

# 5.7 Religious Practices

## Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that residents of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, constrained only by concerns about safe and secure Center operations.

Various terms used in this standard may be defined in the ICE Family Residential Standard on *Definitions*.

## Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

### A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

## Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Residents will have regular opportunities to participate in practices of their religious faiths, limited only by a documented threat to the safety of persons involved in such activity itself or disruption of order in the Center. All religions represented in a resident population will have equal status without discrimination based on any resident's race, ethnicity, religion, national origin, sex, gender identity, sexual orientation, or disability.
2. Centers will plan, administer, and coordinate their religious program in an organized and orderly manner.
3. Adequate space, equipment, and staff (including security and clerical) will be provided to conduct and administer religious programs.

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4. The Chaplain or Religious Services Coordinator (RSC) will make documented efforts to recruit external clergy or religious service providers to provide services to adherents of faith traditions not directly represented by chaplaincy or RSC staff. Residents are encouraged to provide information about local religious providers.
5. Each Center's religious program will be augmented and enhanced by community clergy, contractors, volunteers, and groups who provide individual and group assembly religious services and counseling.
6. Residents in hospital units will have access to religious activities and practices to the extent compatible with medical requirements.
7. Special diets will be provided for residents whose religious beliefs require adherence to religious dietary laws.
8. As part of the Center's admission and orientation program, residents will be provided information about religious programs at the Center, including how to contact the Chaplain or RSC, how to request visits or services by other religious services providers, how to request religious diets, and how to access religious property and headwear.

### Standards Affected

This standard replaces the ICE Family Residential Standard on *Religious Practices* dated 12/21/2007.

### Expected Practices

#### A. Religious Opportunities and Limitations

Residents will have opportunities to engage in practices of their religious faith consistent with safe and secure Center operations. Religious practices to be accommodated will not be limited to practices that are compulsory, central, or essential to a particular faith tradition, but will cover all sincerely held religious beliefs. Attendance at all religious activities is voluntary.

Efforts will be made to allow for religious practice in a manner that does not adversely affect and/or compromise the safety and security of other residents not participating in the practice. Residents cannot be required to participate in or attend a religious activity to receive a service of the Center or participate in other non-religious activities. Chaplains, RSCs, and volunteers will not provide unsolicited religious services or counseling to residents.

Religious activities will be open to the entire resident population, without discrimination based on a resident's race, ethnicity, religion, national origin, sex, gender identity, sexual orientation, or disability.

When necessary for safe and secure Center operations, the Center Administrator may discontinue a religious activity or practice, or limit participation to a reasonable number of residents or to members of a particular religious group after consulting with the Chaplain or RSC. Center records

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will reflect the limitation or discontinuance of a religious practice, as well as the reason for such limitation or discontinuance.

When Centers must limit certain activities or practices (e.g., fasts, ceremonial meals, headwear requirements, work proscriptions) as indicated above, those residents whose files reflect the pertinent religious preference must be provided access to those religious activities or practices.

When a resident submits a request concerning the reason for denial of access to religious activities, centers, or meals, a copy of the request and response to the request will be placed in his/her residential file.

### B. Religious Preferences

Each resident will designate any religious preference, or none, during admission. Staff, contractors, and volunteers may not disparage the religious beliefs of a resident, nor coerce or harass a resident to select or change a religious affiliation.

A resident may request to change his/her religious preference designation at any time by notifying the Chaplain, RSC, or other designated individual in writing, and the change will be implemented in a timely fashion.

In determining whether to allow a resident to participate in specific religious activities, staff will refer to the initial religious preference information and any subsequent changes in the resident's religious designation. Residents whose files show "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

### C. Chaplains or RSCs

The Center Administrator will designate a permanent staff member to manage and coordinate religious activities for residents. Volunteers should augment but not be left to manage these programs absent a more permanent contract or agreement (e.g., through an established religious institution). Ordinarily, that staff member or contractor will be the Center Chaplain or RSC, who will, in cooperation with the Center Administrator and staff, plan, direct, and supervise all aspects of the religious program, including approving and training both lay and clergy volunteers from faiths represented in the resident population. The Center Administrator will provide non-resident clerical staff support for confidential materials.

