

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, and Program Completion Division: Placement Planning Rule: Undocumented Foreign Nationals ACA: N/A	Effective Date: 4/1/14 Page: 1 of 1 Replaces: GAP.380.8579, 9/1/10
--	---

RULE

(a) **Purpose.**

The purpose of this rule is to establish guidelines for the Texas Juvenile Justice Department (TJJD) to work with United States Immigration and Customs Enforcement (ICE) concerning youth who are undocumented foreign nationals.

(b) **Definitions.**

Undocumented Foreign National--A foreign-born youth who does not have legal authorization to reside in the United States.

(c) **General Provisions.**

- (1) TJJD will not detain an undocumented foreign national in a secure facility for the sole purpose of deportation. An ICE detainer is not an automatic bar to earned release.
- (2) TJJD will work with ICE to determine the residency status of a youth who does not have documentation identifying his/her residency.
- (3) TJJD will notify ICE of the release date of a youth 10 days prior to release from a high restriction/secure facility if ICE has issued a detainer for the youth.
- (4) If ICE fails to pick up a youth on or before the release date, TJJD will proceed with placement options for the youth. TJJD may hold a youth after the scheduled release date for pick up by ICE, but such a hold may not exceed 48 hours after the scheduled release date.
- (5) TJJD monitors the cases of youth detained by ICE until the youth are discharged from TJJD.

See [CMS.02.75](#) for implementation procedures.