



Detainee Telephone System (DTS) Pro Bono Platform Access Policy **FAQ:**



Overview of the U.S. Immigration and Customs Enforcement (ICE) Detainee Telephone Service (DTS) for Legal Service Providers

Pursuant to ICE detention standards, all detained noncitizens are provided free, unmonitored, and unrecorded telephone access to specific governmental, non-governmental, and pro bono entities through the ICE DTS pro bono platform. This platform is accessible to entities listed on the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) List of Pro Bono Legal Service Providers (EOIR Pro Bono List) as well as ICE Enforcement and Removal Operations (ERO) approved organizations. In addition, paid legal calls are also an option to detained noncitizens.

What types of calls are included and permitted as free legal calls?

Consistent with ICE National Detention Standards¹ free or direct calls are permitted to:

1. The local immigration court and the Board of Immigration Appeals;
2. Federal and State courts where the detainee is located or may become involved in a legal proceeding;
3. Consular officials;
4. Legal service providers, in pursuit of legal representation or to engage in consultation concerning his/her expedited removal case;
5. A government office, to obtain documents relevant to his/her immigration case; and
6. In a personal or family emergency, or when the detainee can otherwise demonstrate a compelling need (to be interpreted liberally).

How does a legal service provider get added to the DTS Pro Bono Platform?

To be added to the DTS Pro Bono Platform, a legal service provider should first apply to be included on the EOIR Pro Bono List. Instructions and requirements may be found at: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. Once approved by EOIR, the legal service provider should notify ERO by emailing TALTONCommunicationMailbox@ice.dhs.gov with confirmation of EOIR approval. Once approved, the legal service provider will be assigned a designated speed dial number on the DTS Pro Bono Platform.

How soon will a legal service provider be added to the DTS Pro Bono Platform?

Most applications to EOIR take between 60 and 150 days to be processed and published on the EOIR Pro Bono List. After notifying ERO of EOIR's approval, it then takes approximately five days to be assigned a speed dial number.

Are all EOIR Pro Bono Legal Service Providers available on the DTS Pro Bono Platform in every ICE detention facility?

No. EOIR Pro Bono Legal Service Providers are only available for the state or geographic area served by the legal service providers which is usually the state where the facility is located.

Is a private attorney who provides pro bono legal services through an approved organization listed on the EOIR Pro Bono List eligible to be on the DTS Pro Bono Platform?

Yes. However, they must apply to DOJ EOIR to be included on the EOIR Pro Bono List.

¹ See e.g., 2019 National Detention Standards (NDS 2019) 5.4.II.E, 2011 Performance-Based National Detention Standards (PBND 2011) 5.6.V.E, PBND 2008 Section 31, V.E, NDS 2000 "Telephone Access," III.E.



Detainee Telephone System (DTS) Pro Bono Platform Access Policy **FAQ:**

Can an organization be added to the DTS Pro Bono Platform if it is providing services other than pro bono legal services?

Generally not. However, entities not accepted by EOIR to be on the EOIR Pro Bono List may request to be added to the ICE DTS pro bono platform by providing a letter on the entity's letterhead addressed to the Custody Management Division (CMD). The letter must include the following information:

- The entity's mission and its specific need for pro bono system access;
- The entity's website details and/or other supporting information or documentation of its mission;
- A statement that includes all of the following: "*[Insert Entity Name] understands that three-way calling and/or call forwarding activities with third parties is strictly prohibited through the Detainee Telephone System (DTS) pro bono platform and that any discovery of three-way calling and/or call forwarding activity by [Insert Entity Name] through the DTS pro bono platform shall result in permanent removal from the system*"; and
- Signed by the Executive official of the organization.

The letter shall be emailed to TALTONCommunicationMailbox@ice.dhs.gov.

Can an approved EOIR Pro Bono Legal Service Provider or an ERO approved organization be removed from the DTS Pro Bono Platform?

Yes. One example is engaging in three-way calling and/or call forwarding, with the exception of the terms noted in the response below. This is strictly prohibited and may result in removal from the platform or blocking of the entity's speed dial number. Following a meaningful meet and confer dispute resolution process, pro bono privileges may be revoked by EOIR or ICE for a period of at least 12 months, or indefinitely. Legal service providers may reapply to EOIR or ICE for reinstatement pursuant to the EOIR pro bono list application procedures detailed above.

Are Pro Bono Attorneys permitted to Conference in an Interpreter or Co-counsel on the DTS Pro Bono Platform?

Upon request pro bono attorneys may be permitted to use three-way calling on the DTS Pro Bono Platform solely for purposes of facilitating communication with co-counsel, connections to professional/certified interpreters or third-party interpretation services or accommodating individuals with disabilities in need of auxiliary aids and services. Further information can be obtained at icesupport@talton.com.

¹ See e.g., 2019 National Detention Standards (NDS 2019) 5.4.II.E, 2011 Performance-Based National Detention Standards (PBNDS 2011) 5.6.V.E, PBNDS 2008 Section 31, V.E, NDS 2000 "Telephone Access," III.E.