



**U.S. Immigration  
and Customs  
Enforcement**

May 19, 2022

MEMORANDUM FOR: Field Office Directors  
Deputy Field Office Directors  
Assistant Directors  
Deputy Assistant Directors

FROM: Corey A. Price   
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Enforcement and Removal Operations

SUBJECT: Detained Noncitizen Transfers Required Due to a Healthcare Condition

Purpose:

This memorandum provides updated guidance for U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) concerning the transfer of noncitizens due to a healthcare condition, as determined medically necessary by ICE Health Service Corps (IHSC). Guidance was previously provided by ERO Broadcast: Detainee Transfers, which expired on January 22, 2022.

Background:

ICE is obligated to provide and manage appropriate and necessary medical, dental, and mental health care to noncitizens in its custody. Consistent with the Detainee Transfer Directive, a transfer may be deemed necessary, among other reasons, to provide appropriate medical or mental health care to a noncitizen.<sup>1</sup> Section 5 of the Detainee Transfer Directive specifies the requirements and procedures for medical procedures and information required for transfers.

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<sup>1</sup> ICE Directive 11022.1, *Detainee Transfers* (January 4, 2012). See also ICE Directive 11063.2, *Identification, Communication, Recordkeeping, and Safe Release Planning for Detained Individuals with Serious Mental Disorders or Conditions and/or Who Are Determined To Be Incompetent By An Immigration Judge* (April 5, 2022)

IHSC Directive 01-38, *Appropriate Housing Placement for Complex Patients* (February 2, 2022), sets forth policies and procedures for ensuring continuity of care for noncitizens in ICE custody with complex medical or behavioral health needs. This Directive applies to IHSC personnel supporting health care operations in ICE-owned and contracted detention facilities and to IHSC Headquarters (HQ) staff. The directive also applies to contract personnel when supporting IHSC in detention facilities and at HQ.

Discussion:

Effective immediately, ERO establishes the following procedures regarding the transfer of detained noncitizens with health care conditions. *Detained noncitizens who require a higher level of care per IHSC guidelines may be relocated to a facility that can provide the appropriate care or released if detention is not appropriate. A thorough review based on the totality of the circumstances of the case shall be conducted to determine if continued detention is in the interest of the U.S. government or if alternatives to detention may be more appropriate.*

1. **Identify appropriate placement.** IHSC will identify facilities that can accommodate and provide appropriate care for detained noncitizens with health care conditions that medically require a higher level of care. ERO shall relocate detained noncitizens who require a higher level of care in a timely manner per IHSC guidelines to facilities that can provide the appropriate care.
2. **Arrange noncitizen transfer.** Where a detained noncitizen requires a transfer to another facility to receive medically necessary care, IHSC will confirm that the receiving Area of Responsibility (AOR) has the medical capability to accept the noncitizen and collaborate with ERO to verify bed space availability. Immediately upon confirmation of available bed space, the sending and receiving AORs will work to complete the transfer as expeditiously as possible and without unnecessary delay and in compliance with Section 5 requirements of the Detainee Transfer Directive. Transfer refusals shall be based on legitimate government interests, objectives or purposes, such as safety or security reasons, and shall be approved by the Assistant Director for Field Operations in consultation with IHSC.
3. **Secure transportation logistics.** Upon agreement to transfer, the sending and receiving AORs will determine the method of transportation. The sending AOR must send notification to the Detention Operations Coordination Center (DOCC) mailbox after transportation arrangements are confirmed or it may request assistance from the DOCC to facilitate the transfer. IHSC will assist with coordinating transportation for noncitizens who require special medical transportation.

This memorandum establishes responsibilities and procedures for ICE employees who perform detained noncitizen transfers and does not govern contract staff. ICE employees are reminded that responsibilities and procedures for contract staff can be found in their respective vendor agreements. Please convey these procedures to your staff and ensure their understanding and immediate compliance. Please direct any questions regarding these procedures to your appropriate ERO Domestic Operations Detention & Deportation Officer (DDO) or DOCC DDO,

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as applicable. Questions about this guidance may be directed to ICE ERO Custody Management or ICE ERO Domestic Field Operations.