

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Policy Number 1054.1: Policy Governance and Development

Issue Date: December 12, 2017
Effective Date: December 12, 2017
Superseded: N/A
Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** U.S. Immigration and Customs Enforcement (ICE) requires consistent and coordinated processes governing policy recommendations, conducting policy research and analysis, and developing and implementing administrative and operational policies. This Directive and its implementing Handbook, the *Policy Governance and Development Handbook*, establish responsibilities and procedures governing the development and issuance of policy within ICE.
2. **Policy.** ICE Directorates and Program Offices must prepare and coordinate ICE Policies, including Directives, Delegation Orders, Handbooks, Memoranda, or Standard Operating Procedures (SOP) with the Office of Policy (OP). This requirement applies to new ICE Policies as well as modifying, superseding, and/or canceling current ICE Policies. ICE Policies must be signed by the ICE Director.

Operational Policies and Internal Administrative Policies that are signed by the Headquarters Responsible Official (HRO) do not require coordination with or clearance through OP. OP encourages all Directorates and Program Offices to consult with OP to ensure that Operational Policies and Internal Administrative Policies do not conflict with current ICE Policies.

Field Office Policies that affect a single field office's operations or management that are signed by the Field Responsible Official (FRO) are exempt from the provisions of this Directive.

OP will maintain a centralized repository of ICE Policies and Operational Policies to facilitate record retention and ensure ICE employees can readily access policy documents.¹ Internal Administrative Policies and Field Office Policies will not be retained in the repository.

3. **Definitions.**
 - 3.1. **Delegation Order.** Written delegation of the ICE Director's authorities, as specified in statutes, Executive Orders, the Code of Federal Regulations, or Department of Homeland Security (DHS) Delegation Orders, to subordinate ICE officials identified by title or position, to include re-delegation of authorities to a subordinate official, as permitted.

¹ Access to operational policies of a law enforcement sensitive nature will be appropriately restricted.

- 3.2. **Directive.** Written statement of a policy, mission, program, or activity's purpose, scope, and authority that establishes and assigns responsibilities and sets forth policies and procedures.
- 3.3. **Field Responsible Official (FRO).** The highest-ranking official in any ICE field location. This includes Special Agents in Charge, Field Office Directors, ICE Attachés, Chief Counsels, and any other officials who have been designated, in writing, by the ICE Director.
- 3.4. **Handbook.** Written instructions and guidance, along with uniform processes for carrying out a policy, program, or activity as outlined in ICE Policy. (Note: This may include guides, manuals, and other similar documents).
- 3.5. **Headquarters Responsible Officials (HROs).** Executive Associate Directors (EADs) of Enforcement and Removal Operations, Homeland Security Investigations, Management and Administration (M&A); the Associate Director of the Office of Professional Responsibility; and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, Chief of Staff, or EAD for M&A.
- 3.6. **Standard Operating Procedure (SOP).** Written step-by-step instructions and procedures for implementing an ICE Policy that provides technical or detailed procedural guidance.
- 3.7. **Memorandum.** Official communication or guidance from the ICE Director, Deputy Director or an HRO to subordinate staff providing high-level information on a specific issue or matter.
- 3.8. **ICE Policy.** Establishes guidelines, responsibilities, and procedures impacting multiple ICE Directorates or Program Offices that convey authorities vested in the ICE Director or relating to high profile issues, such as topics with significant DHS, interagency, public, or Congressional interest as determined by the ICE Director. ICE Policy may take the form of a directive, delegation order, handbook, memorandum, or SOP.
- 3.9. **Internal Administrative Policy.** Establishes administrative guidelines and procedures within a Directorate or Program Office that only apply to the employees of the issuing Directorate or Program Office and are signed by the appropriate HRO.
- 3.10. **Operational Policy.** Establishes guidelines and procedures to implement operational objectives and execute operational duties under the authorities vested in the Directorate or Program Office. These policies are signed by the appropriate HRO and may apply to other Directorates or Program Offices.²
- 3.11. **Field Office Policy.** Establishes guidelines and procedures at the field office level that only affect field office operations or administration and are signed by the FRO.

² For example, guidance from the Chief Financial Officer, Privacy Officer, or Chief Human Capital Officer that impacts all ICE employees would fall into this category.

4. Responsibilities.

4.1. The Office of Policy is responsible for:

- 1) Maintaining and implementing this Directive and accompanying handbook;
- 2) Coordinating and overseeing the review, approval, and dissemination of ICE Policy;
- 3) Advising the Director, Deputy Director, Chief of Staff, HROs, and other senior leadership on policy matters, including making policy recommendations, conducting research and analysis, and developing and implementing policy;
- 4) Reviewing policy documents to ensure consistency with DHS and ICE policies, strategic goals, and priorities; and
- 5) Storing, categorizing, and maintaining ICE Policies and Operational Policies.

4.2. HROs are responsible for:

- 1) Coordinating ICE Policies with OP;
- 2) Reviewing policy documents circulated for comment; and
- 3) Providing Operational Policies to OP for retention and storage in the centralized repository.

4.3. FROs are responsible for developing, reviewing, approving, and retaining Field Office Policies developed by their respective office.

4.4. Employees are responsible for developing policy documents in accordance with this Directive and the implementing Handbook.

4.5. The Office of the Principal Legal Advisor is responsible for:


- 1) Reviewing ICE Policy for legal sufficiency and potential bargaining implications; and
- 2) Consulting with Directorates and Program Offices on matters throughout the drafting, implementation, and lifecycle of Policies.

4.6. The Office of Human Capital is responsible for reviewing ICE Policy to assess potential bargaining implications.

4.7. The Office of Information Governance and Privacy is responsible for:

- 1) Ensuring that ICE Policy adheres to applicable privacy laws; and

- 2) Identifying records retention requirements for ICE Policy.
5. **Procedures/Requirements.** See the *Policy Governance and Development Handbook* for procedures and requirements.
6. **Recordkeeping.** OP will serve as the custodian for records created under the procedures outlined in this Directive and retained in the centralized repository. These records have not been scheduled. Until such time as the records schedule is officially issued and a retention period is established, all records under this Directive must be maintained as permanent and may not be destroyed.
7. **Authorities/References.**
- 7.1. Title 5, United States Code, Section 301, Departmental Regulations.
- 7.2. DHS Directive 112-01, Revision 01, *Directives Systems*, dated September 26, 2011 or as updated.
- 7.3. DHS Instruction Manual 112-01-001-01, Revision 02, *DHS Directives System*, dated November 30, 2017, or as updated.
8. **Attachment.** *Policy Governance and Development Handbook*.
9. **No Private Right Statement.** This document provides internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.



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