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

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Field Operations Academy
Office of Training and Development

FROM: Todd A. Hoffman (b) (6), (b) (7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Inadmissible Children who are not categorized as a member of an Alien Family Unit (FAMU) or Unaccompanied Alien Child (UAC).

On occasion, an inadmissible child will not be part of an Alien Family Unit (FAMU) or determined to be an Unaccompanied Alien Child (UAC). FAMU and UAC were previously defined in the June 29, 2018 memorandum "Inspecting Inadmissible Family Units and Updates to Secure Integrated Government Mainframe Access (SIGMA)". The definitions of FAMU and UAC are included below for ease of reference. Under the circumstances outlined below, the inadmissible child would be classified as an Accompanied Alien Minor for CBP secondary and SIGMA record keeping.

Accompanied Alien Minor

An Accompanied Alien Minor is a child accompanied by a parent or legal guardian and the parent or legal guardian is either a United States Citizen (USC), Lawful Permanent Resident (LPR), or admissible alien. The child is determined to be an alien and inadmissible.

CBP Officers should ensure the child does not have a claim to U.S. citizenship, cannot derive citizenship from a USC parent, or is not eligible for LPR status, or any other lawful status, before being categorized as an Accompanied Alien Child. If appropriate, CBP Officers should consider discretionary actions including whether the child's inspection should be deferred to determine status eligibility or ability to overcome the ground of inadmissibility.

In sum, for CBP secondary purposes and SIGMA record keeping, a child is an Accompanied Alien Minor when:

- The child processed is an alien;
- The child is inadmissible;

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- The parent/legal guardian accompanying the child is a USC, LPR, or admissible;
- Disposition for the inadmissible child may include but is not limited to:
 - NTA with release (i.e. parole from custody)
 - Withdraw
 - Parole
 - Deferred Inspection.

Alien Family Units and Unaccompanied Alien Child are defined as follows:

Alien Family Units (FAMU)

An Alien Family Unit is at least one alien child under the age of 18; at least one alien parent or at least one legal guardian; who are inadmissible and/or subject to removal from the United States. All individuals within an FAMU must be processed in a single SIGMA event. U.S. Citizens are not considered part of an FAMU for record keeping but may be entered into the SIGMA event for tracking custodial time and services provided while in CBP processing, but will have a class of admission and disposition code of "USC" at the conclusion of the case.

Unaccompanied Alien Child (UAC)

An Unaccompanied Alien Child (UAC), as defined by 6 U.S.C. 279(g)(2), is a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom, in the United States, there is no parent or legal guardian or no parent or legal guardian is available to provide care and physical custody. At Ports of Entry, UACs either arrive unaccompanied or become unaccompanied as a result of CBP processing for criminal prosecution, a parent with a communicable disease, or when the parent has been determined to be unfit or a danger to the child. All UACs must be handled within the existing policies for the Trafficking Victims Protection Reauthorization Act (TVPPRA) and the *Flores v. Reno* Settlement Agreement.

Please ensure that these materials are disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Enforcement Programs Division (EPD) at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) Director, Traveler Entry Programs at (b) (6), (b) (7)(C)

Muster

Week of Muster: Immediate
Topic: Inadmissible Children who are not FAMU or UAC
HQ POC/Office: Enforcement Program Division, (b) (7)(C), (b) (6)
(b) (7)(E)

- On occasion, an inadmissible child will not be part of an Alien Family Unit (FAMU) or determined to be an Unaccompanied Alien Child (UAC).
- Under the circumstances outlined below, the inadmissible child would be classified as an Accompanied Alien Minor for CBP secondary and SIGMA record keeping.

Accompanied Alien Minor

A child is defined as an Accompanied Alien Minor when:

- The child processed is an alien;
- The child is inadmissible;
- The parent/legal guardian accompanying the child is a USC, LPR, or admissible;
- Disposition for the inadmissible child may include but is not limited to:
 - NTA with additional processing to release (i.e. parole from custody)
 - Withdraw
 - Parole
 - Deferred Inspection.
- Form I-213 (Record of Deportable/Inadmissible Alien) must be annotated with the biographical information of the parent(s)/guardian(s) and children, and if applicable A-number.
- Before being categorized as an Accompanied Alien Child, POEs should ensure the child:
 - Does not have a claim to U.S. citizenship,
 - Cannot derive citizenship from a USC parent, or
 - Is not eligible for LPR status, or any other lawful status.
- If appropriate, POEs should consider discretionary actions including whether the child's inspection should be deferred to determine status eligibility or the ability to overcome the ground of inadmissibility.
- FAMU and UAC were previously defined in the June 29, 2018 memorandum "Inspecting Inadmissible Family Units and Updates to Secure Integrated Government Mainframe Access (SIGMA)".
- An Alien Family Unit (FAMU) is:
 - At least one alien child under the age of 18; and
 - At least one alien parent or legal guardian;
 - Who all are inadmissible and/or subject to removal.

- An Unaccompanied Alien Child (UAC), as defined by 6 U.S.C. 279(g)(2), is a child who:
 - Has no lawful immigration status in the United States;
 - Has not attained 18 years of age; and
 - With respect to whom-
 - There is no parent or legal guardian in the United States; or
 - No parent or legal guardian in the United States is available to provide care and physical custody.