



EXPLAINER FOR PARENTS AND THEIR HELPERS SEEKING FAMILY REUNIFICATION

More and more parents and caregivers are facing the devastating impact of family separation after being detained in or deported from the United States. Children may be staying with neighbors, in state-run foster homes, or in shelters or foster homes in custody of the U.S. Office of Refugee Resettlement. As a parent or legal guardian, you still have rights. This guide explains those rights and resources that may be available to you so you can work toward the best solution for your child and your family.



If you are in this situation, consider reporting your case to Together and Free at 214-817-0405. Your information will not be shared publicly.





YOUR RIGHTS AS A PARENT

- You have the right to make decisions related to the care of your child and how they are raised. Deportation does not end your rights as a parent. Regardless of your location, you continue to have full parental rights unless there is a U.S. court determination stating you have lost these rights, which happens only after an extensive process.
- If you are detained, you have a right to communicate and visit with your children.
- If you are detained and have an upcoming child welfare/guardianship/custodial hearing, you have a right to participate, provided you give notice to U.S. Immigration and Customs Enforcement (ICE).
- If you are detained and wish to be deported with your child, you have a right to ask ICE to facilitate your joint departure.
- If you are facing deportation and want your child to remain in the care of another person in the United States, you have a right to create a legal document to give that person the authority to care for your child.
- If you are deported and have an upcoming child welfare/guardianship/custodial hearing, you have a right to participate.
- You have the right to pursue the help of a lawyer for you or your child and stay informed about their case.

Here are a few ways to find an immigration lawyer:

- The Immigration Court's list of free legal service providers for immigrants is available here: **Executive Office for Immigration Review | List of Pro Bono Legal Service Providers**
<https://www.justice.gov/eoir/file/probonofulllist/dl>
- You can check the Immigration Advocates Network for information about immigration legal service providers by state: **National Immigration Legal Services Directory - Nonprofit Resource Center**
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- You can find a private immigration attorney by going through the American Immigration Lawyers Association's attorney search function on this website: **AILA's Immigration Lawyer Search**
<https://www.ailalawyer.com/>

HOW TO TAKE ACTION

This Explainer is organized so that you can read the information most relevant to your circumstances. You may find it helpful to go straight to the section(s) that apply to you and your family:

SECTION ONE

If you are detained by U.S. immigration authorities.....4

A. You are planning for your child to be safely cared for in the community..... 5

B. You are planning for you and your child to be jointly deported and..... 9



Your child is living with a family member or a friend in the community..... 10



Your child is in the custody of the U.S. Office of Refugee Resettlement 11



Your child is in the custody of a state child welfare agency..... 11

SECTION TWO

If you are deported without your child.....14

A. Your child is a U.S. citizen and you are planning for them to remain in the United States..... 15

B. Your child is a noncitizen and you want to explore legal options for them to remain in the United States.16



Your child is living with a family member or a friend in the community..... 16



Your child is in the custody of the U.S. Office of Refugee Resettlement 17



Your child is in the custody of a state child welfare agency..... 18

C. You are planning for your child to be reunited with you in your country of residence (both citizen and noncitizen children)..... 19



Your child is living with a family member or a friend in the community..... 19



Your child is in the custody of the U.S. Office of Refugee Resettlement21



Your child is in the custody of a state child welfare agency..... 24

SECTION THREE

Resources.....25





SECTION ONE →

IF YOU ARE DETAINED BY U.S. IMMIGRATION AUTHORITIES



As a parent who is detained and apart from your child, you are faced with many important decisions.

One is whether you plan to fight your case and try to stay in the United States or whether you intend to accept deportation. Another decision is what you want for your child. You can make different choices for each one of your children. If you are accepting deportation or do not think you'll be able to win your case, do you want your child to remain in the United States, or do you want them to return with you to your country of origin or another country?

Parents and legal guardians detained by ICE have the right to make decisions about their minor child's care, even from inside ICE detention. For more information, you can read:

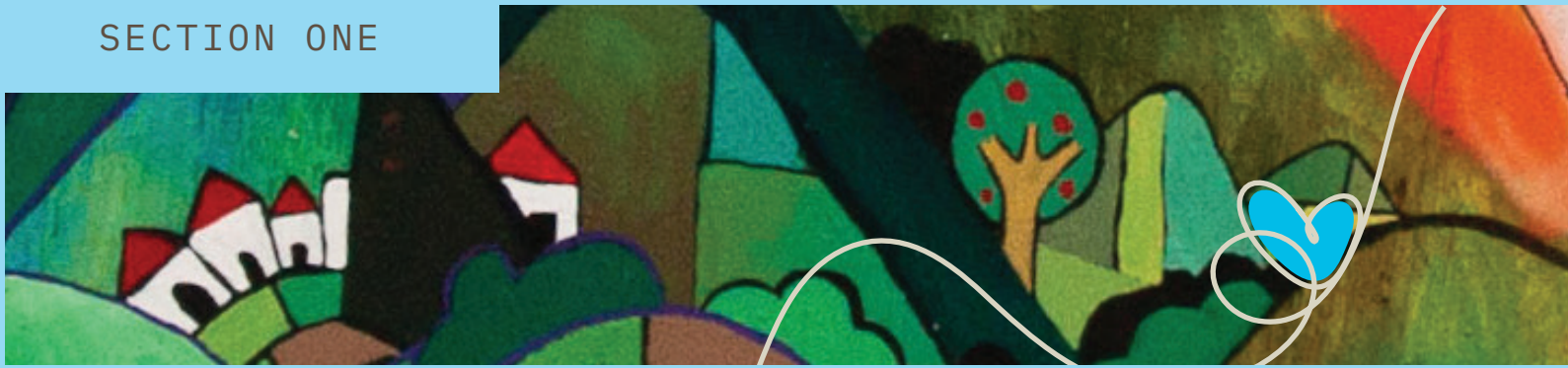
- **Know Your Rights: Five Things Parents Detained by ICE Should Know**

<https://www.clasp.org/wp-content/uploads/2025/11/ICE-know-your-rights-fact-sheet.pdf>

- **ICE's Detained Parents & Legal Guardians FAQ**

https://portal.ice.gov/pdf/Detained_Parents_FAQ/Detained_Parent_PID-FAQ_11.2025_English%20FINAL.pdf

If you have been detained and do not already have an alternate caregiving arrangement in place for your child or you want to make a new arrangement, there are various types of caregiving arrangements you might consider.