The Chaplain or RSC, regardless of his/her specific religious affiliation, will have basic knowledge of different religions and will ensure equal status and protection for all religions.

The Chaplain or RSC will have physical access to all areas of the Center to serve residents.

A Chaplain will have a minimum qualification of clinical pastoral education or specialized training, and endorsement by the appropriate religious-certifying body. In lieu of these, the Center Administrator may accept adequate documentation of a recognized religious or ministerial position in the faith community.

The Chaplain will be available to provide pastoral care and counseling to residents who request it, both through group programs and individual services. Residents who belong to a religious faith

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different from that of the Chaplain or RSC may, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The Chaplain may, for the purpose of informed decision making, ask a resident to explain special or unfamiliar requests.

If the Center has an RSC rather than a Chaplain, then the RSC will have the necessary training to connect residents with a broad range of religious services and be prepared to arrange religious services for multiple faith traditions and connect incoming residents with resources and services specific to the resident's particular faith.

The term "individual services" includes counseling services provided to individual residents or members of their families in personal crisis and family emergency situations.

### D. Schedules and Centers

All Centers will designate adequate space for religious activities.

This designated space must be sufficient to accommodate the needs of all religious groups in the resident population fairly and equitably. The general area will include office space for the Chaplain or RSC, storage space for items used in religious programs, and proximity to lavatory facilities.

Religious service areas will be maintained in a neutral fashion suitable for use by various faith groups.

The Chaplain or RSC will schedule and direct the Center's religious activities, and current program schedules will be posted on the Resident Information Center in languages understood by most residents. The Chaplain or RSC will ensure the range of religious services to include those appropriate for minors. When scheduling approved religious activities, Chaplains or RSCs must consider both the availability of staff supervision and the need to allot time and space equitably among different groups. The Chaplain or RSC ordinarily will not schedule religious services to conflict with meal times.

If outdoor recreation is available at the Center, then residents will have opportunities for outside worship, prayer, and meditation, which will be provided in a manner that does not conflict with meal times.

### E. Contractors and Volunteers

All Centers will have procedures so that clergy, contractors, volunteers, and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program. When recruiting citizen volunteers, the Chaplain or RSC and other staff will be cognizant of the need for representation from all cultural and socioeconomic parts of the community. Each Center will provide security, including staff escorts, to allow such individuals and groups Center access for sanctioned religious activities.

The Chaplain or RSC may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot deliver personally and may secure the assistance and services of volunteers.

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“Representatives of faith groups” includes both clergy and spiritual advisors. All contractual representatives of resident faith groups will be afforded the same status and treatment to assist residents in observing their religious beliefs, unless safe and secure Center operations warrant otherwise.

The ICE Family Residential Standard on *Visitation* details requirements that must be met for a volunteer to be approved to visit with and/or provide religious activities for residents, including advance notice, identification, a background check, an orientation to the Center, and a written agreement to comply with applicable rules and procedures. Provided they meet established security requirements for entrance into the Center, religious services providers’ interpreters will be allowed to accompany the religious services provider within the Center.

The Center Administrator or designee (ordinarily the Chaplain) may require a recognized representative of a faith group to verify the religious credentials of contractors or volunteers prior to approving their entry into the Center.

Residents who are members of faiths not represented by clergy may conduct their own services, provided these do not interfere with Center operations.

### F. Pastoral Visits

If requested by a resident, the Chaplain, RSC, or designee will facilitate arrangements for pastoral visits by a clergyperson or representative of the resident’s faith.

The Chaplain or RSC may request documentation of the person’s religious credentials, as well as a criminal background check.

