



## Unaccompanied Alien Children Joint Initiative Field Implementation

### Executive Summary

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and Enforcement and Removal Operations (ERO) will commence an operational initiative to locate unaccompanied alien children (UAC) who were encountered by DHS and released from the care and custody of the U.S. Department of Health and Human Services, Office of Refugee Resettlement (HHS-ORR). DHS has not had contact with the identified UAC since their release from HHS-ORR's care.

The purpose of this initiative is for HSI to support ERO in locating UAC, making sure UAC's immigration obligations are met, and conducting investigative activities to ensure UAC are not subjected to crimes of human trafficking or other exploitation.

### Phase One – Prioritization January 27--February 5, 2025

ICE collected UAC data from various sources and sorted it into a Power BI application to develop the following priority groups.

1. Flight Risk: a) UAC who failed to attend an immigration hearing and received a final order of removal in absentia, b) those who HHS-ORR has been unable to contact after unification, c) those who ran away from HHS-ORR facilities, or d) those released to sponsors who are not related by blood, including "super sponsors."<sup>1</sup>
2. Public Safety: UAC who are considered a threat to public safety including adults who fraudulently claimed to be a UAC at entry, UAC with gang or terrorist ties/activities, and UAC with arrests or egregious criminal backgrounds.
3. Border Security: UAC with executable orders of removal, e.g. Voluntary Departures, Withdrawals, and Removal Orders.

### Phase Two – Instruction to the field February 5-7, 2025

HSI Domestic Operations, HSI's Center for Countering Human Trafficking (CCHT), ERO Field Operations, and ERO's Juvenile and Family Management Division (JFMD) will host calls with HSI Special Agents in Charge (SACs), ERO Field Office Directors (FODs) and Chief Information Officers (CIOs) to explain and share the UAC initiative and provide operational guidance and requirements.

Mainly, ERO officers who have experience with managing UAC cases will be the lead when pursuing any locating and/or preparing and serving immigration documents, or when executing orders of removal for alien cases that are included in this UAC initiative when permissible. HSI will support ERO by providing operational planning and ensuring the respective U.S. Attorney's Offices are aware of the initiative and will pursue criminal investigations if/when there are indicia of a crime for which HSI has investigative authority.

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<sup>1</sup> A "super sponsor" is defined as an individual, address, or organization that has sponsored more than three UAC.



CCHT and JFMD will provide access to the UAC Power BI data to HSI SACs, CIOs, ERO FODs and ERO juvenile coordinators. All field offices will input any contact made with UAC and/or sponsors into the UAC Field Contact Documentation Form by 5 p.m. daily.

### **Phase Three – Local Coordination between ERO and HSI Field Offices**

Headquarters defers to the field offices to coordinate how to best locate, make contact, and serve immigration documents as appropriate for individual targets, when conducting enforcement actions involving UAC.

HSI field offices will investigate, locate, and create target packets, which will include relevant operational information. HSI will guide non-immigration criminal investigative elements during field operations but will defer to ERO as the lead decision-maker regarding any immigration actions to be taken.

ERO will provide information from the UAC portal, guide all immigration actions, and liaise with ORR. Due to possible legal implications, ERO is responsible when civil immigration enforcement action is taken in accordance with required legal processes, country notifications, and all other procedural requirements. Should encountered UAC need placement into ORR care, ERO will facilitate.

### **Phase Four – Commence Operations & Complete Reporting Requirements**

#### **Pre-operation**

- Coordination between ERO/HSI on pursuing UAC.
- Local ERO officers must be present to provide instructions and next steps if contact is made with the UAC and/or sponsor.
- Local ERO officers will coordinate directly with a JFMD representative to check the HHS-ORR database for the most current information on UAC. \*Field Office Juvenile Coordinators have basic level access to HHS ORR's UAC Portal. To ensure compliance with information sharing agreements, only JFMD staff have administrative level access to the UAC Portal.
- Local HSI will create target packets – when possible and ask HSI International Operations to run criminal checks.
- Local HSI will verify whether UAC are registered in school.
- Local HSI will coordinate with U.S. Attorney's Office to obtain warrants.
- Local HSI will coordinate with U.S. Marshal's Service regarding existing warrants.

#### **Operation**

- HSI/ERO will be alert to signs of criminality.
- HSI/ERO will pursue any possible criminal charges.
- HSI/ERO will take necessary next steps for immigration enforcement (JFMD representatives can share the latest information that was reported to ORR)



- ERO officers should remember they are to enforce final orders of removal, where possible, and will coordinate with ORR as needed. HSI will pursue criminal options for UAC who have committed crimes.

#### Reporting Requirements

- In ICM, HSI will use secondary program code (b)(7)(E) (AC Joint Initiative) and any other codes specific to the type of investigation opened.
- ERO will utilize (b)(7)(E) for immigration enforcement actions and EARM to update case statuses.
- HSI/ERO teams will designate a POC to input any contact made with UAC and/or sponsors into the UAC Field Contact Documentation Form by 5 p.m. daily.

#### Tools & Support from the DHS Center for Countering Human Trafficking Specific to Human Trafficking

- Provide investigative and victim protection subject matter expertise, analytical support, and funding for identified human trafficking cases upon request;
- Process Continued Presence requests for any identified human trafficking victim;
- Provide analytical support to determine if an identified human trafficker is part of a larger network;
- Respond to any field questions specific to human trafficking sent to (b)(7)(E)@ccht.dhs.gov;
- Provide human trafficking resource on HSInet (indicators, sample questions, on demand training); and
- Coordinate with the Office of Public Affairs on successful human trafficking investigations.

#### For All UAC Matters

- Upon request, where exigent circumstances exist and the HSI field office does not have access to facial recognition technology, CCHT will assist and run queries; and
- Track daily HSI progress on the initiative by receiving daily 5 p.m. updates and maintaining a dashboard for leadership.

#### Potential Federal Criminal Violations for HSI Consideration:

- **18 U.S.C. § 1001 – False Statements** – if the sponsor provided false or misleading information to gain UAC sponsorship e.g. to prove a familial relationship to the UAC that does not exist
- **8 U.S.C. § 1324 – Alien Smuggling/Harboring** – facilitated movement or concealment of the UAC's whereabouts
- **18 U.S.C. § 1343 – Wire Fraud** – if electronic communication was used to defraud the U.S. Government in order to gain UAC sponsorship
- **18 U.S.C. § 1589 – Forced Labor** – if labor is compelled by force/restraint, threats of serious harm, abuse of legal process, or by a scheme plan or pattern



- **18 U.S.C. § 1591 – Sex Trafficking** – if a minor is in commercial sex OR if commercial sex is compelled by force, fraud or coercion
- **18 U.S.C. § 2421 – Mann Act** – if the UAC has been taken across state lines for prostitution
- **18 U.S.C. § 371 – Conspiracy** – if the sponsor acted with others to harm or exploit

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