

INS DETENTION STANDARD

VISITATION

I. POLICY

Facilities holding INS detainees shall permit authorized persons to visit detainees, within security and operational constraints. To maintain detainee morale and family relationships, INS encourages visits from family and friends. Facilities shall allow detainees to meet privately with their current or prospective legal representatives and legal assistants, and also with their consular officials.

To better inform the public about INS detention operations, facilities shall permit representatives of the news media and non-governmental organizations to have access to non-classified and non-confidential information about their operation; given appropriate notice, to tour facilities; and, with permission from INS and the detainees, to interview individual detainees.

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

The facility shall establish written visiting procedures, including a schedule and hours of visitation, taking into account the visitation requirements of family (including minors), friends, legal representatives, consular officials, interested non-governmental organizations, and the news media.

The Officer in Charge (OIC) may temporarily restrict visiting when necessary to ensure the security and good order of the facility. The OIC will decide whether to permit contact visits according to the facility's detainee population and its physical conditions.

B. Notification

The facility shall provide written notification of visitation rules and hours in the detainee handbook, or equivalent, given each detainee upon admittance. The facility shall also post these rules and hours where detainees can easily see them. *In SPCs/CDFs, the information shall be posted in each housing unit.*

Each facility shall make the schedule and procedures available to the public, both in written form and telephonically. A live voice or recording shall provide telephone-callers with the hours for all categories of visitation. The information shall also be posted in the visitors' waiting area.

C. Visitors' Log

The facility shall maintain a log of all general visitors, and a separate log of legal visitors as described below.

In SPCs/CDFs, the general-visitors log will record the name and alien-registration number (A-number) of the detainee visited; the visitor's name and address; the visitor's immigration status; the visitor's relationship to the detainee; and the date and time-in and -out.

D. Incoming Property and Money for Detainees

The facility shall have written procedures regarding incoming property and money for detainees. The OIC shall allow a visitor to leave money with a designated staff member for deposit in a detainee's account. The visitor will receive a receipt for all money or property left at the facility. Under no circumstances shall visitors give property or money directly to a detainee.

In SPCs/CDFs, the shift supervisor must approve all items that visitors bring for detainees. The visiting room officer will not accept articles or gifts of any kind for a detainee, unless the OIC has approved them in advance.

Due to the relatively short length of stay and the fact that INS provides all necessities, detainees may receive only minimal amounts of personal property, including:

1. *Small religious items*
2. *Religious and secular reading material (soft cover)*
3. *Legal documents and papers (in IGSA facilities and SPC/CDFs)*
4. *Pictures (10 maximum), measuring 5" x 7" or smaller*
5. *Prescription glasses*
6. *Dentures*
7. *Personal address book or pages (in IGSA facilities and SPC/CDFs)*

8. *Correspondence*
9. *Wedding ring*
10. *Other items approved by the Chief Detention Enforcement Officer.*

E. Sanctions for Violation of Visitation Rules

Any violation of the visitation rules may result in disciplinary action against the detainee, which may entail loss of visitation privileges. However, visiting privileges can be revoked only through the formal detainee disciplinary process.

Cases of contraband introduction or criminal violations may lead to criminal prosecution of the visitor, detainee, or both.

F. Dress Codes for Visitors

If the facility establishes and maintains a dress code for visitors, it shall be freely available to the public.

The minimum dress code for SPCs/CDFs follows.

1. *Female Visitors Age 12 And Older*

- a. *Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. Short-shorts, jogging shorts, cut-offs, and other obviously inappropriate short garments are prohibited.*
- b. *Skirts and dresses shall extend to mid-thigh, seated.*
- c. *Slits in skirts and dresses shall rise no higher than mid-thigh, seated.*
- d. *Sheer (see-through) clothing is prohibited.*
- e. *The top of clothing shall be no lower than the underarm in the front and back. Bare midriiffs and strapless tops, tube tops, and swimsuits are prohibited.*
- f. *Shoes shall be worn at all times.*
- g. *Gang "colors" and other gang displays are prohibited.*

2. *Male Visitors Age 12 and Older*

- a. *Shorts shall cover customarily covered areas of the anatomy, including*

the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. Short-shorts, jogging shorts, cut-offs, and other obviously inappropriate short garments are prohibited.

- b. Shirts shall be worn at all times. Muscle shirts, bare midriff shirts and sleeveless shirts are prohibited.*
- c. Shoes shall be worn at all times*
- d. Gang “colors” and other gang displays are prohibited.*

G. Visiting Room Conditions

The facility’s visiting area shall be appropriately furnished and arranged, and as comfortable and pleasant as practicable. The visiting room officer shall ensure that all visits are conducted in a quiet, orderly, and dignified manner. The OIC shall provide adequate supervision of the visiting rooms.