Supporting Your Child

It's important to talk with your child about the situation and involve them in decision-making as early on as possible, depending on their age and abilities. They may feel anxious, confused, or afraid. You don't have to know all the answers, but it's important that you are clear and direct with children about what is true and what is not true. Being present, calm, and honest can help them feel safe.

When you feel ready, you can start a conversation with your child by asking open-ended questions to understand what they know and how they are feeling. Reassure them that you understand and offer caring support. Calmly talk together about the different options that may be available so you can consider your child's perspective. Don't make any promises that you may not be able to keep, but assure them that you will continue to share any new information as you can. Encourage them to talk with you or other trusted adults when they have questions or feel scared.

The sections that follow explain the steps you can take depending on whether:

- 1A. You want your child to be safely cared for in the community.
- 1B. You want you and your child to be jointly deported.

1A. When you are planning for your child to be safely cared for in the community, either while you are fighting your immigration case or in the event that you are deported, there are a number of steps to take:

1. Identify a trusted caregiver

Talk with trusted family members or close friends to determine who is able and willing to care for your child. It is important that the caregiver understands your child's specific needs, including medical care, mental health, education, and immigration-related considerations. This may include support for pursuing lawful immigration status if your child is not a U.S. citizen and does not currently have an immigration status that allows them to remain in the United States.

You should also discuss how long they may be able to care for your child and what support they may need.

If possible, choose someone who has stable housing and legal status, as this may make it easier for them to access services on behalf of your child. However, lack of legal status does not automatically prevent someone from serving as a caregiver, if necessary.

2. Identify at least one backup caregiver

Caregiving arrangements can sometimes change unexpectedly. It is a good idea to identify at least one backup caregiver in a different household. Make sure both caregivers know how to contact each other and understand your wishes for your child's care. If possible, consider identifying additional backup caregivers to strengthen your plan.

3. Connect caregivers to support

Encourage your chosen caregiver(s) to connect with trusted community-based organizations. These organizations may be able to provide resources, guidance, or support that can help them care for your child safely.

4. Create an informal caregiving plan

Once you have identified a caregiver, it is important to make a clear plan with them for your child's care.

An informal caregiving arrangement means that you have asked a trusted adult to care for your child, and they have agreed to do so. This type of arrangement:

- Can often be put in place quickly.
- Does not require court involvement.
- Relies on clear communication and trust.

When creating an informal plan, make sure you:

- Clearly communicate your wishes for your child's care, including daily routines, schooling, medical needs, and important contacts.
- Share key information and documents, if possible (such as medical information, school records, or identification documents).
- Make sure the caregiver knows how to reach you, if possible.
- Confirm that the caregiver understands how long they may need to care for your child and what support is available.

If you would like additional guidance as you make your plan, you can refer to:

- **Detained or Deported: What About My Children? Parental Rights Toolkit**

<https://www.womensrefugeecommission.org/research-resources/detained-or-deported-parental-toolkit-english-interactive/>. Chapter one includes information on how to protect your parental rights, and chapter two focuses on how you can arrange for the care and custody of your children.

5. Consider creating a more formal caregiving plan

An informal arrangement can be an important first step, especially in urgent situations. Depending on your situation, you may decide this is enough, or you may want to take additional steps to give your caregiver legal authority. In many cases, taking an additional step can help ensure your caregiver is able to make important decisions for your child without delay. This is still possible while you are in detention.

Delegation of Parental Authority forms can be used to temporarily give permission to someone to care for your children (available for most of the 50 states). Here are the steps:

- Notify immigration officials that you need to make an alternative care arrangement.
- For a minor child, complete the form for the state where the child will be living. You can find some state-specific guidelines/form examples here: **Parental Delegation Packet** https://portal.ice.gov/pdf/ParentalDelegationPOA/2024_Parental_Delegation_POA_packet.pdf. Please note that some forms may be out of date. If you can, it's best to consult with a family lawyer to ensure you have the right forms.
- You can search for a family law attorney in their area through legal directories such as:
 - **FindLaw** <https://www.findlaw.com/>
 - **Justia** <https://www.justia.com/lawyers/family-law>
 - Low-cost and pro bono assistance through LawHelp.org
 - **State Bar Associations** can also help you find a family law attorney who works pro bono or at low cost in the state where your child is located. Check the following list of state bar associations at https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders
- Most forms need to be notarized, so fill out a Detainee Request form or tell your case officer or immigration officials that you need a notary.
- Once completed and notarized, mail the form to the person who will be caring for your child. You should also ask for a copy to keep for yourself.

In addition to a Delegation of Parental Authority form, there are other options that provide different levels of authority to your chosen caregiver. These options range from quicker, more limited arrangements to more formal, court-based arrangements that provide greater stability. Examples include:

- **Standby Guardianship** (where available) allows you to plan ahead by naming an adult to care for your child in case something happens to you, such as serious illness, detention, or deportation. The arrangement only takes effect after one of these events occurs, and the standby guardian's authority may be limited to areas such as education, basic medical care, and daily care decisions. To set this up, a parent typically

completes a written standby guardianship designation form (the exact name and requirements vary by state), which may need to be signed, witnessed, notarized, or approved by a court. Depending on the state, the named guardian may be able to step in for a short period (often 60–180 days) without going to court, but full legal authority usually requires court approval.

