

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

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DIRECTIVE TITLE: APPROVAL OF FIRST CLASS AND PREMIUM TRAVEL

1. **PURPOSE and SCOPE.** This Directive establishes U.S. Immigration and Customs Enforcement (ICE) policy and procedures for approval of first class and premium travel. This Directive applies to all ICE Program Offices.
2. **AUTHORITIES/REFERENCES.**
 - 2.1. Federal Travel Regulation – Part 301-10 Transportation Expenses.
 - 2.2. U.S. Immigration and Customs Enforcement Temporary Duty Handbook Chapter 3 – Transportation.
 - 2.3. Department of Homeland Security Management Directive 0160.1 Delegation to the Department of Homeland Security Organizational Elements.
3. **SUPERSEDED/CANCELED POLICY/ SUMMARY OF CHANGES.** This Directive is the originating and establishing Directive for ICE policy on the approval of first class and premium travel and supersedes all legacy guidance.
4. **BACKGROUND.** ICE requires that employees who use commercial transportation for domestic and international travel on official business use coach class accommodations, including contract or city-pair airline fares if available. The Federal Travel Regulation (FTR) provides certain limited exceptions when specifically approved by an authorized official. This Directive defines the limited exceptions and sets forth the approval process. It applies to temporary duty travel, permanent change of station travel, and all other travel funded by ICE.
5. **DEFINITIONS.** The following definitions are provided for the purposes of this Directive.
 - 5.1. **Business-class (airline).** A premium class of accommodation offered by the airlines that is higher than coach and lower than first class, in both cost and amenities. This class of accommodation is generally referred to as “business, business elite, business first, world business, connoisseur, or envoy” depending on the airline. Not all city-pair fares are available in business-class. When use of business-class is authorized, the use of business-class city-pair fares is optional.

- 5.2. **Business-class (train).** A class of service offered on Amtrack Acela or Metroliner extra fare train service.
- 5.3. **City-Pair Airline Fares.** The General Services Administration program that obtains advantageous fares between two particular cities for government travelers on official business.
- 5.4. **Coach-class (airline).** The basic class of accommodations offered to travelers regardless of fare paid. The terms "tourist" or "economy-class" are sometimes used for this class of accommodation. When authorizing this class of accommodation, use of the contract city-pair fare is mandatory.
- 5.5. **Coach-class (train).** The basic class of accommodations offered by a rail carrier to passengers that includes a level of service available to all passengers regardless of the fare paid. Coach-class includes reserved coach accommodations as well as slumber coach accommodations when overnight train travel is involved.
- 5.6. **First-class (airline).** Generally, the highest class of accommodation offered by the airlines in terms of both cost and amenities and termed "first-class" by the airlines and any reservation system. This class of accommodation may be authorized only in very limited circumstances by the Secretary.
- 5.7. **First-class (ship).** All classes above the lowest first class, includes but is not limited to a suite.
- 5.8. **First-class (train).** Includes bedrooms, roomettes, club service, parlor car accommodations, or other premium accommodations.
- 5.9. **Lowest first class (ship).** The least expensive first class of reserved accommodations available on a ship.
- 5.10. **Single Class (airline).** This term applies when an airline offers only one class of accommodations to all travelers.
6. **POLICY.** Travel accommodations for ICE employees on official domestic or international travel will be limited to coach-class. The approving official may authorize other accommodations if coach-class seating is not reasonably available in time to accomplish the purpose of the trip. However, all travel accommodations above coach-class must be approved in advance of travel by the appropriate official(s). Expenses incurred for travel accommodations above coach-class that were not authorized in advance of travel will not be reimbursed. Management must use discretion before forwarding the justification for the request for first class or premium travel to the approving official.