H. Visits by Family and Friends

1. Hours and Time Limits

The facility shall establish a visiting schedule based on the detainee population and the demand for visits. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays. To the extent practicable, the facility shall accommodate the scheduling needs of visitors for whom weekends and holidays pose a hardship. The facility may, for example, authorize special visits for family visitors unable to visit during regular hours. Where staff resources permit, the facility may establish evening visiting hours.

To accommodate the volume of visitors within the limits of space and staff availability, and to ensure adequate security, the OIC may restrict visits. For example, some or all detainees and visitors may be limited to visiting on Saturday or on Sunday, but not on both days. INS does not require the facility to permit every visitor to visit on both days of a weekend, nor to permit every detainee to have visits on both days of a weekend. However, to the extent practicable, INS encourages the OIC to establish visiting hours for each detainee on both days of the weekend, and to try to accommodate visitors who can only visit on a specific weekend day.

The facility’s written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. INS encourages more generous limits when possible, especially for family members traveling significant distances to visit. In unforeseen circumstances, such as the number of visitors exceeding visiting room capacity, the OIC may modify visiting periods.

2. Persons Allowed to Visit

Individuals from the following categories may visit:

a. Immediate Family

Mothers, fathers, stepparents, foster parents, brothers, sisters, children and spouses, including common-law spouses.

b. Immediate Family Members Detained at the Same Facility

Immediate family members (see paragraph III.2.a., above) detained at the same facility may visit with each other during normal visiting hours.

c. Other Relatives, Friends and Associates

Grandparents, uncles, aunts, in-laws, cousins, non-relatives and friends, unless posing a threat to the security and good order of the institution.

d. Minor Visitors

At facilities where there is no provision for visits by minors, INS will arrange for a visit by children and stepchildren, on request, within the first 30 days. After that time, on request, INS will consider a transfer, when possible, to a facility that will allow such visitation. Monthly visits will be continued on request, if transfer is not, approved, available or until effected.

INS will not normally use institutions that do not allow minor visitation for Long Term Detainees. In the rare cases that this is not possible, INS will arrange monthly visits, on request, for individuals held over 90 days after final order and for all individuals in removal cases, before departure.

In SPCs/CDFs, staff will contact the supervisor on duty when a visitor's identity is in question. At the supervisor's discretion, a minor without positive identification may be admitted if the accompanying adult visitor vouches for his/her identity. Minors will remain under the direct supervision of an adult visitor, so not to disturb other visitors. Disruptive conduct by minors, accompanying adults or detainees may cause termination of the visit.

3. Visitor Identification and Search

Staff shall verify each visitor's identity before admitting him/her to the facility. No adult visitor shall be admitted without positive identification, such as a driver's license or other photo identification.

Staff shall escort visitors to the visiting room only after completing identification and inspection as provided in the facility's written procedures. All visitors are subject to

a personal search. This may include a pat-down search as well as a visual inspection of purses, briefcases, packages and other containers. No one refusing to be searched shall be permitted to visit. The OIC shall prevent or terminate any visit appearing to pose a threat to facility security.

In SPCs/CDFs, the inspecting officer may ask the visitor to open a container for visual inspection of its contents. If warranted, the officer may ask the visitor to remove the contents and place them on a table. The officer shall not place his/her hands inside the container. SPCs/CDFs shall provide and promote visitors' use of lockers or the secure area for safekeeping of personal belongings during visits.

Only an officer with the rank of supervisor or above may deny or cancel a visit. In those cases, the officer shall justify his/her action in a memorandum sent, through official channels, to the OIC. The visiting room officer, with concurrence from the shift supervisor, may terminate visits involving inappropriate behavior.

SPCS/CDFs shall not require approved visitor lists from INS detainees.

4. Contact Visits

Written procedures shall detail the limits and conditions of contact visits in facilities permitting them. Ordinarily, within the bounds of propriety, handshaking, embracing, and kissing are permitted only at the beginning and end of the visit. Staff may limit physical contact to minimize opportunities for contraband introduction and otherwise maintain the orderly operation of the visiting area.

In SPCs/CDFs, detainees receiving contact visits will be thoroughly pat-searched prior to entering, and strip-searched upon exiting, the visiting room. An officer of the same sex should always conduct a strip search. For further information see the "Detainee Search" standard.

5. Visits for Administrative and Disciplinary Segregation Detainees

A detainee shall ordinarily retain visiting privileges while in administrative or disciplinary segregation status. In a facility that allows contact visits, segregated detainees may use the visiting room during normal visiting hours.

Under no circumstances are detainees to participate in general visitation while in restraints. If the detainee's behavior warrants restraints, the visit will not be granted.

The facility may restrict or disallow general visits for a detainee in segregation status who violates the visiting guidelines or whose behavior indicates that he/she threatens the order or security of the visiting room.

