

INS DETENTION STANDARD

RELIGIOUS PRACTICES

I. POLICY

Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is "mainstream," whether the religion is "Western" or "Eastern," or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. General

Detainees shall have the opportunity to engage in practices of their religious faith that are deemed essential by the faith's judicatory, consistent with the safety, security, and the orderly operation of the facility.

No one may disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation. Attendance at all religious activities are voluntary and, unless otherwise specified by the OIC, open to all.

B. Religious Opportunities and Limitations

When necessary for the security or good order of the facility, the OIC may limit attendance at or discontinue a religious activity. Opportunities for religious activities are open to the entire detainee population, without regard to race, color, nationality, or creed. The OIC may limit participation in a particular religious activity or practice to the members of that religious group. Ordinarily, when the nature of the activity or practice (fasts, ceremonial meals, headwear requirements, work proscriptions, etc.) indicates a need for such a limitation, only those detainees whose files reflect the pertinent religious preference will be included.

C. Religious Preferences

INS does not require a detainee to profess a religious belief. A detainee may designate any or no religious preference during in processing. By notifying the chaplain or other designated individual, in writing, a detainee may request to change this designation at any time, and the change will be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by detainees of religious practice or observance, the chaplain shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a detainee to participate in specific religious activities, as described in Section B below, staff may wish to refer to the information contained both on the initial classification and the detainee's religious designation. Detainees showing "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

In processing staff shall enter the detainee's religious designation into DACS at the detainee's initial in processing. When the chaplain approves a request for change of religious preference, the chaplain is responsible for making the necessary change in the detainee's DACS.

D. Chaplains

The Chaplain or designated individual is responsible for managing religious activities in the facility.

He/she is available to provide pastoral care and counseling to detainees who request it, both through group programs and individual services. Detainees, who belong to a religious faith different from the Chaplain's will, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The Chaplain may, for the purpose of informed decision making, ask the detainee(s) to explain special or unfamiliar requests.

The term "individual services" includes counseling services provided to individual detainees and/or members of their families in personal crisis and family emergency situations.

E. Schedules and Facilities

All facilities shall designate space for religious activities.

In SPCs/CDFs, this designated space must be sufficient to accommodate the needs of all religious groups in the detainee population fairly and equitably. Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups. The general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

The Chaplain shall schedule and direct the facility's religious activities.

Current program schedules shall be posted on all unit and detainee bulletin boards.

In scheduling approved religious activities, chaplains must consider both the availability of staff supervision and the need to allot time and space equitably among the different groups.

F. Community Involvement (Volunteers, Contractors)

All facilities shall have resources available for the community groups that provide the religious services not provided by the Chaplain.

The particular needs of women and special-needs detainees may require the contracting of spiritual counselors or advisers for religious needs other than those of a specific faith tradition.

In SPCs, the Chaplain may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot personally deliver.

The Chaplain may secure the services of volunteers to assist detainees in observing their religious beliefs.

The OIC or the OIC's designee (ordinarily the chaplain) may require a recognized representative of the faith group to verify a volunteer's or contractor's religious credentials prior to approving his or her entry into the facility.

The term "representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of detainee faith groups shall be afforded the same status and treatment to assist detainees in observing their religious beliefs, unless the security and good order of the facility warrants otherwise.

Detainees of any faith tradition will ordinarily have access to official representatives of their faith group while housed in special housing or hospital units. Detainees in special housing shall make the request for a visit with their faith representative through the chaplain, and requests will be accommodated consistent with the terms of the representative's contract and the security and good order of the facility.

If the representative of the faith group is a volunteer, he/she shall always be escorted in special housing units.

G. Introduction of New and Unfamiliar Religious Components

Detainees may request the introduction of new or unfamiliar religious components to the Religious Services program. In those instances when information is required regarding a specific practice, the chaplain may ask the detainee to provide additional data in order to further inform the decision to include or exclude the practice from the Religious Services program.

Detainee requests shall be made by completing the Questionnaire regarding New Religious Components (Attachment A) and submitting it to the chaplain. Upon completing the review the chaplain shall make recommendations to the OIC regarding the appropriateness of the request. The chaplain's and OIC's recommendation to be routed through channels to the District Director (DD). The DD's decision will be forwarded to the Regional Director for concurrence. The final decision shall be forward to the OIC. The decision will be forwarded to the OIC. The chaplain will communicate the decision to the detainee.

Decisions regarding the expansion of the Religious Services program are subject to the facility's parameters for maintaining a safe and secure facility and availability of staff for supervision.

H. Religious Group Assemblies

Detainees will have the opportunity to engage in-group religious activities, consistent with the safe, secure and orderly operation of the facility.

I. Religious Holy Days

A policy consistent with maintaining safety, security and the orderly operation of the facility shall be in place to facilitate the observance of important "holy days."

The Chaplain will work with requesting detainees to accommodate a proper observance of the holy day.

In SPCs, the OIC shall endeavor to facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship, or work proscription. The OIC may request the chaplain to consult with community representatives of the detainee's faith group and/or other appropriate sources to verify the religious significance of the requested observance.

J. Pastoral Visits

If requested by a detainee, the chaplain or designee shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee's faith.

- a. The chaplain may request an NCIC check and documentation of such clergyperson's or faith group representative's credentials.
- b. Pastoral visits will ordinarily take place in the visiting room during regular visiting hours.

Accommodation should be made for privacy through use of the attorney/client area, if either party requests this.

