

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**ICE Directive 2015.1: Evacuation-Related Procedures During Disasters or Other Emergencies**

**Issue Date:** July 10, 2019

**Superseded:** ICE Policy 2003.1 (originally 2-11.0), *Emergency and Special Evacuation Allowances* (August 31, 2008).

**Federal Enterprise Architecture Number:** 306-112-002a

1. **Purpose/Background.** U.S. Immigration and Customs Enforcement (ICE) is committed to ensuring the safety and security of its employees, facilities, and assets during disasters and other emergencies. This Directive and accompanying *Evacuation-Related Procedures During Disasters and Other Emergencies Handbook* (“Handbook”) establish ICE policy and procedure for the administration and management of evacuation benefits and critical human resource actions during a disaster or other emergency, to include: emergency preparation measures; evacuation orders; reporting to a designated safe haven; reporting to duty; evacuation-related payments and special allowances during an evacuation order; deployment for response to a disaster or emergency; purchasing and acquisition limitations; and returning to duty.
2. **Policy.** It is ICE policy to ensure the safety of its workforce and maintain the continuity of ICE essential functions and support activities during a disaster or emergency. ICE will adhere to statutes and regulations governing evacuation benefits and critical human resource actions in the event of a disaster or other emergency.
  - 2.1. **Emergency Preparation Measures.** ICE employees are responsible for the evacuation of themselves and their family members and to safeguard their homes and possessions, along with ICE property issued to employees for their official duties. Employees are responsible for providing their supervisors with accurate and updated contact information, including address, phone number, email, and emergency contact(s).
  - 2.2. **Evacuation Order.** The ICE Director or his or her designee (herein ICE Director) may issue an order directing the evacuation of ICE employees and their dependents from a specific geographic area to a designated safe haven(s). ICE-issued evacuation orders do not apply to the general public and do not affect or replace any evacuations ordered by other Federal, state, and/or local authorities. The ICE evacuation order may also authorize evacuation-related payments and special allowances to eligible employees and their dependents, to cover expenses incurred as a direct result of the evacuation.

Evacuation orders are effective for a maximum of 180 days from issuance but may be terminated earlier if or when the affected permanent duty station(s) (PDS) reopens or as determined by the ICE Director. Evacuation orders may not be extended.

- 2.3. Evacuating to a Designated Safe Haven.** ICE employees and their dependents subject to an evacuation order are required to evacuate to the designated safe haven and remain there until the order is lifted. Upon arrival at the safe haven, ICE employees must immediately contact their supervisors or their designees (herein supervisor) with information regarding their location, the location of their dependents, and the well-being of themselves and their dependents. Failure to evacuate and report this information may result in disciplinary action or ineligibility for evacuation-related payments and special allowances authorized under the evacuation order. Similarly, voluntarily departing a safe haven without prior authorization may result in disciplinary action and loss of evacuation-related payments and special allowances.
- 2.4. Reporting to Duty.** ICE employees are required to report to duty within the safe haven or remain at their PDS within the evacuation zone, as directed by their supervisor. Employees subject to an evacuation order are in duty status, regardless of whether they are able to perform any work. Evacuated employees are not in a temporary duty (TDY) status. Failure to report to duty as ordered may result in ineligibility and/or termination of evacuation-related payments and allowances, as well as disciplinary action. All employees must have all necessary equipment as applicable (e.g., identification badge, work cellular phone, radio, take-home computer, duty weapon, body armor), to perform duties at the safe haven or evacuation zone, as ordered.
- 2.5. Evacuation-Related Payments and Special Allowances.** ICE has discretion to authorize advance payments, evacuation payments and special allowances during an evacuation. Evacuation-related payments and special allowances are not entitlements and are authorized only to eligible employees and their dependents who are subject to an evacuation order.

Funding for evacuation-related payments and allowances must be approved by the respective Headquarters Responsible Official (HRO) consistent with law, regulation, policy, and office-specific implementation guidance and available resources. Each ICE Directorate and Program Office will fund special allowances for their own eligible employees and dependents subject to an evacuation order. ICE Directorates and Program Offices are responsible for ensuring that employees understand the rules on the proper use of evacuation-related payments and allowances, including the use of government-issued travel cards.