In SPCs/CDFs, detainees in protective custody and violent and disruptive detainees shall not use the visitation room during normal visitation hours. Violent and disruptive detainees may be limited to non-contact visits. In extreme cases, where

a visit would present an unreasonable security risk, even non-contact general visits may be disallowed for a particular detainee.

I. Visits by Legal Representatives and Legal Assistants

1. General

In visits referred to as "legal visitation," each detainee may meet privately with current or prospective legal representatives and their legal assistants

2. Hours

The facility shall permit legal visitation seven days a week, including holidays. It shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays.

The facility shall provide notification of the rules and hours for legal visitation, as specified in Section III.B., above. *SPCs/CDFs shall prominently post this information in the waiting areas and visiting areas for general and legal visitors, in the recreation area and in the housing units.*

On regular business days, legal visitations may proceed through a scheduled meal period. In such cases, the detainee shall receive a tray or sack meal after the visit.

3. Persons Allowed to Visit

Subject to the restrictions stated below, individuals in the following categories may visit detainees to discuss legal matters:

a. Attorneys and Other Legal Representatives

See the "Definitions" Standard.

b. Legal Assistants

Upon presentation of a letter of authorization from the legal representative under whose supervision he/she is working, an unaccompanied legal assistant may meet with a detainee during legal visitation hours. The letter shall state that the named legal assistant is working on behalf of the supervising legal representative for purposes of meeting with the INS detainee(s).

c. Interpreters

The facility shall permit interpreters to accompany legal representatives and legal assistants on legal visits. Interpreters shall undergo the security clearance process.

d. Messengers

The facility shall permit messengers (who are not legal representatives or legal assistants) to deliver documents to and from the facility, but not to visit detainees.

4. Identification of Legal Representatives and Assistants

Prior to each visit, all legal service providers and assistants shall be required to provide identification. State bar cards are the preferred forms of identification. Attorneys who are members of state bars that do not provide a bar card will be required to present other available documentation demonstrating bar membership.

If such documentation is not readily available to attorneys licensed in a particular state, they will be required to indicate where they are licensed as an attorney and how that fact may be verified.

Legal representative and legal assistant may not be asked to state the legal subject matter of the meeting.

A legal representative or legal assistant shall be subject to a search of his/her person and belongings for the purpose of ascertaining the presence of contraband at any time.

5. Identification of Detainee To Be Visited

The facility may not require legal service providers to submit a detainee's A-number as a condition of visiting. The facility shall make a good-faith effort to locate a detainee if provided with other information about the detainee.

6. Call-Ahead Inquiries

Each facility shall establish a written procedure to allow legal service providers and legal assistants to telephone the facility in advance of a visit to determine whether a particular individual is detained in that facility. The request must be made to the on-site INS staff or, where there is no resident staff, to the INS office with jurisdiction over the facility. If the person seeking the information states that he/she already represents the detainee, INS staff should confirm that the caller's name corresponds with the name on a Form G-28 (Notice of Appearance) on file. To protect confidentiality, where the Form G-28 is not yet on file, INS staff must be satisfied that the person making the inquiry is, in fact, a legal service provider or legal assistant who is considering representing the subject detainee in legal proceedings.

When unfamiliar with the person making the inquiry, INS staff should request documentary evidence, such as a letter of request on identifying letterhead. The INS staff will accept such evidence by fax. Alternatively, at the request of the caller, staff will seek the consent of the detainee for the disclosure of detention information. In either case, INS staff will respond to the caller as soon as possible, but in no case more than 24 hours after the call was made.

Notwithstanding the general policy set forth in the previous paragraph, the INS retains the discretion to withhold this telephonic information on a case-by-case basis if it has clear and compelling articulable facts to support the belief that disclosure would endanger the national security, facility security, or the detainee. In such circumstances, INS staff may request further information to allay the security concerns raised and may seek the detainee's consent to the disclosure.

7. Pre-Representation Meetings

During the regular hours for legal visitation, the facility shall permit detainees to meet with prospective legal representatives or legal assistants. The facility shall document such "pre-representation meetings" in the logbook for legal visitation. In addition, SPCs/CDFs shall record the visit in the detainee's A-file.

At the "pre-representation" stage no attorney-client relationship exists. Therefore, legal service providers need not complete a Form G-28 (stating that they are the legal representatives of the detainee) to meet with a detainee.

8. Form G-28 Required for Attorney/Client Meetings

Once an attorney-client relationship has been established, the legal representative shall complete and submit a Form G-28, available in the legal visitors' reception area. Staff shall collect completed forms and forward them to INS.

The completed Form G-28 will become a permanent part of the detainee's A-file. It will remain valid until INS receives written notice of the relationship's termination from either the detainee or the legal representative. Staff will place these documents in the A-file, on top of the Form G-28.

Attorneys representing detainees on legal matters unrelated to immigration are not required to complete a Form G-28.

9. Private Meeting Room and Interruption for Head Counts

Visits between legal service providers (or legal assistants) and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.