Pastoral visits ordinarily will take place in a private visiting room during regular visiting hours. Accommodation may be made in the legal visitation area when available.

### G. Residents in Hospital Units

Residents in a hospital unit will be permitted to participate in religious practices, consistent with safe and secure Center operations.

Residents in a hospital unit will have regular access to the Chaplain or RSC. The Chaplain or RSC will provide pastoral care in hospital units weekly, at minimum.

Residents of any faith tradition ordinarily may have access to official representatives of their faith groups while housed in hospital units by requesting such visits through the Chaplain or RSC. Requests will be accommodated consistent with the terms of the representative’s contract and safe and secure Center operations.

### H. Introduction of New or Unfamiliar Religious Components

Residents may make a request for the introduction of a new or unfamiliar religious practice to the religious services program (e.g., schedule, meeting time and space, religious items, and attire) to the Chaplain or RSC. The Chaplain or RSC may ask the resident to provide additional information to use

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in deciding whether to include the practice. Ordinarily, the process will require up to 30 business days for completion.

The Chaplain or RSC may meet with the resident to discuss the request. The Chaplain or RSC will research the request and make recommendations to the Center Administrator. Such decisions are subject to the Center's requirement to maintain safe and secure Center operations, and the availability of staff for supervision. The Field Office Director will make a decision within 30 business days and forward the final decision to the Center Administrator and the Juvenile and Family Residential Management Unit Chief. The Chaplain or RSC will communicate the decision to the resident. All denials will be documented in the resident's file.

### I. Religious Holy Days

Each Center will have in place written policy and procedures to facilitate resident observance of important holy days, consistent with safe and secure Center operations. The Chaplain or RSC will work with residents to accommodate proper observances.

The Center Administrator will facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship, or work proscription. When the Center Administrator, Chaplain, or RSC is unfamiliar with the requested observance, the Center Administrator may direct the Chaplain or RSC to consult with community representatives of the resident's faith group and other appropriate sources.

### J. Religious Property and Personal Care

Each Center Administrator will allow residents to have access to personal religious property, consistent with safe and secure Center operations. If necessary, the religious significance of such items will be verified by the Chaplain or RSC prior to Center Administrator approval. The Center Administrator also may direct the Chaplain or RSC to obtain information and advice from representatives of the resident's faith group or other appropriate sources, about the religious significance of the items. Centers will allow resident access to personal religious property, consistent with safe and secure Center operations. Centers will adhere to the Religious Freedom Restoration Act guidelines. Religious property will be handled with respect at all times, including during the admissions process.

Resident religious property includes, but is not limited to, holy books, rosaries and prayer beads, oils, prayer rugs, prayer rocks, phylacteries, medicine pouches, and religious medallions. Such items are part of a resident's personal property and are subject to normal considerations of safe and secure Center operations.

Centers will provide an opportunity for residents to deposit authorized religious property in a designated space for safekeeping.

As is consistent with safe and secure Center operations, the Center Administrator ordinarily will allow a resident to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, and may upon request of a resident, allow a resident to wear or use certain religious items throughout the Center. The Center Administrator will consult with the Chaplain or

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RSC and representatives of the resident's faith group or other appropriate sources when determining whether to approve the request.

### K. Religious Headwear and Garments

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for Orthodox Christian, Muslim, and Jewish women are permitted in all areas of the Center, subject to the normal considerations of safe and secure Center operations, including inspection by staff. Religious garments and headwear will be handled with respect at all times, including during the admissions process.

Items of religious wearing apparel include, but are not limited to:

- Prayer shawls and robes;
- Kurda or ribbon shirts;
- Medals and pendants;
- Beads; and
- Various types of headwear.

Appendix 5.7.A: Religious Headwear, Garments, and Other Religious Property provides examples of acceptable religious headwear, garments, and other religious property. There may be circumstances in which it is not advisable to permit the use of these items in a Center. Nothing in these guidelines is intended to prevent Centers from making individualized decisions based on the need to maintain safe and secure Center operations. Any denial and the reason for it will be documented and placed in the resident's file.

