

Muster

Week of Muster: Immediate
Topic: Documenting Family Units and Properly Recording Separations
HQ POC/Office: Enforcement Program Division, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

- One of the many critical tasks performed every day by CBP officers is processing family units that arrive at our Ports of Entry.
- An Alien Family Unit is:
 - At least one alien child under the age of 18; and
 - At least one alien parent(s) or legal guardian(s);
 - Who all are inadmissible and/or subject to removal.
- All individuals within the Alien Family Unit will be processed in a single SIGMA event. All Family Unit Aliens (FMUAs) will be added separately to the event and CBP officers will (b) (7)(E)
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- Consistent with the EO and CBP National Standards on Transport, Escort, Detention, and Search (TEDS), CBP OFO will maintain family unity and custody together to the greatest extent permitted by law and operational feasibility.
 - The June 27, 2018 “Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*, No. 18-428 (C.D. Cal. June 26, 2018)” memorandum provides specific guidance on the conditions under which CBP can perform a family unit separation.
- (b) (7)(E) in any instance where the juvenile is separated from a family member or FAMU during CBP processing.
- Currently, the following separation reasons exist in SIGMA:
 - At the Request of ICE/ERO
 - Criminality of Parent/Legal Guardian – Child Safety Concern
 - FAMU Criteria Not Met
 - Fraudulent Relationship
 - Short Term Medical Emergency – Family Reunited
 - Long Term Medical Emergency – Family Separated
 - Operational/Logistical Need
 - Prosecution of Parent/Legal Guardian
- “Operational/Logistical Need” and “Short Term Medical Emergency – Family Reunited” are separation reasons that maintain family unity and do not create an Unaccompanied Alien Child (UAC).
 - “Operational/Logistical Need” is to be used on all minors/juveniles that are separated in CBP secondary from their parent(s)/legal guardian(s) due to *Flores* or TVPRA (e.g., minor held in separate hold room of parent/legal guardian, minor held away from parent/legal guardian due to space constraints, operational environment or capability, etc.).
 - “Short Term Medical Emergency – Family Reunited” is to be used in cases where a medical emergency causes a temporary separation that results in the family being reunited in OFO custody.

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- “Criminality of Parent/Legal Guardian- Child Safety Concern”, “Long Term Medical Emergency – Family Separated”, “At the Request of ICE/ERO” and “Prosecution of Parent/Legal Guardian” are separation reasons that will create a UAC due to the family not being held together in OFO custody and the separation is expected to continue forward in the process.
 - CBP policy dictates when a decision is made to separate an Alien Family Unit using any one of these reasons, a port manager at the GS-14 level or above must be notified and approve the separation. The decision to separate a family cannot be delegated below the GS-14 level.
 - The form I-213 (Record of Deportable/Inadmissible Alien) must be annotated with the reasons for the family separation as well as the approving GS-14 level manager. At minimum, the first paragraph of the I-213 should contain the biographical and A-file of the parent(s)/guardian(s) and children.
 - “At the Request of ICE/ERO” is to be used in cases where the family unit will not be accepted into the Family Residential Center (FRC) based on their detention standards and the decision to separate has been made by ICE. This reason still requires the above standards.

Separation reasons for other than Family Units:

- “FAMU Criteria Not Met” is to be used to document cases where a juvenile/minor arrives with a claimed family member, but the criteria to meet the definition of an Alien Family Unit are not present. In these cases, the claimed family members should be kept together during processing when possible, but ultimately they will be separated, as the juvenile/minor would be a UAC by definition.
- “Fraudulent Relationship” is to be used when there is discovered fraud or misrepresentation with regard to the roles and relationship of a presented family unit.