Officers may terminate attorney visits at the end of the allotted time or to maintain security. Routine official counts shall not terminate attorney visits.

Staff shall not be present in the confidential area during the attorney-detainee meeting unless the attorney requests the presence of an officer. However, officers may observe such meetings visually through a window or camera to the extent necessary to maintain security, as long as the officer cannot overhear the conversation.

On occasion, a situation may arise where private conference rooms are in use and the attorney wishes to meet in a regular or alternate visiting room. Such requests should be accommodated to the extent practicable, and such meetings should be afforded the greatest degree of privacy possible under the circumstances.

10. Materials Provided to Detainees by Legal Representatives

The facility's written legal visitation procedures must provide for the exchange of documents between detainee and legal representative (or legal assistant) even when contact visitation rooms are unavailable.

Documents or other written material provided to a detainee during a visit with a legal representative shall be inspected, but not read. Detainees are entitled to retain legal material received for their personal use. Quantities of blank forms or self-help legal material in excess of that required for personal use may be held for the detainee in their property. The detainee will be permitted access to these documents utilizing the established avenues of communication.

11. Detainee Search

Written procedures will govern detainee searches. Each detainee will receive a copy of these search procedures in the detainee handbook or equivalent provided upon admission to the facility. An IGSA facility's general-population search procedures will also apply to INS detainees.

If standard operating procedures require strip searches after every contact visit with a legal representative, the facility must provide an option for non-contact visits with legal representatives in an environment that allows confidentiality. In that case, the OIC will establish a mechanism for the detainee and his/her representative to exchange documents.

SPCs/CDFs should normally subject detainees returning from legal visitation to pat-down searches. Officers may, however, strip-search a detainee reasonably suspected of concealing contraband of any kind.

12. Legal Visitation for Detainees in Administrative and Disciplinary Segregation

Detainees in either administrative or disciplinary segregation shall be allowed legal visitation. If the OIC considers special security measures necessary, he/she will notify legal service providers of the security concerns prior to the meeting.

13. Group Legal Meetings

Upon the request of a legal service provider (or assistant), the OIC may permit a confidential meeting (with no officer present) involving the requester and two or more detainees. This may be for various purposes: pre-representational, representational, removal-related, etc. The facility should grant such requests to the greatest extent

practicable, i.e., if it has the physical capacity; if the meeting would not unduly interfere with security and good order, etc. Each OIC will limit detainee attendance according to the practical concerns of the particular facility or the security concerns associated with the meeting in question.

See also the "Group Presentations on Legal Rights" Standard.

14. Pro Bono List and Detainee Sign-Up

INS shall provide the facility with the official list of *pro bono* legal organizations, which is updated quarterly by the Executive Office for Immigration Review. The facility shall promptly and prominently post the current list in detainee housing units and other appropriate areas.

Any legal organization or individual on the current list may write the OIC to request the posting/general circulation of his/her sign-up sheet. The OIC will then notify detainees of the sign-up sheet's availability and, according to established procedures, ensure coordination with the *pro bono* organization.

15. Legal Visitation Log

A separate log shall record all legal visitors, including those denied access to the detainee. The log shall include the reason(s) for denying access.

At SPCs/CDFs, the log entries shall include: the date; time of arrival; visitor's name; visitor's address; supervising attorney's name (if applicable); detainee's name and A-number; purpose of visit (e.g., pre-representation, representational, expedited-removal consultation); time visit began; time visit ended. It will record important comments about the visit

16. Availability of Legal Visitation Policy

The facility's written legal visitation policy shall be available upon request. The site-specific policy shall specify visitation hours, procedures and standards, including, but not limited to, telephone inquiries; dress code; legal assistants working under the supervision of an attorney; pre-representational meetings; Form G-28 requirements; identification and search of legal representatives; identification of visitors; materials provided to detainees by legal representatives; confidential group legal meetings; and detainee sign-up.

J. Consultation Visits for Detainees Subject to Expedited Removal

1. General

Detainees subject to expedited removal who have been referred to an Asylum Officer are entitled by statute and regulation to consult with any persons of the detainee's

choosing, both prior to the interview and while the Asylum Officer's decision is under review.

"Consultation visitation" shall not incur Government expense, and shall not unduly delay the removal process. Consultation visitation is for the general purpose of discussing immigration matters, not socializing. Purely social visits are covered under III.A., above.

Because expedited removal procedures occur within short time frames, each facility shall develop procedures that liberally allow the opportunity for consultation visitation in accordance with this Standard.

This will ensure compliance with statutory and regulatory requirements and prevent delay in the expedited removal process.

2. Method of Consultation

The facility shall facilitate consultation visitation, both by telephone and face-to-face.

Consultation by mail will generally not prove viable, given time constraints. Detention officials shall remain sensitive to individual circumstances when resolving consultation-related issues.

