

# OREGON YOUTH AUTHORITY

## Policy Summary



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

The following is only a summary of OYA policy [I-E-6.0 Contact with ICE](#). Please refer to the policy for full details and as the official policy record. For other policies, visit <https://www.oregon.gov/oia/aboutoia/pages/policies.aspx>.

### What families need to know:

The Oregon Youth Authority (OYA) is committed to treating all youth fairly and equally, no matter their race, background, or immigration status. OYA staff do not ask about or investigate a youth's immigration status unless it is part of their specific job responsibilities.

OYA is only required to contact ICE regarding a youth if OYA has received a verified court order or judicial subpoena that orders OYA to do so. OYA will only do what the court order or judicial subpoena requires.

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### Key points for families:

- **OYA does not ask about immigration status.** OYA staff are not allowed to ask youth or families about immigration status unless:
  - It's needed for a criminal investigation.
  - It's required in an Oregon court case.
  - It's needed to see if the youth qualifies for a benefit they are applying for.
- **No youth or family member should ever be threatened or mistreated because of immigration status.**
- **Youth have the right to contact consulate officials from their home country** by telephone, mail, or in person. OYA will allow private communication between youth and consular officials.
- **OYA cannot give legal advice.** If a youth has questions about immigration or other legal matters, they may contact an attorney or legal aid service at their own expense.

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### Communication with ICE

- Only certain OYA staff are allowed to speak with ICE:
  - Facility Services policy advisor – for youth in OYA facilities.
  - Community Services policy advisor – for youth living in the community.

- Human Resources administrator – for OYA employees or contractors.
  - These staff must document all ICE-related requests
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### **Interviews by ICE**

- ICE can only interview a youth if required by a court order or judicial subpoena.
  - Interviews must follow OYA's rules for outside interviews.
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### **For youth in OYA legal custody who are placed in an OYA facility**

If a youth is under a judicial subpoena or court order:

- **Before release:** OYA will only contact ICE prior to a youth's release date if required by a judicial subpoena or court order.
  - **On the release day:**
    - If ICE is present at the time of release, the youth will be released to ICE custody *only* if required by a judicial subpoena or court order.
    - If ICE is *not* present, OYA will release the youth according to their transition plan.
  - **Youth will not be held past their release date.**
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### **For youth in DOC legal custody who are placed at an OYA facility**

If a DOC youth is under a judicial subpoena or court order:

- Four months before release, OYA staff and DOC staff work together to make a release plan.
- DOC will notify OYA 45 days before the youth's release and will coordinate the release process.
- If a court order says ICE should be notified or present for the release, DOC staff will arrange that.
- **OYA will not keep DOC youth past their scheduled release date**, even if ICE is not there.