- **Temporary Guardianship** allows you to grant another adult the authority to care for a child and make decisions right away for a limited period of time. Unlike standby guardianship, which is designed for a future event, temporary guardianship is used to address an immediate need. It is typically established through a court or state process, and the rules, timelines, and required forms vary by state.
- **Guardianship or Court-approved Custody** provides a more stable, longer-term arrangement for a caregiver to care for a child and make major decisions about their life. Unlike temporary guardianship, which is short-term, these options are typically used when a parent cannot care for their child for an extended period of time. These arrangements are established through a court process, where a judge grants the caregiver legal authority to care for the child and make important decisions. Depending on the state, this may be called guardianship, custody, or conservatorship. Because these options provide stronger, longer-lasting authority, they can take more time to set up and may be harder to change or end. It is important to understand how and when the arrangement can be modified or terminated.

For general immigration information or for legal referrals, you can call the ABA Commission on Immigration (“COI”) Detention Information Hotline at 2150# from any ICE detention facility.



**Here are resources to help you make a plan:****Step-By-Step Family Preparedness Plan**

<https://www.ilrc.org/resources/step-step-family-preparedness-plan>

Checklists broken down by category: Family, Finances, Property

https://deportationpreparation.org/chapter/?_chapter_tool=checklist

State-specific Immigrant Child Safety Plans help you prepare so your children stay safe and cared for if you are detained or deported. Each guide includes: child custody options in your state, sample legal forms and petitions, how to get your child's birth certificates and immunization records, and contact information for consulates in your state

<https://deportationpreparation.org/state-child-safety-plans/>

Family Preparedness Guides for Mexican Families

<https://imumi.org/familias-transnacionales/>

1B. When you are planning to request that you and your child be jointly deported, here are some steps to take:

First, notify the ICE officer who is handling your case that you wish to have your child return with you. It may take persistent requests to your Deportation Officer, the Custody and Removal Coordinator, and any other ICE officials you speak to. If they are not responsive, you may consider calling the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from inside detention), or have a relative or friend contact the ICE Field Office (<https://www.ice.gov/contact/field-offices>) in the area where you are being detained.

You can also contact the Parental Interests Team at ICE Headquarters: ERO Contact Form at <https://www.ice.gov/webform/ero-contact-form> and select "Parental Interests" in Type of Inquiry.

The inquiry will then be routed to the HQ Parental Interests Team, which coordinates and provides guidance on the Detained Parents Directive, as needed, to all Field Offices.

ICE often will not tell you the exact date or travel details of your deportation. You may request that they share that information with you. If they resist telling you, remind them that you need to know because you want to be removed with your child.

Ask ICE if family travel is possible and whether the officer can help coordinate your schedule with that of your child's. When you make this request, it may help to reference the ICE Detained Parents Directive at <https://www.ice.gov/detain/parental-interest>.

The sections that follow explain the steps you can take depending on whether:



Your child is living with a family member or a friend in the community.



Your child is in the custody of the U.S. Office of Refugee Resettlement (ORR).



Your child is in the custody of a state child welfare agency.



When your child is living with a family member or a friend in the community:

If your child is undocumented, you will need to **complete a form to notify ICE** that you wish to be removed with your child (someone from ICE's Parental Interests Team is supposed to help give you the correct form). ICE should then communicate with your child's caregiver to arrange travel for your child to reunite with you ahead of your joint departure from the United States. If your caregiver cannot travel with your child, you will need to find someone else who is available and able to take your child to the appointed location, often-times a long distance from home and on short notice.

If your child does not have a passport, contact the consulate of their birth country for information on how to apply for a passport. As an alternative to a passport, some consulates may also be able to provide a temporary one-way travel document, which is often faster to get. While detained, you have the **right to free consular contact**. Consulate information should be accessible to you; if not, ask ICE officers or detention staff. **The process to obtain passports or travel documents for children often requires authorization from both parents.** If one parent is unavailable or not involved, the process may take additional time and may require administrative steps. If you anticipate any difficulty obtaining parental consent, seek guidance from a legal professional as early as possible.

If your child was not born in the country you are trying to return to, contact the country's consulate to find out what the requirements are for your child to be able to enter and stay. Some countries require that foreign-born children or children with a foreign passport register at the consulate before return, and often require an apostilled birth certificate.

For Venezuelan citizens, access to consular services may be available remotely through the Venezuelan embassies in neighboring countries.

If your child is a U.S. citizen, it is best for your child to travel on a U.S. passport. ICE can assist you with getting the forms for your child to apply for a passport and can help get the completed forms notarized. In some cases, ICE may be able to repatriate your child with you without a passport. Ahead of travel, it is important to understand what the rules are in the country of return for a child, including whether any additional steps must be taken to ensure entry and the ability to stay:

- U.S. child passport applications are in person. If one parent can't appear, submit Form DS-3053 (Statement of Consent) and the \$135 application fee at <https://eforms.state.gov/Forms/ds3053.pdf> with the child's application and sign Section 4A before a notary.
- If you are in detention, the facility should provide notary access. If you have trouble, ask ICE, detention staff, or your lawyer. Explain that you need a notary to arrange travel documents for your children. You can also call the ICE Detention Reporting and Information Line (DRIL) 888-351-4024 (9116# from detention), or have a relative/friend contact the ICE Field Office where you're detained or ICE Headquarters.
- Processing time for a U.S. passport is usually 6–8 weeks after the application is submitted. You can call a U.S. passport center for assistance at: 1-877-487-2778 / 1-888-874-7793 (TDD/TTY) Monday through Friday 8 am – 10 pm ET. For information about options for faster processing with an additional fee, you can visit the **Get My Passport Fast** page at <https://travel.state.gov/content/travel/en/passports/get-fast.html>.