7. RESPONSIBILITIES.

- 7.1. Only the Secretary of the Department of Homeland Security (DHS) may approve requests for first class travel, and these requests will be approved only under the most unusual circumstances. The ICE Assistant Secretary is responsible for the review and approval of all requests for business class travel for ICE employees, guests of ICE, and detainees. The Assistant Secretary may give blanket approval for detainee travel only, for a period not to exceed one year, for the purchase of business class tickets meeting the criteria set forth in Section 8.1(4) of this Directive. The authority to approve premium class other than first-class transportation accommodations may be delegated to the ICE Deputy Assistant Secretary for Management or the Deputy Assistant Secretary for Operations, and for the purposes of covert assignments only, to the Director, Office of Investigations (OI) and the Director, Office of Professional Responsibility (OPR).
- 7.2. The ICE Chief Financial Officer (CFO) is responsible for establishing ICE policies and procedures for the approval of first class and premium class travel. In addition, the CFO is responsible for auditing all travel involving first class or premium travel. This audit will be performed, at a minimum, every six months. If the audit shows unapproved and/or unjustified use of first class or premium travel, it will be referred to the employee's Program Office and/or the Office of Professional Responsibility, as appropriate, and the DHS CFO will be notified.
- 7.3. ICE Program Offices are responsible for retaining required documentation related to all travel above coach class. In addition to reviews conducted by the CFO, Program Offices are encouraged to establish additional controls over first class and premium travel.

8. PROCEDURES.

8.1 **Business Class Travel – Air Carrier.** The use of premium class travel may produce overall savings to the Government based on economic considerations, such as the avoidance of additional subsistence costs, overtime, or lost productive time that would be incurred while awaiting availability of less-than-premium-class accommodations. Approval for business class air travel may be granted only under the conditions outlined below:

- 1) When necessary to accommodate an employee's disability or other special need. A disability must be substantiated in writing by a competent medical authority and be current within one year prior to travel. Authorization for premium class travel accommodations may also be granted for an attendant to accompany an employee who requires the attendant's services.
- 2) When no other coach class accommodation is reasonably available. "Reasonably available" means accommodations are available on an airline that is scheduled to leave within 24 hours of the proposed departure time, or scheduled to arrive within 24 hours of the proposed arrival time. It must be impractical to reschedule the proposed departure and arrival times to qualify under this provision.
- 3) When it is necessary to accomplish a covert investigative work assignment.

- 4) When it is required to accomplish the Program Office's mission. Except for covert investigative work assignments, a justification under this provision must set forth in detail the nature of the mission. For example, the Office of Detention and Removal Operations (DRO) must obtain travel documentation from foreign governments approving the return of aliens to their home country. These documents may provide only a short period of time in which permission is granted for the return. If a coach fare is not available during the time for a trip segment, if deemed necessary, a premium class ticket may be purchased while a coach-fare seat is wait-listed. If a coach fare becomes available, it will be purchased and the cost of a premium ticket will be returned. Regardless of the class of ticket purchased, DRO will ensure that the alien and escorting officer(s) sit in coach seats during the course of the removal, even if they hold premium class tickets.
- 5) When the origin and/or destination is outside of the continental United States and the scheduled flight time, including stopovers and change of planes, is in excess of 14 hours. In this instance, the traveler will not be eligible for a rest stop en route to, or a rest period upon arrival, at the duty site.
- 6) When less-than-premium-class accommodations on foreign carriers do not provide adequate sanitation or health standards.
- 7) When transportation costs are paid in full through agency acceptance of payment from a non-federal source. The traveler must obtain specific prior approval from the legal counsel ethics office before payment may be accepted from a non-Federal source.
- 8) When regularly scheduled flights between origin and destination points (including connecting points) provide only premium-class accommodations and the traveler certifies such on his or her voucher.
- 9) When no space is available in coach-class accommodations in time to accomplish the mission, and the mission is so urgent that it cannot be postponed.
- 10) When security purposes or exceptional circumstances as approved by either DAS Management or DAS Operations, make the use of premium-class, other than first-class, essential to the successful performance of ICE's mission.

In addition to the above, it should be noted that foreign carriers frequently denote coach tickets as premium class because the tickets are refundable. Unless covered under specific provisions of a blanket authorization, a Premium Class Request Form (Attachment) must be completed and submitted for approval.

