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

SEP 16 2019

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: Carla L. Provost
Chief
U.S. Border Patrol

(b) (6)

SUBJECT: Form 0852 Guidance Memo

In June 2018, U.S. Customs and Border Protection (CBP), in coordination with U.S. Immigration and Customs Enforcement (ICE) and the Department of Health and Human Services (HHS) created an informational tear sheet provided to parents that are separated from their children by U.S. Border Patrol (USBP). Through continued collaboration with those same agencies, CBP has created the CBP Form 0852, which will provide better recording and reporting capabilities. Additionally, it will provide information to separated parents/legal guardians regarding the reasons for separations.

CBP Form 0852 provides separated parent(s)/legal guardian(s) with points of contact within ICE and HHS. It also gives instructions on how to obtain information regarding their child when USBP separates a family pursuant to the preliminary injunction issued by the court in the *Ms. L v. ICE* case.

Effective immediately, Chief Patrol Agents (CPAs) are to begin using CBP Form 0852 for all separations annotated in e3, the system of record. USBP Headquarters is in the process of adding the form to e3. Until that time, copies of CBP Form 0852 are attached to this memorandum for immediate implementation.

- The processing agent must fill out Form 0852 when a family separation occurs.
- The form should be completely filled with at least one reason marked, the parent/legal guardian's full name, and A-number.
- Check *all* applicable boxes on the tear sheet governing the reasons for the separation and ensure that the most appropriate reason code is entered into e3.

NOTE: The tear sheet boxes may not line up directly with the reasons annotated in e3.

- In separations based on concerns of a fraudulent relationship or in situations in which the family unit criteria is not met (e.g., an adult presents as a child's parent, but upon

investigation, is determined to be an aunt or uncle), agents should check the Other box, and annotate the reason, e.g., "unable to verify parentage".

- The Other box may also be checked and annotated in situations that do not fall within another category (e.g., separation of an adult parent from his/her unaccompanied alien child spouse and minor child).

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- Processing agents will provide a copy of CBP Form 0852 to the separated parent/legal guardian. A Spanish version of the form is attached to this memorandum, if needed.
- Agents are reminded to utilize translation services if the alien speaks a language other than English or Spanish.
- A copy of CBP Form 0852 must be added to the physical A-files of the separated parent/legal guardian.

As a reminder, all cases of family separation must be documented in e3 and Form 213 for the parent/legal guardian and the child. Chief Patrol Agents are authorized to approve all separations and that authority may not be delegated below the Watch Commander position.

Nothing in this guidance changes the procedures and requirements outlined in CBP's June 27, 2018, *Interim Guidance on Preliminary Injunction in Ms. L v. ICE* (see attached).

Staff may direct questions to Assistant Chief **(b) (6), (b) (7)(C)** at **(b) (6), (b) (7)(C)**

Attachments