When your child is in the custody of the Office of Refugee Resettlement (ORR):

If you need help locating and speaking with your child in ORR custody, call or text the **ORR Hotline** (<https://acf.gov/orr/outreach-material/office-refugee-resettlement-national-call-center>) **via WhatsApp at +1 (800) 203-7001. (If you are in detention, speed dial 699# on the free call platform. Available 24/7 in English and Spanish.)** ICE and ORR can work together to locate your child, verify the parent/child relationship, and set up regular communication between you and your child.

With the support of an attorney, your child can request Voluntary Departure to leave the United States. If ORR agrees to your child's reunification with you, ICE can coordinate with ORR to facilitate your child's voluntary departure so that you can depart the United States together.



When your child is in the custody of a state child welfare agency:

Because the state child welfare agency has legal custody of your child, it is up to the state court judge and/or child welfare agency to decide whether your child will be permitted to return to your custody and reunify with you before your departure.

ICE should facilitate (in-person or virtual) visits with your child and/or child welfare case worker and lawyer, as well as your participation in any classes, meetings, or hearings that are necessary to regain custody of your child.

For phone calls within detention: Ask relatives or friends outside to put money into your detainee account so you can call your children and the person taking care of them. When leaving a message, always mention that you are in detention and that you cannot receive a return call. Be sure to give the date and time when you will call again.

ICE policy provides for regular **parent-child visitation** and, if a facility doesn't allow contact visits by children, a contact visit within the first 30 days upon written request. If not possible, ICE should consider a transfer or allow remote visits (phone/video). Additional information can be found here: ICE Guidelines for facilitating visits: Parents in ICE Custody & Minor Children at https://www.ice.gov/doclib/detention/parentalInterest/facilitatingVisitsBetween%20ParentsInICE_CustodyAndMinorChildren.pdf.

Courts can bring a detained parent to a hearing or allow remote participation, but if the court doesn't have your correct address/facility information, you may miss notices, and decisions can be made without you. **Make sure someone updates the court with your name, Alien Registration Number (A-Number), and detention location.** If you are transferred to a different detention center, contact child welfare as soon as you can to give them your new address. If you don't know the number of the child welfare agency, call **Child-help at 1 800-422-4453.**

You may also seek a **stay of removal** while a case plan is in development to regain custody of your child. To apply for a stay of removal:

- You must file Form I-246, available at <https://www.ice.gov/doclib/forms/i246.pdf>.
- To file while you are detained, file this application and the \$155 application fee with the Enforcement and Removal Operations (ERO) field office that has jurisdiction over your custody.
- Documents required:
 - Original passport (must be up-to-date and not expiring within the next 6 months) or a copy of passport and a copy of birth certificate or other identity document.
 - Summary outlining why you are requesting a stay of removal.
 - Provide any additional evidence or documentation that would support your basis for a stay.

Important: Even if your application is still pending, the government can still carry out your final deportation order.





SECTION TWO →

IF YOU ARE DEPORTED WITHOUT YOUR CHILD



If you have been deported and your child is still in the United States, **you may have to decide whether you want your child to remain in the United States or reunite with you in your country of residence.** You can make different choices for each of your children. As you consider the various options, it is important to communicate with your child and involve them in the decision-making process.

Your child's ability to remain in the United States depends in part on their current immigration status and, if they currently lack status, their ability to obtain a legal immigration status in the United States.

The pathway for your child reuniting with you in your country of residence depends in part on your child's immigration status and who currently has custody of them.

The sections that follow explain the steps you can take depending on whether:

- 2A. Your child is a U.S. citizen, and you are planning for them to remain in the United States.
- 2B. Your child is a noncitizen, and you want to explore legal options for them to remain in the United States.
- 2C. You are planning for your child to be reunited with you in your country of residence (both citizen and noncitizen children).



2A. If your child is a U.S. citizen, they can either join you in your country of residence or remain in the United States.

If you want your U.S. citizen child to remain in the United States without you, you will need to ensure they have an appropriate caregiver who is legally responsible for them and able to make decisions about their care. **Having a legally responsible caregiver in place will help ensure your child can access needed services and protect them from entering the child welfare system.** See Section 1A of this guide on page 5. You can also find more specific information under Chapter 8 of this resource: **Detained or Deported: What About My Children? Parental Rights Toolkit** at <https://www.womensrefugeecommission.org/research-resources/detained-or-deported-parental-toolkit-english-interactive/>.

Justice in Motion's Post-Deportation Parental Rights Initiative focuses on helping deported parents maintain their parental rights and stay informed about and involved in decisions about their children's care. You can request this support through a U.S. advocate here (<https://forms.cloud.microsoft/r/Urq1RuxAHv>) or by reaching out to one of Justice in Motion's Defender Network member organizations located throughout Mexico and Central America via this form, available in Spanish (<https://forms.cloud.microsoft/r/YYxaU6VyJx>) or English (<https://forms.cloud.microsoft/Pages/ResponsePage.aspx?id=CUPiz0ncBUu9Y60Yb8IOPRf6AIRWOCR0pdhhr6DamSVURUcx-VE9JNF1TTzcwRD1KTFZSNTZG00czRy4u>).

2B. If you want to explore legal options for a noncitizen child to remain in the United States, you can:

Find a trusted immigration lawyer who can represent your child. You can stay in close communication with that lawyer and be involved in the process, as you may have information the attorney needs to be successful in your child’s case. If your child consents to doing so, the attorney may share information with you about your child’s case. If your child is in ORR custody, they may already have a lawyer, so it’s important to find out. Otherwise, here are a few ways to get help from an immigration lawyer:

- The Immigration Court’s list of free legal service providers for immigrants is available here: **Executive Office for Immigration Review | List of Pro Bono Legal Service Providers**
<https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>
- You can check the Immigration Advocates Network for information about immigration legal service providers by state: **National Immigration Legal Services Directory - Nonprofit Resource Center**
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- You can hire a private immigration attorney by going through the American Immigration Lawyers Association’s attorney search function on this website: **AILA’s Immigration Lawyer Search**
<https://www.ailalawyer.com/>

When speaking with an immigration attorney, it is important to understand the details about the immigration status your child is pursuing to remain in the United States. Some options for immigration status have long-term implications for your child’s ability to return to their country of origin or to seek reunification with you in the future.

