



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part I – Administrative Services



*Subject:*

#### Contact with U. S. Immigration and Customs Enforcement (ICE)

*Section – Policy Number:*

**E - Information Management: 6.0**

*Supersedes:*

**I-E-6.0 (11/17)**

**I-E-6.0 (9/16)**

**I-E-6.0 (5/14)**

**I-E-6.0 (12/13)**

*Effective Date:*

**08/04/2025**

*Date of Last*

*Review/Revision:*

**None**

#### Related Standards and References:

- [ORS 419A.255\(3\)](#) (Maintenance; disclosure; providing transcript; exceptions to confidentiality)
- [OAR 416-150](#) (Interviews with Youth in Custody)
- [Consular Notification and Access Manual 2018](#): U.S. Department of State, Bureau of Consular Affairs
- [OYA policy](#): I-E-2.3 (Requests for Youth Information and Records)  
I-E-7.0 (Foreign Nationals and Consular Notification/Contact)  
II-F-3.6 (Youth Legal Materials and Assistance)  
II-F-1.0 (Youth Rights - Facilities)  
II-F-3.4 (Youth Use of Telephone)  
III-B-4.0 (Youth Rights and Grievances - Community)
- OYA form: [YA 0058 Youth Interview Consent Form](#)  
[YSP 0058 Spanish Translation of YA 0058](#)

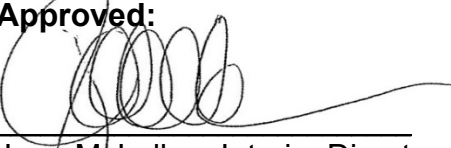
#### Related Procedures:

- [FAC I-E-6.0](#) DOC Youth: Contact with ICE
- [Contact with ICE Checklist](#)

#### Policy Owner:

Deputy Director

#### Approved:

  
Jana McLellan, Interim Director

## I. PURPOSE:

This policy establishes how OYA staff communicate with the U. S. Immigration and Customs Enforcement (ICE) regarding youth in OYA custody.

## II. POLICY DEFINITIONS:

**Adjudicated youth:** A person in the legal and physical custody of OYA, either in an OYA facility or placed in the community under supervision.

**Consular official or consul:** An official of a foreign government accredited by the Department of State and authorized to provide assistance to the foreign government's citizens in the United States. Different from "counsel," which is an attorney authorized to provide legal advice. Consuls are not authorized to practice law.

**DOC youth:** A person in the legal custody of the Department of Corrections and the physical custody of OYA in an OYA facility.

**Foreign national:** A person residing in the United States who is not a citizen of the United States, as determined by appropriate federal executive or judicial branch officials.

**ICE:** U. S. Immigration and Customs Enforcement.

**Judicial subpoena or court order:** A subpoena or court order issued as part of a court proceeding or another compulsory court-issued legal process. A judicial subpoena does not include an administrative subpoena created and signed by a federal immigration authority.

**Youth:** A person in the legal and physical custody of the OYA, either in an OYA facility or placed in the community under supervision; or a person in the legal custody of the Department of Corrections and the physical custody of the OYA in an OYA facility.

### **III. POLICY:**

OYA staff must treat youth equally, regardless of race, ethnicity, religious beliefs, national origin, gender, physical or mental disabilities, sexual orientation or gender identity. OYA provides youth programs and services necessary to promote every youth's personal reformation and development while addressing criminogenic needs and case plan goals. These services are designed to maintain a youth's physical and psychological wellbeing and are equally available to all youth.

OYA staff must not inquire into or request information about a youth's immigration status unless:

1. The information is required to advance an investigation into a violation of state or local criminal law;
2. The information is submitted to a court in Oregon in connection with a proceeding in that court; or
3. As necessary to determine the youth's eligibility for a benefit that the youth is seeking.

Staff who receive a request for immigration status information must consult with the designated staff listed in IV.A. of this policy. Except as required by state or federal law, OYA staff may not deny services, benefits, privileges or opportunities to a youth on the basis of known or suspected immigration status, the existence of an immigration detainer, hold, notification or other related federal immigration request or a civil immigration warrant. At no time may a youth's immigration status or suspected status be used to intimidate, coerce or threaten the youth or the youth's family.

OYA or its staff must not provide legal advice or legal assistance to a youth. A youth who has an immigration or legal concern that requires legal assistance may contact an attorney, or any agency that provides legal services, at the youth's own expense.

Youth who are foreign nationals or claim to be foreign nationals have the right to contact their consular officials by telephone, mail, or in person. OYA provides opportunity for confidential communication between foreign nationals in its custody and consular officials. See OYA policy I-E-7.0 (Foreign Nationals and Consular Notification/Contact).

#### **IV. GENERAL STANDARDS:**

##### **A. Communication with ICE**

###### **1. Facility youth**

The Facility Services policy advisor is OYA's primary ICE contact for youth who reside in OYA facilities.

###### **2. Community youth**

The Community Services policy advisor is OYA's primary ICE contact for youth who reside in the community.

###### **3. OYA Employees or contracted providers/services**

The Human Resources administrator or designee is OYA's primary ICE contact for OYA employees and contracted providers.

###### **4. The Facility Services policy advisor or the Community Services policy advisor may be contacted regarding ICE-related issues for youth as indicated above. The OYA Human Resources administrator or designee may be contacted regarding ICE-related issues for OYA employees or contractors as indicated above.**

###### **5. The ICE contacts listed above must document and report any communication or requests from a federal agency that relates to immigration enforcement, other than a qualifying judicial subpoena, to the Oregon [Criminal Justice Commission](#).**

##### **B. The Facility Services or Community Services policy advisor will ensure ICE interviews of youth are authorized prior to scheduling them. Youth interviews must only be scheduled as required by a judicial subpoena or order.**

[OAR 416-150-0040](#) (Other Interviews) must be followed whenever an ICE staff is approved to interview or visit a youth.

##### **C. The Facility Services policy advisor must ensure a JJIS population group of "DOC Sensitive Designation," subgroup "ICE Court Order" is entered into JJIS for each DOC youth committed to an OYA facility who is subject to an immigration judicial subpoena or court order.**

##### **D. Adjudicated youth (not DOC youth) subject to a judicial subpoena or court order**

1. OYA staff must not contact ICE prior to a youth's release, except as required by a judicial subpoena or court order. Communication with ICE must follow IV.A. above.
2. OYA staff may release a youth subject to a judicial subpoena or court order to ICE staff only if required to do so by a judicial subpoena or court order and only if ICE staff are present at the facility at the time of the youth's release.
3. If ICE staff are **not** present at the facility to obtain physical custody of the youth at the time of the youth's release (specified release date and time), OYA staff must release the youth according to the youth's transition plan.

E. DOC youth subject to judicial subpoenas or court orders

1. The case coordinator must begin finalizing the DOC youth's release plans with the DOC release counselor four months prior to the DOC youth's release date.

OYA will be notified by DOC when the DOC youth is within 45 days of release into the community. DOC staff will coordinate the DOC youth's release process. The DOC release counselor will notify OYA of judicial subpoenas or court orders and the appropriate agency to be notified for proper pick-up, if required by the court order.

2. OYA must not maintain physical custody of DOC youth beyond their scheduled release dates.

**V. AGENCYWIDE PROCEDURE REQUIRED: YES**

A facilitywide procedure must address the following:

- A. Communication flow regarding youth ICE interviews, court orders and subpoenas, and releases; and
- B. Youth release day procedures.

**VI. LOCAL OPERATING PROTOCOL REQUIRED: NO**