

ICE/DRO RESIDENTIAL STANDARD

RESIDENTIAL FILES

PURPOSE AND SCOPE. A Residential File is maintained for each resident and includes all significant information about that person, thereby contributing to the safe and efficient operation of the facility. The Residential File is separate from the Alien File (or A-File), which is the legal file maintained by ICE/DRO for each resident.

EXPECTED OUTCOMES. The expected outcomes of this Standard are as follows:

1. Residential Files will be grouped by family and maintained on each resident admitted to a Residential facility.
2. Each Residential File will include all documents, forms, and other information specified herein
3. The security of each Residential File and its contents will be maintained.
4. Staff will have access to Residential Files, as needed for official purposes.
5. Release of information from the Residential File will be accomplished in accordance with applicable federal and state regulations.
6. Electronic record-keeping systems and data will be protected from unauthorized access.
7. Inactive, closed Residential Files will be properly archived.
8. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
9. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

DIRECTIVES AFFECTED. None

REFERENCES

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner. There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association 4th Edition Standards for Adult Detention Facilities: 4-ALDF-7D-19, 7D-20, 7D-21, 7D-22.

EXPECTED PRACTICES

1. Creation of a Residential File

When a resident is admitted to a facility, staff shall create a Residential File for each resident as part of admissions processing.

For every new arriving family unit, the facility shall assign a family number, as well as an individual indicator, for each family member. Family files shall be grouped for filing purposes.

2. Required Contents of File

- a. The Residential File shall contain either originals or copies of forms and other documents generated during the admissions process. If necessary, the Residential File may include copies of material contained in the resident's A-File.

The file shall, at a minimum, contain the following forms and documents, or facility equivalent:

- Resident Intake Form;
- I-385, Alien Booking Record; one or more original photograph(s) attached;
- Housing Work Sheet;
- Personal Property Inventory Sheet;
- Housing Identification Card;
- G-589, Property Receipt; and
- I-77, Baggage Check(s).

The file shall also contain the following original documents, if used in the facility:

- Acknowledgment form, documenting receipt of handbook, orientation, locker key, etc.;
- Work assignment sheet;
- Identifying marks form;
- The original resident summary form.

b. Additions to File

During the course of the resident's stay at the facility, staff shall add documents related to resident activities, for example:

- Special requests;
- Any G-589s and/or I-77s closed-out during the resident's stay;
- Corrective action forms;
- Grievances, complaints, and the disposition(s) of same;
- Records of Counseling;

- Commissary records;
- Other approved documents, e.g., staff reports about the resident's behavior, attitude, etc.

c. Location of Files

- Active Residential Files shall be maintained in a secure area using lockable cabinets in the admissions processing area, unless the facility administrator designates otherwise. Cabinets shall remain locked when not in use.
- The Assistant Facility Administrator for Operations (or equivalent) shall determine the key distribution for file cabinets that lock.
- Archived files shall be placed in storage boxes with the dates covered clearly marked (from [mm/dd/yyyy] to [mm/dd/yyyy]). The facility administrator shall designate restricted access storage space.

d. Access to File

- 1) Residential file contents are subject to Privacy Act regulations. I. Where applicable, signed consent shall be obtained from the resident for release of his/her information and the original signed form shall be kept in the resident's Residential File.
- 2) Only staff with a documented need may have access to the Residential File.
- 3) Staff shall accommodate requests for a resident's Residential File from other departments that have a documented need for the material.

Each borrowed file must be returned by the end of the administrative workday.

The facility shall designate a staff member within the processing area who is responsible for issuing and retrieving resident files and ensuring proper documentation is completed.

At a minimum, a logbook entry recording the file's removal from the cabinet shall include the following:

- The resident's name and A-File number;
- Date and time Resident File removed;
- Reason for removal;
- Signature of person removing the file, including title and department;
- Date and time returned; and
- Signature of person returning the file.

e. Archiving Files

Each Residential File remains active during the resident's stay at a facility and will be closed and archived upon the resident's transfer, release, or removal. Facilities shall retain inactive Residential files and shall, when requested, make them available to ICE/DRO personnel.

1). Upon the resident's release from the facility, staff shall add final documents to the file before closing and archiving it. Before the file is closed, the following documents will be inserted in the Residential File:

- Residential file copies of completed release documents,
- The original closed-out receipts for property and valuables, and
- The original I-385 and other documentation.

2). The staff closing the Residential File shall make a notation (on the Acknowledgement form, if applicable) that the file is complete and ready for archiving.

3). The closed Residential File shall not be transferred with the resident to another facility; however, staff may forward copies of file documents at the request of supervisory personnel at the receiving facility/office. When forwarding such documents, staff shall update the archived file, noting the document request, and the name and title of the requester.

4). Hard copies of archived files may be purged after three years, and the material preferably burned, but at least shredded. However, prior to destruction of the documents, they shall be electronically archived, stored and provided to ICE/DRO.

5). ICE/DRO, JFRMU shall be contacted prior to the destruction of any archive files.

f. Assistant Facility Administrator for Operations Electronic Files

Electronic record-keeping systems and data shall be protected from unauthorized access. Electronic data on individual residents is subject to Privacy Act regulations.

Unless release of information is required by statute or regulation, a resident must sign a release-of-information consent form prior to the release of any information, and a copy of the form shall be maintained in the resident's Residential File.

g. Field Office Responsibilities

JFRMU and Field Offices shall maintain files as needed to carry out their responsibilities and shall maintain them in accordance with standing governmental regulations referencing maintenance of archived records and files for auditing purposes.

Generally, there are two types of files:

- **A-Files**

Some Residential Standards and other ICE/DRO policies require copies of certain documents on individual residents be sent to Field Offices, especially where approval of the Field Office Director (or designee) is required. Some such material may duplicate material maintained in the facility Residential Files, but there is no intention to create a full duplicate

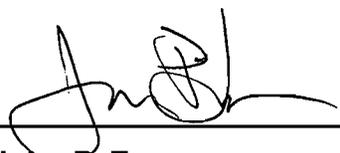
file.

For such purposes, where records are most easily retrieved by the resident's name, Field Office staff shall maintain those records in the A-file.

- **Process Files**

For some purposes, records contain information about more than one resident, and they are most easily retrieved by subject.

Standard Approved:



John P. Torres
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Date