The sub-sections below explain the additional steps you need to take depending on your child’s circumstance, including if:



Your child is living with a family member or a friend in the community.



Your child is in the custody of the U.S. Office of Refugee Resettlement (ORR).



Your child is in the custody of a state child welfare agency.



If your child is living with a family member or friend in the community, it will be important to get your child an immigration attorney and make sure that their caregiver can take them to appointments with their attorney, as well as to any hearings, interviews, and appointments related to their case.

If your child does not attend immigration hearings, interviews, or appointments, they risk being detained, having applications denied, and/or being ordered deported simply because they did not appear when required to do so.



If your child is in ORR custody, a legal services organization will give your child a Know Your Rights presentation that provides them with basic information about immigration court procedures, forms of immigration relief, and children’s rights. If your child has someone, like a family member, who is qualified to have your child released to them and provide care for them, ORR may work to release your child to that person (also known as a “sponsor”) while your child’s immigration case proceeds.

It is important to note that ORR sponsor requirements have recently changed, and potential sponsors must now meet stricter criteria, including providing proof of immigration status and undergoing DNA testing, as well as fingerprinting and background checks for the sponsor and all adults in their household. If you have family members in the United States willing to sponsor your child, you should provide that information to the ORR caseworker assigned to your child’s case as soon as possible.

If your child has to move forward with their immigration case while in ORR custody, **a legal service organization that works with children in the particular shelter or care setting where your child is staying will represent your child in immigration proceedings.** In some situations, the legal organization may be able to continue to represent your child after they are released from ORR custody. It is vital that your child have an attorney, and you should be prepared to provide any evidence the attorney requests from you to help support the case.

Some children have a **Child Advocate** appointed to their case because, on top of being a child, they have additional vulnerabilities or risks, such as a disability, a history of abuse, or other factors. The child advocate is different from a lawyer, and is provided for free by the U.S. government. The Child Advocate’s role is to advocate for the best interests of your child. If a Child Advocate has been appointed to your child, they will gather information and may make recommendations about your child’s best interests. You can speak with the Child Advocate and share your preferences about your child’s return and any other information that the Child Advocate needs about your child’s case to help in this process. Unlike your child’s attorney, the Child Advocate is independent and will advocate for your child’s best interests, which may or may not be the same as their expressed wishes. **To contact your child’s Child Advocate, you can call the Young Center at 773-360-8920 or email them at info@theyoungcenter.org.**

If you need help getting in touch with the legal service organization that may be working with your child in ORR custody, you can contact **The Acacia Center for Justice’s Family Reunification Project** at family-reunification@acaciajustice.org. Be sure to state in your email that you are trying to connect with a legal service organization that may be in contact with or representing your child in ORR custody due to a family separation. Do not include any sensitive information in the email about you or your child’s situation or case. After receiving your email, the Family Reunification Project will follow up with you in a secure manner. Please note that the Family Reunification Project itself does not provide legal advice or legal representation, and that it cannot guarantee that your child will be assigned an attorney if they do not already have one.

You can continue to have contact with your child while they are in ORR custody, even if you are returning to your country of origin and a family member seeks to sponsor your child.

If you need help locating and speaking with your child in ORR custody, call or text the **ORR Hotline** (<https://acf.gov/orr/outreach-material/office-refugee-resettlement-national-call-center>) **via WhatsApp at +1 (800) 203-7001. (If you are in detention, speed dial 699# on the free call platform. Available 24/7 in English and Spanish.)**

International numbers:

- El Salvador - 5038006439
- Guatemala - 50218003750042
- Honduras - 50380064390
- Mexico - 528008770404



If your child is in the custody of a state child welfare agency, they will have a lawyer for their child welfare case, but they will not automatically have a lawyer for their immigration case. The child welfare lawyer is not an immigration expert, and if you want your child to remain in the United States, they will need a separate immigration lawyer. **Ask the child’s attorney or guardian ad litem, the child’s caseworker, and your attorney (if you have one) to ensure that the child welfare agency seeks an immigration attorney to represent your child with their immigration claim.** You can provide the child welfare worker with the immigration attorney referral sources listed above. However, not all states provide immigration attorneys for children who are in the state’s custody and in immigration proceedings, so you may need to find an immigration attorney for your child on your own. Some states cover the cost of immigration legal services or help make connections with pro bono attorneys, but this is up to each state, and there may be additional costs.

If you wish for your child to remain in the United States and they are in the state child welfare system, you can still maintain contact with them and can continue to have some parental rights as long as your child has not been adopted (adoption only occurs when a U.S.-based court terminates parental rights and grants another adult parental rights of your child). If you do not wish your child to be adopted, it is critical that you continue to communicate with child welfare officials and virtually attend all court hearings. You should be sure the caseworker, your child’s attorney or guardian ad litem, and your attorney all have your contact information and that you have theirs. You should ask your attorney (if you have one) to ensure that the case plan includes regular communication with you.

As part of your regular communication, you can help identify family members or other trusted adults that you would like your children to stay with. In order for your child to be placed with those relatives or close friends, they will need to be approved by the child welfare system as a safe placement, which may take time. Keep in mind that **once your child is placed with relatives and leaves the child welfare system, their immigration case will likely still be ongoing.**



2C. If you want your child to be reunited with you in your country of residence, here are steps to take depending on your child's living situation:



When your child is living with a family member or friend in the community:

For your child to travel internationally, they generally require a passport or other travel document, an airline ticket, documented permission from both parents, and permission to enter the country if they are not a national.