- 8.2. First Class Travel – Air Carrier.** First-class airline accommodations may only be approved in writing and in advance by the Secretary, DHS. Approval for first class air travel may be granted only under the conditions outlined below:
- 1) No coach or business-class accommodations are reasonably available. “Reasonably available” means available and scheduled to leave within 24 hours of the employee’s proposed departure time, or scheduled to arrive within 24 hours of the employee’s proposed arrival time. It must be impossible to reschedule the proposed departure and arrival times to qualify under this provision.
 - 2) When use of first-class is necessary to accommodate a disability or other special need. A disability must be substantiated in writing by a competent medical authority. A special need must also be substantiated in writing. If an employee is authorized under FTR §301-13.3(a) (employee with special needs) to have an attendant accompany him or her, ICE may also authorize the attendant to use first-class accommodations if the attendant’s services are required en route.
- 8.3.** When exceptional security circumstances require first-class travel. Exceptional security circumstances are determined by ICE in consultation with DHS and include, but are not limited to:
- 1) Use of other than first-class accommodations would endanger the employee’s life or Government property;
 - 2) ICE agents on protective detail who are accompanying an individual authorized to use first-class accommodations;
 - 3) ICE couriers or control officers accompanying controlled pouches or packages; and
 - 4) When required because of the ICE mission.
- 8.4.** An employee may upgrade to first-class at his or her own personal expense, including through redemption of frequent flyer benefits. Although no approval is necessary in this circumstance, the employee should note on their travel voucher that an upgraded seat was obtained at personal expense or through frequent flyer benefits.
- 8.5. Business Class Travel – Train.** Business class is defined as a class of service offered on Amtrak Acela or Metroliner extra-fare train service. An extra-fare train is a train that operates at an increased fare due to the extra performance of the train (i.e., faster speed or fewer stops). Extra-fare train service can be used when determined more advantageous to the Government or is required for security reasons. The use of the lowest class of service available on any Amtrak Acela or Metroliner train service (including Acela Express) is deemed advantageous to the Government and no further approval is needed. On the Amtrak Acela Express or Metroliner train service, the lowest available class is business and on the Amtrak Regional train service the lowest available class of service is coach. (Amtrak Acela and Metroliner first-class accommodations may be authorized/approved only as provided in 8.4).

8.6 First Class Travel – Train. First-class train accommodations may be used only when approved, in writing and in advance by the Secretary, DHS. Approval for first class train travel may be granted only under the conditions outlined below:

- 1) No coach-class accommodations are reasonably available. “Reasonably available” means available and scheduled to leave within 24 hours of the employee’s proposed departure time, or scheduled to arrive within 24 hours of the employee’s proposed arrival time. It must be impossible to reschedule the proposed departure and arrival times to qualify under this provision.
- 2) When use of first-class is necessary to accommodate a disability or other special need. A disability must be substantiated in writing by a competent medical authority. A special need must be substantiated in writing. If an employee is authorized under FTR §301-13.3(a) to be accompanied by an attendant, the Secretary of DHS may also authorize the attendant to use first-class accommodations if the attendant’s services are required en route.
- 3) When exceptional security circumstances require first-class travel. Exceptional security circumstances include, but are not limited to:
 - a) Use of other than first-class accommodations would endanger the employee’s life or Government property;
 - b) ICE agents on protective detail who are accompanying an individual authorized to use first-class accommodations; or
 - c) ICE couriers or control officers accompanying controlled pouches or packages.
 - d) When required because of the ICE mission.
- 4) Inadequate foreign coach-class train accommodations. When coach-class train accommodations on a foreign rail carrier do not provide adequate sanitation or health standards; a justification under this provision must set forth in detail the nature of the sanitation or health issues.

8.7. First-Class Travel – Ship. First-class ship accommodations may only be used when approved, in writing and in advance by the Secretary, DHS. Employees must use the lowest first class accommodations when traveling by ship, except when authorized or approved under the following conditions:

- 1) Lowest first class accommodations are not available on the ship.
- 2) When use of first-class is necessary to accommodate a disability or other special need. A disability must be substantiated in writing by a competent medical authority. A special need must be substantiated in writing. If an employee is authorized under FTR 301-13.3(a) to have an attendant accompany him or her, ICE may also authorize the attendant to use first-class accommodations if the attendant’s services are required en route.

3) When exceptional security circumstances, as determined by Secretary of DHS, require first-class travel. Exceptional security circumstances include, but are not limited to:

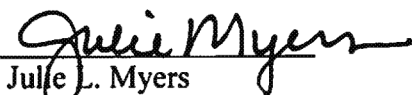
- a) The use of lowest first class accommodations would endanger the employee's life or Government property;
- b) ICE agents on protective detail who are accompanying an individual authorized to use first-class accommodations; or
- c) ICE couriers or control officers accompanying controlled pouches or packages.
- d) When required because of the ICE mission.