- 2.6. Disaster and Emergency Response Deployments.** ICE law enforcement personnel may be assigned to support the Federal Emergency Management Administration (FEMA) emergency response deployment, including Emergency Support Function #13 mission assignments (ESF #13), and ICE volunteer employees may staff a Surge Capacity Force (SCF), as determined by the DHS Secretary. Participating ICE Directorates and Program Offices must coordinate with the Office of the Chief Financial Officer (OCFO) to ensure FEMA's reimbursement of agency expenses.

- 2.7. Emergency Purchases and Procurements.** The continuity of operations of the ICE mission may require, during an emergency, the purchase or procurement<sup>1</sup> of items not normally allowed. Requests to purchase or procure items normally deemed impermissible must be documented, to include the basis for the expenditure, with an individualized assessment why the purchase is necessary, and reviewed by Office of the Principal Legal Advisor (OPLA) to ensure compliance with legal and policy constraints. The request and assessment must also be sent to the Purchase-Card holder or the Contracting Officer within the Office of Acquisition Management (OAQ) prior to any purchase being approved for coordination purposes.
- 2.8. Returning to Duty.** ICE will provide updates to evacuated employees regarding when it is safe to return to their PDS and the date on which return to PDS duty is required. When an evacuation order expires or is terminated, whichever is earlier, an employee must return to his or her PDS or appropriate action must be taken by the ICE Directorate or Program Office to reassign him or her to another duty station or take disciplinary action.
- 3. Definitions.**
- 3.1. Advance Payment.** Upon request by an employee, payment of salary, including allowances and differentials, made to an employee who has received an order to evacuate, prior to the regularly scheduled payment date. The maximum advance may not exceed 30 days.
- 3.2. Dependent.** A family member of an employee who resides with the employee and is dependent on the employee for his or her support. The phrase “residing with” means that the official residence of the family member is with the ICE employee. An individual with any of the following relationships to the employee may be a family member:
- 1) Spouse and his or her parent(s);
  - 2) Sons and daughters, and their spouse(s);
  - 3) Parents and their spouse(s);
  - 4) Brothers and sisters, and their spouse(s);
  - 5) Grandparents and grandchildren, and their spouses;
  - 6) Domestic partner, and their children and parents, including a domestic partner of any individual in paragraphs (2) - (5) of this definition; and
  - 7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

---

<sup>1</sup> Emergency procurements may use sole-source or other procurement methods as authorized by the Federal Acquisition Regulations.

- 3.3. Disaster and/or Other Emergency.** A calamitous event that brings damage, loss, or destruction caused by nature (e.g. hurricane, tornado, flood, fire) or other emergency creating imminent or present danger or hazard to life or property.
- 3.4. Evacuation Order.** An oral or written order from the ICE Director that authorizes or directs departure of employees and/or their dependents from a specific geographic area to a specified safe haven due to disaster or other emergency. The evacuation order may, as appropriate and necessary for affected employees, authorize three types of payments: (1) advance payments; (2) evacuation payments; and (3) special allowances. An oral order should be followed by a written evacuation order as soon as practicable.
- 3.5. Evacuation Payment.** Payment of an employee's salary, including allowances and differentials, at regularly scheduled intervals, while an evacuation order is in effect and the affected employee is prevented from performing the regular duties of his or her position.
- 3.6. Evacuation Zone.** The defined geographic area impacted by a disaster or emergency that is identified for evacuation.
- 3.7. Headquarters Responsible Officials (HROs).** Executive Associate Directors of Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Management and Administration (M&A); the Principal Legal Advisor; 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.
- 3.8. ICE Employees.** Federal civilian employees, including part time and temporary intermittent employees. Contractors, interns, and volunteers are not ICE employees.
- 3.9. Permanent Duty Station (PDS).** The location of an employee's permanent work assignment. An employee's PDS does not change when an employee is on a temporary duty assignment, regardless of the length of time.
- 3.10. Safe Haven.** An area designated by the ICE Director that is outside the area of imminent or present danger to which an employee and/or dependents are evacuated.
- 3.11. Special Allowances.** Transportation expenses and per diem for lodging and Meals and Incidental Expenses (M&IE), which may be paid to evacuated employees to offset any direct added expenses that are incurred as a direct result of their evacuation or the evacuation of their dependents. Expenses (including per diem) for travel to a safe haven for an eligible employee and/or the employee's eligible dependents will be reimbursed from the later of (a) the date of departure from the evacuated PDS or home or (b) the effective date of the evacuation order, through the date of arrival at the safe haven. Employees will not be reimbursed for travel from the safe haven to the evacuation zone to inspect their homes (residences).