3. Persons Allowed To Visit for Consultation Purposes

Detainees subject to expedited removal may consult whomever they choose, in person or by phone, at any time, during the first 48 hours. Consultants might include, but are not limited to, attorneys and other legal representatives, prospective legal representatives, legal assistants, members of non-governmental organizations (NGOs) and friends and family.

All consultation visitors are subject to the same identification and security screening procedures as general visitors. If documented security concerns preclude an in-person visit with a particular individual, the OIC shall arrange for consultation by telephone. If security reasons also preclude consultation by telephone, the OIC shall consult the District Counsel.

4. Privacy

Consultation visits, in person or by telephone, receive the same privacy as communications between legal representatives and detainees.

5. Hours

Consultation visitation shall be allowed during legal visitation hours and during general visitation hours. However, confidentiality is ensured during legal visitation hours only.

If necessary to meet demand, the OIC will increase consultation visiting hours.

6. Duration of Consultation Period

As stated above, the consultation visitation period begins before any interview with an Asylum Officer, and continues while the Asylum Officer's determination undergoes review by the Supervisory Asylum Officer or Immigration Judge.

The consultation visitation period ends with the issuance of a Notice to Appear, and the detainee placed in removal proceedings before an Immigration Judge. However, the detainee retains legal and other visitation privileges, in accordance with this Detention Standard.

7. Admittance for Asylum Officer Interview

Detainees subject to Expedited Removal may bring and consult advisors during the Asylum Officer interview. The presence of persons to consult is also allowed during the Immigration Judge's review of a negative credible fear determination, at the judge's discretion.

8. Log

The legal visitation log shall record consultation visits.

In SPCs/CDFs, the purpose of the visit shall be noted as "ER consultation." The facility shall create a separate record of the visit that is placed in the detainee's A-file, or place a copy of the visitation log page in the detainee's A-file.

9. Form G-28

Visitors are not required to file a Form G-28 as a condition of participating in a consultation visit or providing consultation during an Asylum Officer interview or Immigration Judge review of a negative credible fear determination. This applies even if the visitor is an attorney or legal representative.

10. Group Consultations, Call-Ahead Inquiries, Searches, Identification of Detainee, Materials Provided to Detainees by the Visitor, Consultation Visits for Detainees in Administrative and Disciplinary Segregation, Pro-Bono List and Detainee Sign-Up, and Availability of Consultation Visitation Policy

See Section III.I., "Visits by Legal Representatives and Legal Assistants," above. The specified standards apply.

K. Consular Protection

According to international agreements, detainees must be advised of their right to consular access, and the INS must facilitate this access. Therefore, it is INS policy and practice that all detained individuals are provided with notice of their right to contact their consular representatives and receive visits from their consulate officers.

The OIC shall ensure that all detainees are notified of and afforded the right to contact and receive visits from their consular officers. The same hours, privacy, and conditions that govern legal visitation guide consular visitation. Consular visits may be permitted at additional times with the OIC's prior authorization. Consular officers shall present Department of State identification.

L. Non-Government Organization Visitation with Detainees and Tours of Facilities

All requests by NGOs and other organizations to send representatives to visit detainees must be submitted in writing to the INS OIC or INS District Office supervising the contract, state or local facility. The written request will state the exact reason for the visit and issues to be discussed.

All efforts will be made to accommodate NGO requests for facility tours in a timely manner. All tours shall be limited to a reasonable number of participants, who must timely submit the personal information needed to conduct a background check. Tours will be scheduled at the convenience of the detention facility so as not to disrupt normal operations and be in compliance with facility security requirements.

SPCs/CDFs will submit written requests from domestic or international organizations and associated with detention issues to the appropriate District Director. The District Director will immediately forward copies of such requests to each Assistant Regional Director. When practicable, INS District Counsel will review the NGO's written request and respond to specific issues raised.

SPCs/CDFs will find further guidance in the attached instruction from INS Commissioner Doris Meissner, entitled "Public Affairs Policy and Guidance on Briefings, Visits and Tours of INS Facilities and Operations," dated July 31, 1995.

M. Visits from Representatives of Community Service Organizations

The OIC may approve visits to one or more detainees by representatives of community service organizations, including civic, religious, cultural, therapeutic, and other groups. To inform the OIC's decision, facility staff shall verify the organization's bona fide interests and qualifications for this kind of service.

In SPCs/CDFs, groups must comply with the following guidelines:

1. *Provide the facility with advance notification of the names, dates of birth, and social security numbers of the group members who will be visiting.*
2. *Provide identification for individual members of the group upon arrival at the facility.*
3. *Comply with visitation rules, to be explained by facility staff.*
4. *Read and sign a disclaimer releasing INS of all responsibility in case of injury during the visit.*

N. News Media Interviews of Detainees

1. General

INS supports public access to non-classified and non-confidential information about its operations, not to provide publicity for undocumented aliens or afford special privileges to the news media, but in the interest of an informed public.