8.8. When premium class tickets are purchased under the authority of 8.1, 8.2, 8.5, 8.6, and 8.7 for the purpose of conducting a deportation or removal from the United States, regardless of the class of ticket purchased, the alien and escorting officer(s) will sit in coach seats during the course of the removal.

9. **ATTACHMENT.** Premium-Class Request Form.

10. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved



Julie L. Myers
Assistant Secretary

U.S. Immigration and Customs Enforcement

PREMIUM-CLASS REQUEST FORM

(Attach to Travel Authorization/Travel Voucher)

Name of Traveler: _____ Program: _____

Title: _____ Grade: _____

Travel Dates: _____ Travel authorization Number: _____

Class of Service: _____ Estimated Premium-Class Cost: \$ _____

Contract/Coach Fare Cost (for Comparison Purposes): _____

Premium-class travel regulations state that premium-class (also referred to as business class) other than first-class accommodations may be authorized for one or more of the reasons listed below. Please check the applicable reason(s) and supply additional details (when required) with attachment(s). Describe in specific detail how the circumstances checked apply to you. Example, if a time factor is involved, indicate the amount of advance time to plan the travel. Attach a separate sheet for your statement. No travel should occur without this signed form in place and the circumstances for approval are subject to post trip audit.

_____ No other coach class accommodation is reasonably available. "Reasonably available" means accommodations available on an airline that is scheduled to leave within 24 hours of the proposed departure time, or scheduled to arrive within 24 hours of the proposed arrival time, and the employee must travel in specific timeframe. It must be impossible to reschedule the proposed departure and arrival times to qualify under this provision. If this situation occurs, the traveler must produce documentary evidence attesting to the fact that coach-class accommodations are not available. The traveler must request the Travel Management Center to provide a statement on the itinerary when coach-class accommodations are not available.

_____ Premium class travel is necessary to accommodate an employee's disability or other special need; a disability must be substantiated in writing by a competent medical authority and be current within one year prior to travel. Authorization for premium class travel accommodations may, if necessary also be granted for an attendant to accompany an employee who requires the attendant's services.

_____ Exceptional security circumstances require premium-class travel. Exceptional security circumstances include, but are not limited to:

(1) Use of other than premium-class accommodations would endanger the employee's life or Government property;

(2) ICE agents on protective detail who are accompanying an individual authorized to use premium-class accommodations; or

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(3) An ICE courier or control officer accompanying controlled pouches or packages.

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_____ Premium-class accommodations are required to accomplish the ICE mission. A justification under this provision must set forth in detail the nature of the mission.

_____ Only premium-class accommodations are available on regularly scheduled flights between the origin/destination points (including connecting points). If this situation occurs, the traveler must produce documentary evidence attesting to the fact that coach-class accommodations are not available. The traveler must request the Travel Management Center to provide a statement on the itinerary when coach-class accommodations are not available.

_____ No space is available in coach-class accommodations in time to accomplish the mission, which is urgent and cannot be postponed.

_____ The use of premium class travel produces overall savings to the Government based on economic considerations, such as the avoidance of additional subsistence costs, overtime, or lost productive time that would be incurred while awaiting availability of less-than-premium-class accommodations.

_____ Transportation costs are paid in full through agency acceptance of payment from a non-federal source. An employee must obtain specific prior approval from the legal counsel ethics office before payment may be accepted from a non-Federal source.

_____ The origin and/or destination are outside of CONUS and the scheduled flight time, including stopovers and change of planes, is in excess of 14 hours. In this instance the traveler will not be eligible for a rest stop en route to, or a rest period upon arrival at his/her duty site. If premium-class is authorized, a rest stop cannot be made. Describe in specific detail how the circumstances checked above apply to you. If a time factor is involved, indicate the amount of advance time to plan the travel. **A justification is required why a rest stop cannot be made on the outbound and return trips.** Attach a separate sheet for the justification.

Please note that if a coach ticket is classified by foreign carrier as premium only because the ticket is refundable, no approval is necessary. However, the traveler must note on the travel authorization that, although the ticket was classified as premium, a coach class ticket was obtained.

Signature of Traveler Date

Supervisor Date

Signature of Assistant Secretary/Delegate Date

Approved _____ Disapproved _____

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