1. Travel document - This is typically a passport, but as an alternative to a passport, some countries may also issue a temporary one-way travel document, which is often faster to get. Please note that in most countries, **both parents** must provide consent for a minor to obtain a passport or temporary travel document. If one parent is unavailable or not involved, the process may take additional time and may require administrative steps or, in some cases, a court proceeding. If you anticipate any difficulty obtaining parental consent, seek guidance from a legal professional as early as possible.

If your child is a U.S. citizen, they will need to get a U.S. passport. Instructions for obtaining a U.S. passport for children under 16 years old can be found here: <https://travel.state.gov/content/travel/en/passports/need-passport/under-16.html>.

- Applications are in person. If one parent can't appear, submit **Form DS-3053** (Statement of Consent) and the \$135 application fee at <https://eforms.state.gov/Forms/ds3053.pdf> with your child's application and sign Section 4A before a notary.
- In cases where the other parent cannot be located, for example, because they are outside the United States, it is also recommended to submit **Form DS-5525** (Statement of Exigent/Special Family Circumstances) available here <https://eforms.state.gov/Forms/ds5525.pdf>. This form documents the efforts made to locate the absent parent, explains why their consent could not be obtained, and establishes the extraordinary or urgent circumstances justifying the issuance of the passport. Submitting the DS-3053 and DS-5525 together increases the likelihood that the application will be approved.
- The processing time for a U.S. passport is usually 6-8 weeks after the application is submitted. You can call a U.S. passport center for assistance at: 1-877-487-2778 / 1-888-874-7793 (TDD/TTY) Monday through Friday 8 am – 10 pm ET. For information about faster processing options with an added fee, you can visit the **Get My Passport Fast** page at <https://travel.state.gov/content/travel/en/passports/get-fast.html>.

Documents required for the passport application:

- Birth certificates (at least two copies)
- School ID cards (including kindergarten)
- Social Security card
- If no school ID is available: a letter from the pediatrician and/or school, or medical and school records that include a photo of the child.



Separate instructions for U.S. citizen children aged 16-17 years old are found here:

<https://travel.state.gov/content/travel/en/passports/need-passport/16-17.html>.

If your child is not a U.S. citizen, the process to obtain a passport or other travel document depends on their country of nationality. See below for links to country-specific requirements:

- El Salvador at <https://rree.gob.sv/servicios-consulares/autorizaciones-menor-edad-se/>
- Guatemala at <https://igm.gob.gt/requisitos-para-tramite-de-pasaporte-guatemalteco/>
- Honduras at <https://inm.gob.hn/pasaportes.html>
- Mexico at <https://www.gob.mx/pasaporte/>
- Nicaragua at https://www.cancilleria.gov.co/tramites_servicios/pasaportes/requisitos
- Venezuela at <https://granmisionvueltaalapatria.gob.ve>

2. Airline ticket - Before purchasing an airline ticket, there are a number of things to consider.

- Depending on your child's age, they may need someone to accompany them. Airlines offer escort services for unaccompanied children on flights, but the requirements vary from airline to airline. Generally, children under five cannot travel unaccompanied. It is recommended to check with the airline before purchasing the ticket.
- Look for the fastest possible route and preferably without an overnight stay.
- If the flight includes a layover in a transit country, it is important to make sure your child meets the transit country's requirements.
- Depending on the airline carrier, there may be additional forms required.

3. Notarized authorization from both parents and apostilled birth certificate - Airlines and government authorities commonly require the originals (not copies) of these documents in addition to the passport or other travel document for your child's return. It is important to confirm the requirements ahead of travel; otherwise the airline might refuse to allow your child to board the airplane.

4. Permission to enter the country - If your child was not born in your country of residence, contact the country's consulate to find out what the requirements are for your child to be able to enter and stay. Some countries require that foreign-born children or children with a foreign passport register at the consulate before return, and often require an apostilled birth certificate.



When your child is in ORR custody:

If you need help locating your child in ORR custody, call or text the **ORR Hotline** (<https://acf.gov/orr/outreach-material/office-refugee-resettlement-national-call-center>) **via WhatsApp at 1 (800) 203-7001**. ORR can send a message to the shelter or foster home where your child is staying and give your contact information to your child's case manager. Explain to your child's case manager that you want your child to join you in your country.

Even if you want your child to return to your country, it is important that they get advice from an attorney, who can help you and your child understand their individual legal situation and options. See the information below about legal service providers for children in ORR custody and ask the case manager to ensure that your child speaks to an attorney if they do not already have one.

If you need help getting in touch with the legal service organization that may be working with your child in ORR custody, you can contact **The Acacia Center for Justice's Family Reunification Project** at family-reunification@acaciajustice.org. Be sure to state in your email that you are trying to connect with a legal service organization that may be in contact with or representing your child in ORR custody due to a family separation. Do not include any sensitive information in the email about you or your child's situation or case. After receiving your email, the Family Reunification Project will follow up with you in a secure manner. Please note that the Family Reunification Project itself does not provide legal advice or legal representation, and it cannot guarantee that your child will be assigned an attorney if they do not already have one.

Some children have a **Child Advocate** appointed to their case because, on top of being a child, they have additional vulnerabilities or risks, such as a disability, a history of abuse, or other factors. The Child Advocate is different from a lawyer, and is provided for free by the U.S. government. The Child Advocate's role is to advocate for the best interests of your child. If a Child Advocate is appointed to your child, they will gather information and may make recommendations about your child's best interests. You can speak with the Child Advocate and share your preferences about your child's return and any other information that the Child Advocate needs about your child's case to help in this process. Unlike your child's attorney, the Child Advocate is independent and will advocate for your child's best interests, which may or may not be the same as their expressed wishes. **To contact your child's Child Advocate, you can call the Young Center at 773-360-8920 or email them at info@theyoungcenter.org.**

If your child wants to **return to the country of origin**, they should tell their attorney they wish to return and talk to their attorney about their options, like **Voluntary Departure**, or for children over the age of 14, an option called **Voluntary Return**. However, the attorney works for your child and must follow your child's expressed wishes, so if your child does not want to return, the attorney cannot request their return, even if you want them to return. Whenever possible, you and your family should communicate on an ongoing basis so you know their interests and concerns and can make decisions together.