By regulating interviews in the detention setting, the OIC ensures the orderly and safe operation of the facility. Interviews by reporters, academics and others not included in other visitation categories shall be permitted only by special arrangement, with approval of the District Director.

2. Detention Facility Visits/Tours

Media representatives may tour facilities that house INS detainees for the purpose of preparing reports about the facilities. *Media representatives who wish to tour a SPC/CDF shall contact the INS OIC of the facility.* For IGSA facility tours, they shall contact the INS Assistant District Director (ADD). The ADD shall notify the local facility of the request, at which time, local policies and procedures will govern.

In SPCs/CDFs, the Chief Detention Enforcement Officer/Chief of Security is responsible for implementing the necessary security procedures.

Media representatives shall make advance appointments for visits/tours. The District Director responsible for the detention facility may, however, suspend these visits for an appropriate period during and after an emergency.

The District Director may also suspend visits when there are indications of possible unrest or disturbance within the facility. (See "A Public Affairs Policy and Guidance on Briefings, Visits and Tours of INS Facilities and Operations," attached.)

Media representatives must obtain advance permission from the OIC and District Director before taking photographs in or of an SPC.

News organizations interested in INS detainee issues shall abide by the policies and procedures of the facility being visited or toured.

The OIC shall advise both media representatives and detainees that use of any detainee's name, identifiable photo, or recorded voices requires his/her prior permission. Media representatives shall obtain a signed release from the detainee before photographing or recording his/her voice. The facility shall retain the signed release(s) in the detainee's A-file.

Detainees have the right not to be photographed (still, movie, or video), and not to have their voices recorded by the media. If the presence of video, film, or audio equipment or personnel would likely cause a disruption within the facility, the District Director may limit or prohibit such equipment or personnel. For example, the District Director might limit the equipment to hand-held cameras or recorders.

3. Personal Interviews

A media representative planning to conduct a personal interview at a facility shall submit a written request to the responsible District Director, preferably 48 hours and no less than 24 hours prior to the time slot requested. The District Director may waive the 24-hour rule if convinced of the need for urgency.

The District Director will inform the detainee of the interview request, who must indicate his/her willingness to be interviewed by signing a consent form before the District Director begins to consider the request. The written consent shall be retained in the detainee's detention file.

When the alien is the center of a controversy or is a special interest or high profile case, the District Director will consult with the Regional Director and/or Headquarters Operations before deciding whether to allow the interview.

The District Director will normally approve/disapprove, in writing, within 24 to 48 hours of the request. Possible reasons for disapproval include:

- a. The news media representative or news organization he/she represents does not agree to the conditions established by this policy or previously failed to abide by them (see paragraph.5 of this section);
- b. The detainee is physically or mentally unable to participate, as indicated by the statement of a medical officer statement. A psychologist may verify mental incapacity, substantiating the reason for disapproval.
- c. The detainee is a minor whose parent or legal guardian has not provided the required written consent. If the juvenile detainee's parents or guardians are not known or cannot be located, the detainee's legal representative may provide consent. If there is no legal representative, the District Director shall notify the representative of the news media of the detainee's status as a minor, and shall then consider the authorization in consultation with the District Counsel.
- d. The District Director finds it probable that the proposed interview would endanger the health or safety of the interviewer, cause serious unrest, or disturb the orderly operation of the facility.
- e. The detainee is involved in a pending investigation/court action and the court with jurisdiction over the matter has issued a gag rule or the District Director, after consultation with the District Counsel, thinks the proposed interview could affect the outcome of the court case.
- f. The detainee is likely to criticize his/her government publicly, creating grounds for an asylum case. The District Director will consult the Regional Director and/or Headquarters Operations before making this decision.

Interviews will take place during normal business hours in a location determined by the OIC. The OIC will provide a location conducive to the interviewing activity, consistent with security and good order. The District Director may limit the number of interviews with a particular detainee to a reasonable number per month. Further, if interviews are imposing a serious strain on staff or facility resources, the District Director may restrict the time allotted to interviews

INS reserves the right to monitor and/or supervise, but not participate in, detainee interviews.

A media representative interested in touring the facility and photographing or recording other detainees in conjunction with an individual interview must follow all applicable procedures (see paragraphs III.L.1. and 2, above).

4. Press Pools

When the District Director and the OIC determine the volume of interview requests warrants such action, a press pool may be established. All material generated from

such a press pool shall be available to all news media, without right of first publication or broadcast.

The OIC will notify all media representatives with pending interviews, tours/visits, or requests that representatives that, effective immediately and until further notice, all media representatives must comply with the press pool guidelines established by the District Director.

The press pool shall comprise one member each from the following groups:

- a. The national and international news services;
- b. The television and radio networks and outlets;
- c. The newsmagazines and newspapers; and
- d. All local media serving the locality where the facility is located.

