arizona

By Geneva Sands, CNN

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(CNN) — Immigration and Customs Enforcement has ended its practice of coordinating plans for undocumented immigrant families, including asylum-seekers, in Arizona that are released from custody but still awaiting a court hearing on their request.

Department of Homeland Security Secretary Kirstjen Nielsen, who oversees ICE, told senators Wednesday that the "vast" increase in families crossing the border has put strain on the department's resources.

She acknowledged the change in Arizona, saying that when DHS can't keep families in a facility "long enough to have that conversation" the department tries to work with the local community of non-governmental organizations to receive families as they come out of government care.

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"My department will continue to ask Congress to pass legislation to clarify that families can be detained until they are removed. If they have an asylum claim, they can be detained until we can adjudicate that asylum claim," Nielsen said at Senate Homeland Security Committee hearing Wednesday.

Prior to Sunday, the agency carried out reviews that included confirming bus routes, coordinating with NGOs, communicating with family members and ensuring that families had a means to reach a final destination within the United States before release from custody, according to ICE.

This change could create the need for more non-governmental support as families continue to be released without a reviewed travel and communications plan.

This was a "self-imposed process" and there is no requirement that these reviews be conducted, according to ICE spokesperson Yasmeen Pitts O'Keefe.

"In light of the incredibly high volume of [family units] presenting themselves along the Arizona border, ICE no longer has the capacity to conduct these reviews without risking violation of the Flores limitations on lengths of stay for minors in both [Customs and Border Protection] CBP and ICE custody," O'Keefe said in a statement.

An ICE spokesperson later said the agency could not confirm all the families are asylum-seekers.

The Flores settlement, which is currently being challenged in court, is a decades-old court agreement that limits the length of time that undocumented immigrant children can be held in detention.

The current Flores court challenge arose after the Trump administration announced its "zero-tolerance" policy this spring which led to thousands of children being separated from their families as parents faced criminal prosecution. In June, President Donald Trump reversed the policy --- signing an executive order that ended separations and sought to keep families who entered the United States without proper inspection detained together while going through immigration proceedings.

The U.S. District Court of Central California rejected a request this summer from the government asking to hold children for more than the allowed 20 days, so that families could remain together in detention.

The administration has repeatedly encouraged asylum seekers to present themselves at a legal port of entry to make their claims.

According to ICE, the reviews for its post-release plan are "time and resource intensive" and can delay the release of families by several days. It is unclear exactly how much time this process was contributing to lengths of time in government custody.

The change in ICE policy came to light after reports that [asylum seekers](#) in Arizona were [being released to churches](#).

The families that are released will be placed in ICE's "alternative to detention" program and ordered to appear in immigration court, according to ICE.

On Monday, ICE bussed 100 people, who were mostly Guatemalan families, to Shadow Rock United Church of Christ in Phoenix, said the church's media coordinator, Abeth Spencer.

For the past couple years, Shadow Rock has provided temporary shelter for immigrant families transitioning out of ICE custody, but this was by far the largest group of people it had received, Spencer said.

"If it is a question of a family spending the night in chairs at the bus station waiting to travel, we know the answer is simple. We will provide a safe place to sleep, food to eat, showers and companionship to our neighbors while they prepare for the next leg of their journey," Shadow Rock said in a press release Tuesday.

Despite the fact that ICE said they are curtailing pre-plan coordination, most families already had travel plans when they arrived at Shadow Rock, according to Spencer.

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By Wednesday, nearly all 100 people had boarded Greyhound buses to connect with friends and family around the country.

The process for CBP has not changed, according to a spokesperson for the agency. CBP is still apprehending, processing and referring people to ICE as usual. ICE then makes the determination on whether an asylum seeker should go into detention or be released pending a court hearing. However, they are seeing many more family units coming across the border, especially in the region of Arizona.

The ICE spokesperson said the coordinated releases are currently only happening in Arizona.

UPDATE: This story and its headline have been updated to reflect additional information provided by ICE, along with additional comments from Shadow Rock Church and DHS Secretary Kirstjen Nielsen.

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