K. Religious Property

Detainees shall have access to personal religious property, consistent with facility security.

Detainee religious property includes but is not limited to rosaries and prayer beads, oils, prayer rugs, phylacteries, medicine pouches, and religious medallions. Such items, which become part of a detainee's personal property, are subject to normal considerations of safety and security. If necessary, their religious significance shall be verified by the chaplain prior to the OIC's approval.

A detainee ordinarily shall be allowed to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, unless the OIC determines that the wearing or use of such items would threaten facility security, safety, or good order. Upon request of the detainee, the OIC may allow the wearing or use of certain religious items throughout the facility, consistent with considerations of security, safety, or good order.

The OIC may request the chaplain to obtain direction from representatives of the detainee's faith group or other appropriate sources concerning the religious significance of the items.

Items of religious wearing apparel include, but are not limited to:

*Prayer shawls and robes;
Kurda or ribbon shirts;
Medals and pendants;
Beads; and
Various types of headwear.*

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for orthodox Muslim and Jewish women, is permitted in all areas of the facility, subject to the normal considerations of security and good order, including inspection by staff. Staff will ordinarily use DACS religious preference data to verify the legitimacy of the detainee's claim to wear religious headwear.

A detainee who wishes to have religious books, magazines, or periodicals must comply with the facility's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to detainees of religious literature purchased by or donated to the INS is contingent on approval from the Chaplain.

L. Community Religious Volunteers

Local community religious groups and individuals may provide detainees with religious services and counseling.

The Chaplain may require a recognized representative of the faith to verify the credentials of a volunteer prior to approving his/her entry into the facility. Security arrangements will be made to allow clergy or other spiritual advisors facility access for sanctioned religious activities; these arrangements will include a staff escort. Members of faiths not represented by clergy may conduct their own services, provided they do not interfere with facility operations.

In SPCs/CDFs, religious groups and individuals may be compensated for assisting volunteer clergy or spiritual advisors with religious services and programs, and/or for providing religious publications and religiously symbolic items without charge to the detainees

M. Dietary Requirements

The food service department will implement procedures for accommodating, within reason, detainees' religious dietary requirements.

When a detainee's religion requires special food services, either daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff will make all reasonable efforts to accommodate them. This will require, among other things, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.

Before approving a special diet, the Chaplain will consult with the medical department to ensure the diet is nutritious and does not pose a threat to the detainee's health. (see the "Food Service" standard).

O. Detainees in Special Management Units

Detainees in the Special Management Unit (administrative, disciplinary, or protective custody) shall be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.

In SPCs/CDFs, detainees in special housing shall have regular access to the Chaplain or other religious service provider. The Chaplain shall provide pastoral care in special housing and hospital units weekly.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-5F-06, 5F-09

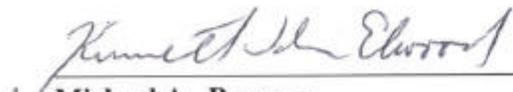
Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

Questionnaire Regarding New Or Unfamiliar Religious Components

Detainees requesting the introduction of a new component to the Religious Services program (schedule, meeting time and space, religious items and attire) shall provide to the chaplain a comprehensive response to each of the following questions for consideration at the facility and the district level. Because of the necessary review at these levels, the process may require up to 120 days for completion. The committee recommendation will be forwarded to the OIC and copied to the regional director. Committee recommendations will be communicated to the detainee by the senior chaplain.

1. What is the official name of the faith group?
2. Who is the head of the faith group in the United States?
3. What is the address and telephone number of the faith group headquarters in the United States?
4. What are the basic teachings of the faith group? Please provide titles or attach particular reference material that would be useful for researching this group.
5. Does the faith group have ministers or teachers?
6. Are ministers available to visit incarcerated members of the faith group?
7. Are there religious holidays to be observed by members? If so, when are the holidays and what religious practices are necessary for the observance?
8. Are there any necessary religious items and what is the religious significance of each?
9. Are there time and space requirements for the group?
10. Are you aware of related faith groups or other groups with similar practices?
11. Is the religion open to all detainees?

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: Facilities will provide INS detainees of all faiths with reasonable and equitable opportunities to participate in the practices of their faith, limited only by the constraints of safety, security, the orderly operations of the facility and budgetary considerations.

RELIGIOUS PRACTICES			
Components	Yes	No	Remarks
1. Are detainees allowed to engage in religious services?			
2. Is space available for detainees to conduct religious services?			
3. Does the facility allow detainees to observe the major "holy days" of their religious faith? a. Any exceptions?			
4. Does the facility accommodate holy-day observances by: a. Providing special meals, consistent with dietary restrictions? b. Honoring fasting requirements? c. Facilitating religious services? d. Allowing activity restrictions?			
5. Is each detainee allowed religious items in his/her immediate possession?			
6. Does the OIC check every potential volunteer's credentials before letting him/her participate in detainee programs? a. If yes, does the OIC check with a recognized representative of the faith? b. Does the OIC have any other way of checking an individual's credentials?			
7. Can members of faiths not represented by clergy conduct their own services?			
8. Does the OIC allow detainees in the Special Management Unit to participate in religious practices?			

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

RELIGIOUS PRACTICES

Verification Sources:

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Observing Religious Services			
B. Observing Intake Procedures			
C. Observing Designated Space for Religious Practices			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks: *(Record significant facts, observations, other sources used, etc.)*

Auditor's Signature

Date