Each group will choose the member who will represent it in the press pool.

The District Director will, upon request, provide the media information about a detainee provided it is a matter of public record and not protected by privacy laws, Department of Justice policy, or INS policy. Security and safety concerns for staff and detainee(s) require that removal-related data remain confidential.

5. Special Conditions

The media representative shall certify that he/she is familiar with, and accepts, the rules and regulations governing media conduct during facility interviews and visits

Media representatives shall exercise professional judgment in investigating allegations involving a detainee, staff member or detention facility. Professional ethics require that the party(ies) involved have an opportunity to respond before any allegation is published or broadcast.

The media representative shall limit information-gathering to one primary source, and shall neither solicit nor use personal information provided by one detainee about another who is unwilling to be interviewed.

Media representatives must comply with the facility's rules and regulations. They may discuss objections, suggestions, exceptions, and general issues concerning the applicability of any rule, regulation, or order with the supervisor of the facility.

The routine processing of detainees shall take precedence over media interviews. A media request shall not delay or otherwise interfere with the in-processing or departure of any detainee.

O. **Other Special Visits**

1. **Law Enforcement Officials' Visits**

Facility visitation procedures shall cover law enforcement officials requesting interviews with detainees.

2. **Visitation by Former Detainees or Aliens in Proceedings**

Former INS-detainees, individuals with criminal records, and individuals in deportation proceedings shall not be automatically excluded from visiting. Individuals in any of these categories must so notify the OIC before registering for visitation privileges. The OIC shall weigh the nature and extent of an individual's criminal record and/or prior conduct against the benefits of visitation in determining visitation privileges.

3. **Business Visitors**

A detainee shall not actively engage in business or professional interests or activities. A detainee engaged in a business or profession prior to detention should assign authority for its daily operation to a person in the community. However, in the event that a detainee must make a decision that will substantially affect the assets or prospects of a business, the OIC may permit a special visit.

INS does not recognize or sanction any kind of work-release program.

4. **Visiting Rules for Pets**

Each facility shall establish and disseminate a policy and implementing procedures governing whether and, if so, under what circumstances animals may accompany human visitors onto or into facility property.

SPC/CDF visitors shall not bring animals onto facility grounds, except for service animals accompanying persons with disabilities.

5. **Examinations by Independent Medical Service Providers and Experts**

Medical and/or psychological examination by a practitioner or expert not associated with INS or the facility can provide a detainee with information useful in administrative proceedings before the Executive Office for Immigration Reform and INS. Therefore, the Deputy Director will generally approve examinations for such purposes, if the requested examination would not present an unreasonable security risk.

If a detainee seeks an independent medical or physical examination, he/she (or legal representative) shall submit a written request to the District Director. The request must provide the reason(s) for requesting such an examination.

The facility shall provide a location for an independent examination approved by the Deputy Director, but will not provide medical equipment or supplies. Neither INS nor the facility shall assume the costs of the examination, which shall be at the detainee's expense. The examination will be arranged and conducted in a manner consistent with security and good order. The District Director will advise the requester, in writings, of the reasons for denying a request.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED
American Correctional Association 3rd Edition Standards for Adult Local Detention
Facilities: 3-ALDF: 3D-17, 4A-01, 5D-10, 5D-11, 5D-12, 5D-15, 5D-16.

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

Date: ___ / ___ / ___

Detainee's name and Alien Number: _____ #: _____
Name of facility/location where detained: _____

Name[s] of news media representative: _____
Name[s] of the media represented: _____
Address of media represented: _____

I, the above-named, do hereby freely give permission to the specified news media representative to interview me on or about ___ / ___ / ___ (date) and I authorize the news media represented by this person to use any information gathered about me during this interview for any legitimate purpose. I further authorize the Immigration and Naturalization Service and the Department of Justice, and their authorized representatives, to release to representatives of the news media any documents or information relating to allegations or comments made by me in this interview.

Detainee's signature: _____ Date: ___ / ___ / ___

Witness: _____ Title: _____

I, the above-named, do further freely give permission to the above-named news media representative to make recordings of my voice during this interview and to take photos of me (still, movie, or video) and I do hereby authorize the use of such pictures or recording by the news media represented by this person for any legitimate purpose.

Detainee's signature: _____ Date: ___ / ___ / ___

Witness: _____ Title: _____ Date: ___ / ___ / ___

I, the above-named, do not grant permission to the above-named news media representative to interview me.

Detainee's signature: _____ Date: ___ / ___ / ___

Witness: _____ Title: _____ Date: ___ / ___ / ___

Name of Detainee: _____

Alien File Number: _____

I, _____, state that I am primarily employed in the business of gathering or reporting news for a newspaper qualifying as a general circulation newspaper in the community to which it publishes; or a magazine or periodical having a national circulation; or national or international news service; or radio or television news programs holding a Federal Communications Commission license.

