

Muster

Week of Muster: Immediate
Topic: Update to Family Separation Reasons
HQ POC/Office: System Enforcement Analysis and Review (SEAR)
(b) (7)(E)

- Recently the Office of Field Operations (OFO) made minor updates to the family-unit¹ separation reasons in Unified Secondary to align with ICE and HHS reasons.
- Consistent with the Executive Order (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.
- The updated separation reasons in Unified Secondary (USEC) are the following:
 - At the Request of ICE/ERO
 - NCIC Warrant Served
 - Prosecution of Parent/Legal Guardian
 - Criminal History of Parent/Legal Guardian
 - Child Safety Concern
 - Long Term Medical Emergency – Family Separated
 - Short Term Medical Emergency – Family Reunited
 - Operational/Logistical Need
- “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.
- “Criminal History of Parent/Legal Guardian”, “Child Safety Concern”, “NCIC Warrant Served”, “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 that when a decision is made to separate a 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.
 - “At the Request of ICE/ERO” is to be used in cases where the family unit will not be accepted

¹ An alien family unit is one where at least one alien child under the age of 18; and at least one alien parent(s) or legal guardian(s) and who all are inadmissible and/or subject to removal.

into the Family Residential Center based on their detention standards and the decision to separate has been made by ICE.

- o USEC will now auto-populate the following information in the narrative section of the form I-213 (Record of Deportable/Inadmissible Alien):
 - Each family member's information,
 - Each family member's role in family, and
 - Reason for separation (if one is active).
- o Officers must continue to annotate the approving GS-14 level manager in both the narrative of Form I-213 and in USEC.

Screenshots from Unified Secondary:

