



Guide for Detained or Removed Parents with Child Custody Concerns

If you are in immigration detention and you do not know who is taking care of your children, or if your children are in the child welfare system, **it is very important that you get help from a lawyer, a legal aid organization, or relatives and friends as soon as possible.**

Steps you can take to protect your parental rights (so you do not lose your children because of detention or removal):

- 1) **ASK FOR HELP.** If you cannot understand this information, ask Immigration and Customs Enforcement (ICE), detention center staff, a librarian, chaplain, lawyer, or a relative or friend for help.
- 2) **CALL SOMEONE.** If you are worried about your children, ask ICE immediately if you can call someone to take care of your children. If you need to make more than one call, ask ICE or detention center staff.
- 3) **TRY TO GET RELEASED.** If you have children and you do not know who is taking care of them, tell ICE immediately. You can also ask your Deportation Officer about “Humanitarian Parole,” “Release on Recognizance,” “Supervised Release” or an “Alternative to Detention,” or for a bond hearing.
- 4) **ASK FOR “PROSECUTORIAL DISCRETION.”** Tell your Deportation Officer (sometimes called a “Case Officer”) that you have children, especially if you are the main person who cares for your children (“primary caregiver”). Ask the Officer about an exercise “prosecutorial discretion” in your case.

When asking ICE for help, contact ICE at the detention center first, then the local ICE ERO Community Field Liaison where you are detained. A friend or relative can find the contact information for this person at: www.ice.gov/contact/ero/. If you are not satisfied with their response, or if they are not giving you the help you need, you, or a relative or friend, may call the ICE ERO Community and Detainee Helpline at 1-888-351-4024.

- 5) **GET A LAWYER.** Parents and legal guardians have legal rights to their children. A lawyer will help you figure out child welfare systems and family court systems, which can be very different by state and county. The lawyer will help you understand how to work with the laws and systems where your children are living. You may be able to obtain a free lawyer if you have a child welfare case. Ask for help in getting a lawyer. You can ask: immigration lawyers, librarians, chaplain, volunteers, friends or relatives.
- 6) **KEEP ASKING FOR HELP.** Tell everyone—ICE officials and others—you interact with that you have children and that you need to take care of them. Be sure to tell your immigration lawyer, too, if you have one. Tell the ICE officials if you are the primary caregiver. If anything changes with the custody of your children or their safety, tell your Deportation Officer and detention center staff. ICE may be willing to reconsider your request for release.
- 7) **STAY IN TOUCH WITH YOUR CHILDREN AND THE PEOPLE TAKING CARE OF THEM.** Call them. Write them letters. Ask the person who is taking care of them to bring them to visit. Ask ICE to allow you contact visits. Make sure your children know you care even though you cannot see them all the time. If your children are in the child welfare system, communicate with their child welfare case worker and the court regularly.
- 8) **CONTACT YOUR CONSULATE,** unless there is a reason you do not want to contact your government. They may be able to assist you with your custody concerns. You have a right to contact your consulate official.
- 9) **IF YOU ARE REMOVED / DEPORTED, ASK TO COME BACK.** If you have a case before the Family Court and your parental rights are at risk of being terminated, you can ask permission to return temporarily to participate in the court process. Ask ICE how to apply for humanitarian parole.

ICE ERO Community Outreach

The ICE Office of Enforcement and Removal Operations (ERO) Community Outreach builds constructive relationships with the community and is dedicated to ensuring the public is fully informed of the agency's immigration enforcement efforts. ERO Community Outreach assists individuals and community stakeholders in resolving complaints and concerns with agency policies and operations. ERO Community Outreach also maintains a collaborative and transparent dialogue with community stakeholders on the agency's mission and core values.

You may contact ERO Community Outreach by calling the **ICE ERO Community and Detainee Helpline**. The Community and Detainee Helpline is a toll-free service that provides a direct channel for you to communicate directly with ERO to answer questions and resolve concerns. Stakeholders may reach the Helpline by dialing **1-888-351-4024**. Trained operators are available Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. (Eastern Time) to respond to inquiries from those in ICE detention and from community members. Language assistance, including Spanish operators, is available.

Stakeholders – including detainees, community organizations, immigrants' legal representatives, immigrants' family members or friends, and/or state and local government authorities – may contact the **ICE Community and Detainee Helpline at 1-888-351-4024** to express concerns or seek assistance regarding the parental interests of a detained immigrant.

- **Participation in Family Court or Child Welfare Proceedings.** In some cases, you may need to attend or participate in child welfare or family court proceedings in order to maintain or regain custody of your children. Whenever possible, and where not too difficult, ICE will do what it can to assist you in participating in court proceedings about your children's custody and your rights to stay their parents. This may be by phone or video conference. If you receive notice of a court date, tell ICE and detention center staff immediately.
- **Visitation.** In some cases, parent-child visitation may be required by the family court or child welfare authority for you to maintain or regain custody of your children. If you or your family member, attorney, or other representative show evidence of such a requirement (e.g., a reunification plan, scheduling letter, court order, or other such documentation), ICE will do what it can to arrange the court-ordered visitation between you and your children.
- **Coordinating Care or Travel of Your Children If You Are Going to Be Removed.** If you are subject to a final order of removal and ICE is planning to remove you, ICE will do what it can to assist you in making arrangements for your children (as long as you have maintained your parental rights). Such arrangements may include your efforts to arrange guardianship for your children so that they may remain in the United States, or your efforts to obtain travel documents for your children so they can accompany you to your country of removal.

For more information, see *"Detained and Deported: What About My Children?"* a detailed toolkit for detained parents prepared by the Women's Refugee Commission. This toolkit is available on the computer in your detention center's law library and can be found online at www.wrc.ms/detained-parents-toolkit.

More resources are online on the Women's Refugee Commission's webpage:

www.wrc.ms/detained-parents-toolkit