My employer is _____ (business name), my immediate superior is _____ who may be reached at (____) _____ - _____ (phone number).

I hereby fully and completely waive my personal right to be free from search of my person or property so long as I remain within the boundaries of the detention facility grounds.

I agree to provide no compensation, either direct or indirect, to the detainee or his\her family for any interviews or correspondence. I further agree to respect the rights of privacy of all detainees and to obtain a release from any detainee before any photos, recordings, or videos are utilized or personal information derived from any interview or correspondence is used in any publication or broadcast.

I recognize a visit to a detention facility presents certain hazards, and I agree to assume all ordinary and usual risks to my personal safety inherent in a visit to a facility of this type.

(Signature)

(Date)

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

Policy: INS shall permit detainees to visit with family, friends, legal representatives, special interest groups and the news media.

VISITATION			
Components	Yes	No	Remarks
1. Is there a written visitation schedule and hours for general visitation?			
2. Are the visitation hours tailored to the detainee population and the demand for visitation?			
3. Upon admittance are detainees made aware of the facility's visitation policy and the hours of visitation for the following categories: general visitation (including visitation by minors), legal visitation, consultation visitation for expedited removal, consular visitation, and special family visits, in the detainee handbook?			
4. Is the visitation schedule and rules available to the public?			
5. Are the hours for all categories of visitation posted in the visitation waiting area?			
6. Is a written copy of the rules regulating visitation and the hours of visitation available to visitors?			
7. Is a general visitation log maintained?			
8. Are the detainees permitted to retain personal property item specified in the standard?			
9. Is the visitor dress code available to the public?			
10. Are visitors searched and identified according to standard requirements?			
11. Does the facility require detainees to maintain an approved list of visitors?			

VISITATION			
Components	Yes	No	Remarks
12. Is the requirement on visitation by minors complied with?			
13. At facilities where there is no provision for visits by minors, does INS arrange for a visit by children and stepchildren, on request, within the first 30 days?			
14. After that time, on request, will INS consider a transfer, when possible, to a facility that will allow minor visitation? a. Are monthly visits made available on request, if transfer is not, approved, available or until effected?			
15. Are detainees in special housing afforded visitation?			
16. Is legal visitation available seven (7) days a week, including holidays?			
17. On regular business days are legal visitation hours at a minimum of eight (8) hours per day?			
18. On weekends and holidays, are legal visitation hours, at a minimum of four (4) hours per day?			
19. On regular business days, are detainees given the option of continuing a meeting with a legal representative through a scheduled meal?			

VISITATION			
Components	Yes	No	Remarks
<p>20. Does the facility have a written procedure allowing legal service providers and assistants to telephone the facility in advance of a visit to determine whether a particular detainee is detained in that facility?</p> <p>a. Is the request made to the on-site INS staff or the INS office with jurisdiction over the facility?</p> <p>b. Is a Form G-28, "Notice of Appearance," or equivalent (such as letterhead notice) required to be on file for release of this information?</p> <p>c. If no Form G-28 is on file does staff request documentary evidence, such as a letter of request on identifying letterhead?</p> <p>i. Will staff accept such evidence by fax?</p> <p>d. At the request of the caller, does staff seek the consent of the detainee before disclosing any detention information?</p> <p>e. Is a response given to the caller within 24 hours?</p>			
21. Is the call ahead inquiry policy available to legal service providers?			
22. Are private consultation rooms available for attorney meetings?			
<p>23. Are their written procedures governing detainee searches?</p> <p>a. Is this search procedure in the detainee handbook or equivalent?</p>			
<p>24. If strip searches are required after every contact visit with a legal representative, does the facility provide an option for non-contact visits with legal representatives in an environment that allows confidentiality?</p> <p>a. Is there a mechanism for the detainee and his/her representative to exchange documents?</p>			

VISITATION			
Components	Yes	No	Remarks
25. Prior to each visit, are legal service providers and assistants identified per standard?			
24. Is the current list of <i>pro bono</i> legal organizations posted in the detainee housing areas and other appropriate areas?			
25. Is the decision to permit or deny a tour delegated below the level of District Director?			
26. Are the provisions for NGO visitation stated in the Detention Standards complied with?			
27. Are law enforcement officials, requesting to visit with a detainee, referred to the OIC for approval?			
28. Are former detainees or aliens in proceeding, requesting to visit with a detainee, referred to the OIC?			
29. Are procedures in place, consistent with the detention standard, in place for examinations by independent medical service providers and experts?			

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

VISITATION

Verification Sources:

In order to ensure that the facility is in compliance with this detention standard the following sources should be utilized for verification:

SOURCE	TIME	DATE	LOCATION
A. Observation of Intake Procedures			
B. Inspection of Visitation Room			
C. Inspection of Visitation Waiting Room			
D. Review of Visitation Hours and Schedule			
E. Review of Facility Policy			
F. 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