

Office of Policy

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

Ms. Leslye E. Orloff
Director, Immigrant Women Program
Legal Momentum
1101 14th Street, NW, Suite 300
Washington, DC 20005

Dear Ms. Orloff:

Thank you for providing U.S. Immigration and Customs Enforcement (ICE) a copy of Legal Momentum's draft booklet entitled, "Rights and Options for Battered Immigrant, Migrant, and Refugee Women and Immigrant Women Who Met Their Spouses Through International Matchmaking Agencies" for our comments.

I appreciate the importance of your project and am pleased to have had the opportunity to collaborate with your organization's efforts to provide information to assist women who are victims of domestic violence or human trafficking. I have enclosed a copy of your draft booklet with our edits in the portions of the draft that relate to ICE's mission.

You also inquired about ICE's detention policies and practices with regard to nursing mothers. ICE has provided written guidance to our field agents and officers to encourage the use of prosecutorial discretion when they encounter women who are nursing to ensure that custody determinations are made appropriately. These guidelines state that absent any statutory detention requirement or concerns such as national security, threats to public safety or other investigative interests, ICE agents should consider the conditional release of nursing mothers pending the results of their immigration removal hearings. I have enclosed copies of those guidelines for your information.

Additionally, you inquired about when ICE agents usually inform sole caregivers of our guidelines during an immigration enforcement operation. During such operations, we actively work to identify individuals that may have caregiver issues at the time of arrest. Screening for caregiver issues is done in English and Spanish and both orally and in writing to ensure that any alien with caregiver issues is not detained for any extensive period of time.

If ICE can provide any further assistance for your project, please do not hesitate to contact me or Kendra Wallace, National Outreach Coordinator in the Office of Policy, at (202) 307-6402.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Cullen".

Susan M. Cullen
Director, Office of Policy

Enclosures