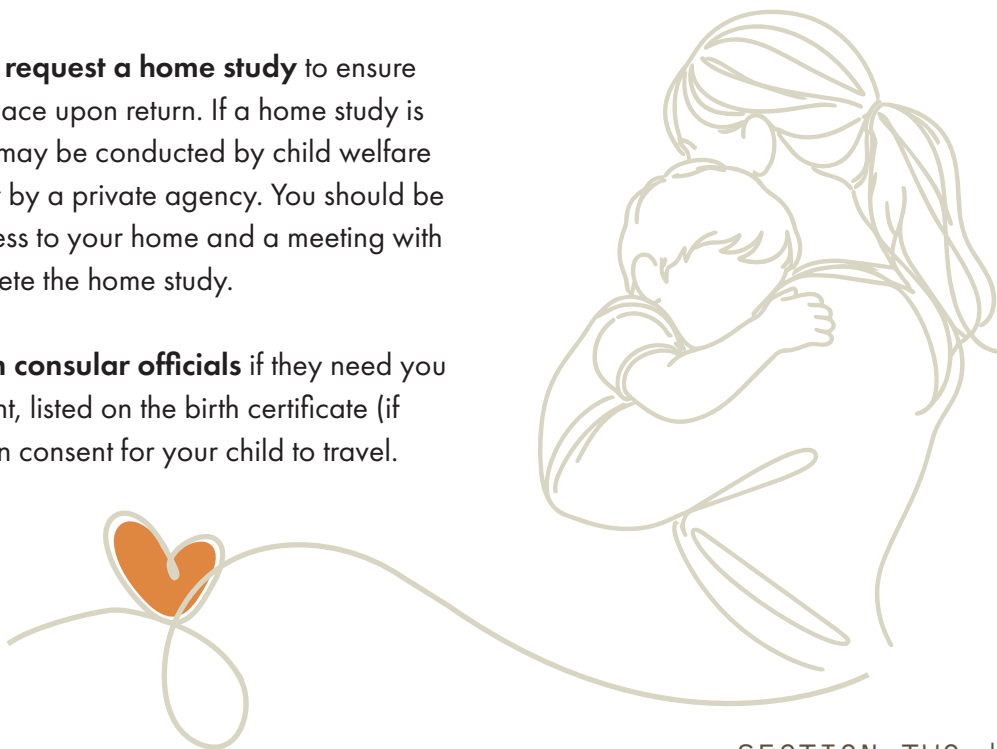
If your child is currently in immigration proceedings, they will need an order issued by an immigration judge granting **Voluntary Departure**. Voluntary Departure ends immigration proceedings without an order of removal (or deportation order) and allows an unaccompanied child to depart the United States within a certain time period at the government's expense. You can check your child's case status by calling the **Executive Office for Immigration Review (EOIR) hotline at 800-898-7180** and entering their Alien Registration Number (A-Number). If you do not have it, your child or their case manager may.

If your child was in immigration proceedings but has a final order of removal, they will be deported (unless their immigration case is reopened). If you have not been informed of the date when your child is scheduled to be deported, you can reach out to your child's case manager and attorney to find out.

Once a judge has ordered Voluntary Departure or removal for your child, their ORR case manager and ICE, as well as the Consulate from the child's country, will begin to work on return. In most cases, the Consulate from the child's country will also be involved. As part of this process, the ORR case manager should call you to inform you of your child's return date. If you do not hear from the ORR case manager and your child has been issued a Voluntary Departure order, you should call the case manager to check in about the timing of your child's return.

In some cases, **ORR may request a home study** to ensure that the child has a safe place upon return. If a home study is requested in your case, it may be conducted by child welfare officials in your country or by a private agency. You should be prepared to facilitate access to your home and a meeting with you/your family to complete the home study.

You may also hear from consular officials if they need you and the child's other parent, listed on the birth certificate (if applicable), to give written consent for your child to travel.





As early on as possible, **contact the authorities in your country of residence** (such as the social protection/child protection authorities) to ensure they are aware that your child remains abroad and that you wish for your child to return. Authorities in your country may be able to help mobilize additional ways to facilitate your child's return. Stay in contact with these authorities to exchange information about the date and specific arrangements for your child's actual travel and arrival.

You should **plan to travel** to the place designated in your country or region to receive your child and to bring documents that prove your relationship to your child, such as a birth certificate. You will need to establish that you are the parent or caregiver for the child welfare officials to release your child to you. You may be required to undergo a medical exam and/or psychological screening before being able to leave with your child.

Children returning to their home countries should be prepared with documents that may be needed to receive services, particularly to enroll in school. It is important to **obtain school records** (report cards and other supporting documentation that show grade level) and to get them apostilled (a process that verifies the document's authentication) at the nearest authority in the U.S. state where the child is living prior to return. This will help them to re-enroll in school once they are back in your country.

There may be organizations in your community that provide support and assistance to returning children and their families. You and your child can ask about these at the reception center where you are returning.

If you are in Guatemala or Honduras, you may be able to participate in the **reintegration program offered by KIND**. You do not need to wait for your child to return. KIND works with children and their families prior to departure, and for 12 months upon return.

- You can refer a child to KIND's reintegration program here:

https://kindoi.legalserver.org/modules/matter/extern_intake.php?pid=133&h=69729a&

You can also contact **International Social Service** for assistance with international reunifications in other countries by emailing question@iss-usa.org.



When your child is in state welfare custody:

Keep in touch with your child’s caseworker as best you can, including letting them know about any limitations you have in communicating regularly (such as internet access, unstable housing). Make sure they have your up-to-date contact information. Many caseworkers may not be able to communicate with WhatsApp, so you may need to call a regular phone line or send e-mails to stay in contact.