**4. Responsibilities.**

**4.1. The ICE Director**, or his or her designee, is responsible for issuing and terminating evacuation orders, to include designation of a safe haven and authorization of evacuation-related payments or allowances, if any.

**4.2. HROs**, or their designees, are responsible for:

- 1) Developing and implementing office-specific guidance related to the administration of evacuation benefits and human resource actions as described in this Directive and accompanying Handbook, and ensuring that ICE employees within their Directorate or Program office comply with these provisions;
- 2) Ensuring that employees within their Directorate or Program Office are accounted for during disasters and other emergencies;
- 3) Approving funding for evacuation-related payments and allowances for eligible employees and their dependents;
- 4) Following approval of an advance payment, submitting the request to the Office of Human Capital (OHC) for processing purposes in accordance with OHC implementation guidance;
- 5) Coordinating with OCFO to ensure appropriate reimbursement of agency expenses; and
- 6) Documenting requests for personal expenses of employees, consulting with OPLA prior to the purchase of goods and/or services to provide for the personal expenses of employees when such expenses would help restart ICE operations or to safeguard ICE assets, and coordinating with OAQ prior to any purchase being approved, when appropriate.

**4.3. OCFO** is responsible for:

- 1) Directing, guiding, and/or providing technical support and assistance to ICE Directorates and Program Offices on the authorization, funding, and payment of evacuation-related payments and special allowances, as necessary;
- 2) Ensuring that the utilization of agency funds for evacuation-related payments and special allowances complies with law, regulation, and policy, to include creating project codes and travel labels and distributing these to ICE Directorates and Program Offices, as necessary; and
- 3) Providing guidance to ICE Directorates and Program Offices regarding the reimbursement of agency expenses from FEMA and seeking reimbursement for authorized reimbursements, as necessary.

- 4.4. **OHC** is responsible for directing, guiding, and/or providing technical support and assistance to ICE Directorates and Program Offices on personnel, pay, and leave procedures during an evacuation, as necessary.
- 4.5. **OAQ** is responsible for:
- 1) Procurement of goods and/or services to facilitate restarting ICE operations or to safeguard ICE assets following OPLA review, when appropriate; and
  - 2) Conducting emergency procurements, including of chartered aircraft, after all required authorizations are provided.
- 4.6. **OPLA** is responsible for:
- 1) Providing ICE Directorates and Program Offices with written legal guidance regarding use of appropriated funds for personal expenses of employees;
  - 2) Authorizing non-Federal passenger travel on chartered flights; and
  - 3) Providing ICE Directorates and Program Offices with legal guidance regarding this Directive and accompanying Handbook, and any applicable laws and regulations, as necessary.
- 4.7. **Supervisors** are responsible for:
- 1) Maintaining updated contact information for all employees and accounting for all employees and reporting their status through their chain of command during an evacuation;
  - 2) Ensuring employees and their dependents comply with eligibility requirements for evacuation-related payments and special allowances and ensuring that these payments and allowances are made in accordance with law, regulation, policy, and office-specific implementation guidance;
  - 3) Reviewing each evacuated employee's time and attendance records and travel vouchers when the evacuation order expires or is terminated to ensure proper accounting of time and expenses and ensuring amendments and adjustments are made, when necessary, to correct improper timecards or travel vouchers; and
  - 4) Conducting additional personnel related actions as directed, to include (but are not limited to): ensuring time and attendance of evacuated employees is reported and certified for payroll processing; ensuring employees have all necessary equipment as applicable when reporting to duty; ensuring employee travel authorizations and vouchers are completed and submitted for processing; and providing relevant

guidance to evacuated employees in coordination with applicable ICE Directorates and Program Offices, as necessary.

