



INS' Juvenile Detention and Shelter Care Program

Background

Under the Immigration and Nationality Act, the Immigration and Naturalization Service (INS) is responsible for detaining unaccompanied juveniles who enter the United States illegally, go out of legal status, or commit a deportable offense. INS also is responsible for ensuring a juvenile's timely appearance in immigration court.

In addition to meeting the government's legal obligations, INS is committed to the safety and welfare of unaccompanied juveniles. In some cases, INS must protect them from potential harm by alien smuggling organizations and those who prey on children. To ensure appropriate care and safety, INS officials place juveniles in facilities licensed by appropriate federal, state or county authorities. Prior to releasing juveniles from custody, INS officials conduct record checks and hold interviews with potential sponsors or family members. In addition, home assessments are conducted for alien juveniles with special issues and needs, especially juveniles smuggled into the United States. INS defines an "unaccompanied juvenile" as any person under the age of 18 whose parents or legal guardians are not present at entry.

The detention of juveniles currently in the United States without parents or legal guardians presents unique challenges. The number of unaccompanied juveniles arriving in the United States has doubled in just the last three years, rising from 2,375 in FY 1997 to 4,607 in FY 1999. Even so, INS employees are steadfastly committed to ensuring the physical and emotional safety and well being of every juvenile in INS custody. Before releasing them from its custody, INS seeks to determine the appropriateness of their placement arrangements with responsible adults or family members in the United States or in their country of origin.

INS Policy

INS has a standard, nationwide policy, which states that:

- Juveniles should be treated with dignity, respect and special concern for their vulnerabilities;
- Juveniles should be placed in the least restrictive setting possible;
- Juveniles should be released to family members, if possible; and
- An INS officer should not release a juvenile to a person or agency if the officer believes the person or agency may harm, neglect or fail to present the juvenile to immigration court.

INS policy requires juveniles to be released, within 72 hours if possible, to (in order of priority):

- 1) Parent;
- 2) Legal guardian;

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- 3) Adult relative (brother, sister, aunt, uncle or grandparent);
- 4) Responsible adult designated by the parent or legal guardian in a sworn affidavit; or
- 5) Licensed child-care facility (foster, group or boarding home).

The person or facility assuming custody must sign an agreement with INS to provide for the juvenile's physical, mental and financial well-being; ensure the juvenile's presence at all future INS proceedings; notify INS of any change of address; and not transfer custody of the juvenile to any other person or facility without the written permission of INS.

The policy also requires that juveniles not released be placed only in facilities that have separate accommodations designed for their needs. INS does not operate any such facilities, but has contracts with nonprofit organizations and state and county agencies across the country that specialize in the care of and provision of services to juveniles.

Within the limitations imposed by available juvenile care space, INS policy prohibits keeping juveniles in secure juvenile detention facilities longer than 72 hours unless the juvenile:

- Is an escape risk,
- Is at risk from harm (safety issues, i.e., smugglers, gangs, etc.),
- Is considered by the courts to be a delinquent or is facing a delinquency hearing,
- May be or has been charged with or convicted of a crime, or
- Has shown disruptive or violent behavior while in a licensed program.

Facility Overview

INS' Juvenile Detention and Shelter Care Program contracts for services in a variety of facilities in the United States that are equipped to house juveniles. INS uses a number of facilities across the country with regularity, including some 25 to 30 facilities that it uses frequently. In those facilities, INS has access to approximately 600 juvenile beds, 475 of which are in non-secure facilities. In addition, INS plans to open a new Family Shelter Care Program, designed to help keep immediate family members together while in INS custody. This facility should be ready for use in August/September 2000.

All facilities are state-licensed and, as such, meet or exceed state requirements in the areas of safety, education, recreation and physical exercise, nutrition, and medical and counseling services. INS ensures that each facility is staffed with or has access to language interpreters to explain procedures and the juveniles' rights under U.S. law. In addition, trained INS personnel inspect these facilities once per year to ensure that the facility meets established INS standards.

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Educational classes are provided to all juveniles in INS custody. Juveniles in INS custody have access to libraries, either on the premises or through linkages with local county library systems. Facilities used by INS provide appropriate access to telephones. Many of the considerations INS makes for the comfort and well-being of the juveniles in its custody exceed state licensing standards and requirements.

Staff Expertise

INS' National Juvenile Coordinator is a recognized authority with more than 23 years of experience in juvenile justice, victim assistance and child welfare systems. This coordinator works at INS headquarters in Washington, D.C., and acts as the national liaison for all aspects of INS' Juvenile Detention and Shelter Care Program to include policy, training and contingency planning. In the field, the contract employees who operate the facilities used to house juvenile detainees are highly qualified professionals with many years' experience working with children. Many of these employees have masters or doctoral degrees in child psychology, social work or a related field.

Training

Training INS staff on juvenile policies and procedures is a priority for INS. Within three months after the signing of the *Flores v Reno* Settlement (February 1997) more than 15,000 INS employees received training on the aspects and requirements of the settlement. To assist with the training, a 30-minute video was prepared. In addition, training on the settlement has been implemented in INS' training academies. In March 1999, the *INS Juvenile Protocol Manual* was prepared and distributed to all appropriate INS personnel. In January 2000, INS provided a short training session for key Juvenile Coordinators in Dana Point, Calif. During this training, a one-day session was held to present the Family Shelter Care Project to key staff members and Juvenile Coordinators in all three INS regions. Finally, INS will hold its third National Conference/Training Session on juvenile issues in September 2000.

In February 2000, INS provided training for staff members of the Lutheran Immigration and Refugee Service and the United States Catholic Conference (INS contractors) on how to conduct home assessments and gather pertinent information for INS' review prior to releasing juveniles to sponsors.

Statistical Tracking of Juvenile Cases

In 1997, INS created a national statistical database known as the Juvenile Alien Management System to track the status of all juveniles in INS custody.

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Key Juvenile Statistics

	<u>1997</u>	<u>1998</u>	<u>1999</u>
Total Juveniles in custody	3,149	4,457	4,607
Male	2,615	3,602	3,619
Female	534	855	988
Total Custody Events	NA	5,323	5,644
Percent in Secure Facilities	NA	38%	35%
Total in Secure Facilities	NA	2012	1,958
Percent in Non-Secure Facilities	NA	62%	65
Total in Non-Secure Facilities	NA	3,311	3,686
Top 5 Countries: (Alphabetical Order)			
China	243	299	648
El Salvador	686	979	813
Guatemala	511	834	721
Honduras	698	826	1,055
Mexico	646	970	809