Express your desire to have your child join you in your country. In the meantime, if your child is not placed with someone you know in the United States, you can request that they be placed with a relative or friend who is willing to care for them. Be sure the relative or friend knows that they will be subject to some involvement with the child welfare system, including background checks and home assessments. The specific requirements for friends and relatives caring for children in the child welfare system vary by state.

Keep copies of all paperwork related to your child’s case, including court orders and case plans, and dates for hearings or key meetings. Let your child’s caseworker/your attorney know about any difficulties you have in participating.

Request an attorney. In most states, you will be entitled to an attorney to advocate for your wishes in child welfare proceedings. In some states, the court will automatically appoint you an attorney, but in others, you may need to virtually attend a court hearing to request an attorney. Ask your caseworker how you can ensure you have an attorney.

Request interpretation. In all communication with child welfare officials and in child welfare court proceedings, you have the right to an interpreter in your best language.

A judge may seek an assessment of your home to determine that it is safe and suitable for your child to return. This may be completed through the child protection authority in your country, or through a private or non-governmental agency such as **International Social Service** (<https://www.iss-usa.org/>).

A judge may seek evidence of completion of a case plan, including participation in programs, parenting classes, or other services. If you have difficulty accessing court-mandated services after your deportation, keep track of all your efforts to contact service providers or complete services and communicate with your child’s caseworker/your attorney.

Try to get help in your municipality to support your ability to receive legal documents, participate in court hearings and meetings, and participate in parenting classes or other services. Municipalities have different types of resources that can help. Some countries have municipal offices for women, children, or returned migrants that can support parental participation in the child welfare proceedings. Others may have local child welfare offices that can provide this support, or local NGOs that can do so. **CuentaNos**, available at <https://www.cuentanos.org/>, can help you identify resources in El Salvador, Honduras, and Guatemala.



RESOURCES

For families affected by immigration enforcement:

Women's Refugee Commission, Detained or Deported: What About My Children? Parental Rights Toolkit

<https://www.womensrefugeecommission.org/research-resources/detained-or-deported-parental-toolkit-english-interactive/>

CLASP & National Immigration Law Center, Know Your Rights: Five Things Parents Detained by ICE Should Know

<https://www.clasp.org/wp-content/uploads/2025/11/ICE-know-your-rights-fact-sheet.pdf>

Immigrant Legal Resource Center, Protecting Children in Schools Against Immigration Enforcement: What Schools and Parents Can Do

<https://www.ilrc.org/community-resources/protecting-children-schools-against-immigration-enforcement>

KIND, Guide for Parents Returned to Honduras with Children Under 18 in the United States: Steps, Options, and Resources

https://supportkind.org/wp-content/uploads/2026/03/26_Guia-para-madres-y-padres-1.pdf

Justice in Motion: To be connected with a local human rights defender in Mexico, Honduras, El Salvador, Guatemala and Nicaragua for a post-deportation legal screening related to parental rights, see justiceinmotion.org and bit.ly/ayuda.jim.

ICE Parental Rights Directive

<https://www.ice.gov/detain/parental-interest>

ICE Policies and Standards Related to Detained Parents & Legal Guardians: Fact Sheet for Child Welfare & Guardianship Stakeholders

<https://www.ice.gov/doclib/detention/parentalInterest/factsheetChildWelfareStakeholders.pdf>

ICE Detained Parents & Legal Guardians FAQ

https://portal.ice.gov/pdf/Parents_FAQ/Detained_Parent_PID-FAQ_English.pdf

Family preparedness and planning:

Appleseed Network, Planning Guide (Information is protected)

<https://deportationpreparation.org/build-your-guide/>

Appleseed Network, Checklists broken down by category: Family, Finances, Property

https://deportationpreparation.org/chapter/?_chapter_tool=checklist

Appleseed Network, Deportation Planning Manual

<https://deportationpreparation.org/>

IMUMI, Resources for Transnational Families (U.S.-Mexico)

<https://imumi.org/familias-transnacionales/>

Immigrant Legal Resource Center, Step-by-Step Family Preparedness Plan

<https://www.ilrc.org/resources/step-step-family-preparedness-plan>

UnidosUS, Know Your Rights and Rapid Response Resource Guide

<https://docs.google.com/document/d/1VoSuZKw6DfgsmkjEnY6WSpMcpHBQrFie/edit?tab=t.0#heading=h.jlaaqdbwyhf>

Separated children and family reunification:

International Social Service, USA: Permanency Planning Services

<https://www.iss-usa.org/our-services/services-for-children/>

KIND, A Toolkit for Professionals Serving Unaccompanied and Separated Children

https://supportkind.org/wp-content/uploads/2025/08/25_Care-Toolkit_v2.pdf

Children Thrive Action Network, Toolkit: Protecting Immigrant Families from Deportation

<https://childrethriveaction.org/2025/01/protecting-immigrant-families-toolkit/#for-educators>

APSHA, Community Roadmap for Child Well-Being - Decision-Making Guide:

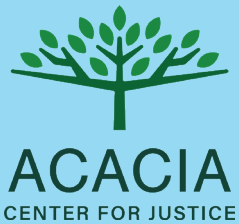
Supporting children affected by immigration enforcement

https://aphsa.org/wp-content/uploads/2025/05/2025_5_22-1502E_APHSA_CommunityRoadMap_Interactive_V3.pdf

Legal support:

You can search this Directory of Legal Service Providers to find a lawyer in your area

<https://www.immigrationadvocates.org/legaldirectory/>



The views expressed in these materials do not represent the official positions of Georgetown University.

The materials are for general informational purposes only and do not constitute legal advice.

Photo credits: "Murals Mission District, SFO" by gwendolen, CC BY-NC 2.0 and "Mission Mural - Political Art" by Fabrice Florin, CC BY-SA 2.0