**4.8. ICE Employees** are responsible for:

- 1) Complying with the provisions in this Directive and accompanying Handbook;
- 2) Evacuating from the evacuation zone and reporting to the safe haven or remaining at their PDS within the evacuation zone, as instructed, and immediately contacting his or her supervisor with information regarding their location, location of their dependents, the well-being of themselves and their dependents;
- 3) Reporting for duty at the safe haven or PDS within the evacuation zone, as ordered;
- 4) If requesting special allowances under an evacuation order, completing and submitting a travel authorization and voucher through their chain of command and using their government-issued credit card for authorized expenses, when practicable; and
- 5) Completing WebTA<sup>®</sup> for each pay period he or she is evacuated.

**5. Procedures/Requirements.** See the *Evacuation-Related Procedures During Disasters and Other Emergencies Handbook* for implementing procedures and requirements.

**6. Recordkeeping.** OCFO and OAQ will maintain all financial records regarding evacuation-related procedures during disasters and other emergencies, in accordance with General Records Schedule (GRS) 1.1, Financial Management and Reporting Records, item 010 financial transaction records related to procuring goods and services, paying bills, collecting debts, and accounting. The Emergency Management Unit (EMU) shall retain all records involving evacuation-related procedures during disasters and other emergencies for chartered aircraft permanently until a schedule covering these records is approved by the National Archives and Records Administration (NARA). ICE Directorates and Program Offices should retain employee information for purposes of creating and submitting travel vouchers.

**7. Authorities/References.**

- 7.1.** 5 United States Code (U.S.C.) §§ 5514, 5584, *Installment deduction for indebtedness to the United States, and Claims for overpayment of pay and allowances, and of travel, transportation and relocation expenses and allowances* (2018).
- 7.2.** 5 U.S.C. §§ 5522, 5523, *Advance payments; rates; amounts recoverable, and Duration of payments; rates; active service period* (2018).
- 7.3.** 5 U.S.C. § 5725, *Transportation expenses; employees assigned to danger areas* (2018).
- 7.4.** 31 U.S.C. §§ 1344, *Passenger Carrier Use* (2018).

- 7.5. Title 5 Code of Federal Regulations (C.F.R.) Part 550, Subpart D, *Payments During Evacuation* (2018).
- 7.6. 5 C.F.R. Part 630, *Absence and Leave* (2018).
- 7.7. 6 C.F.R. § 11.4(d), *Collection by administrative offset* (2018).
- 7.8. 41 C.F.R., Chapters 300-304, Federal Travel Regulations (2018).
- 7.9. Office of Personnel Management (OPM) Handbook, *Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations* (June 2008).
- 7.10. Memorandum from the U.S. Department of Homeland Security (DHS) Chief Financial Officer, *Evacuation Benefits and Travel-Related Allowances in the Aftermath of Hurricane Katrina* (September 21, 2005).
- 7.11. DHS Financial Management Policy Manual, Section 3.14 - Waiver of Claims Against Employees for Erroneous Payments (June 22, 2018).
- 7.12. DHS Financial Management Policy Manual, Section 7.3 – Travel Allowances (April 9, 2018).
- 7.13. ICE Directive 14014.1, *Crisis Action Plan* (May 20, 2014).
- 7.14. FEMA Fact Sheet, *How FEMA Determines Habitability* (July 11, 2018).
8. **Attachments.**
  - 8.1. *Evacuation-Related Procedures During Emergencies and Disasters Handbook*.
  9. **No Private Right.** This document provides only 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.



Matthew T. Albence  
Acting Director  
U.S. Immigration and Customs Enforcement