Consistent with safe and secure Center operations, the Center will not cut or shave religiously significant hair.

A resident who wishes to have religious books, magazines, or periodicals must comply with the Center's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature will be permitted in accordance with the procedures governing incoming publications. Distribution of religious literature purchased by or donated to ICE/Enforcement and Removal Operations will be contingent upon approval from the Chaplain or RSC.

### L. Dietary Requirements

When a resident's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff will make all reasonable efforts to accommodate those requirements (e.g., by modifying the resident's menus to exclude certain foods or food combinations or providing the resident's meals at nonstandard meal times).

A resident who wants to participate in the religious diet (common fare) program may initiate the "Authorization for Common Fare Participation" form or its equivalent that is attached to the ICE Family Residential Standard on *Food Service*. That standard also details the circumstances under which a resident may be removed from a special religious diet because he/she has failed to observe those dietary restrictions.



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“Common fare” refers to a no-flesh protein option provided whenever an entrée containing flesh is offered as part of a meal. Likewise, a “common fare” meal offers vegetables, starches, and other foods that are not seasoned with flesh. The diet is designed as the foundation from which modifications can be made to accommodate the religious diets of various faiths. Modifications to the standard common fare menu may be made to meet the requirements of various faith groups (e.g. for the inclusion of kosher and/or halal flesh-food options).

When there is any question about whether a requested diet is nutritious or may pose a threat to health, the Chaplain or RSC will consult with the medical unit.

### M. Religious Fasts

The Chaplain or RSC will develop the religious fast schedule for the calendar year and will provide it to the Center Administrator or designee. There are generally two different types of fasts: a public fast and a private or personal fast.

When residents observe a public fast that is mandated by law or custom for all the faith adherents (e.g., Ramadan, Lent, Yom Kippur), the Center will provide a meal nutritionally equivalent to the meal(s) missed. Public fasts usually begin and end at specific times.

When a resident fasts for personal religious reasons, no special accommodations need to be made for the meal(s) missed. Requests for meals after a personal fast will be determined by the Center Administrator on a case-by-case basis.

### N. Work Assignments

Residents who have voluntary work assignments will not be compelled to work on their religious holy days.

### O. Religious Use of Wine

Religious use of wine by clergy members generally is permitted when mandated by the particular faith and pursuant to strict controls and supervision, to include the following provisions:

- Only a small amount of wine for clergy members and that which is necessary to perform religious ceremonies or services will be permitted in the Center;
- All wine brought into the Center will be secured in an appropriate area by staff prior to the religious ceremony or service for which the wine is needed; and
- Following the religious ceremony or service, unused portions of wine will be discarded immediately, stored in a secure area, or removed from the Center.

### P. Death or Serious Illness of Family Members

The Center Administrator will establish procedures to involve the Chaplain or RSC in notifying residents of serious illness or death of their family members.



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### References

- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Food Service
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- ICE Family Residential Standard on Visitation
- This standard incorporates requirements of the Religious Freedom Restoration Act of 1993 and the Religious Land Use and Institutionalized Persons Act of 2000, which provide a higher level of protection for a resident’s right of religious exercise than the First Amendment to the United States Constitution. Center policies or actions by officials that impose a substantial burden on a resident’s religious exercise must be justified by “a compelling government interest” and must be “the least restrictive means available to achieve that interest.” All residents are afforded the protections of these Federal laws.

# Appendix 5.7.A: Religious Headwear, Garments, and Other Religious Property

The following are examples of generally acceptable religious headwear, garments, and other religious property/articles of faith. There may be circumstances in which it is not advisable to permit the use of these items in a Center. Nothing in these guidelines is intended to prevent Centers from making individualized decisions based on the need to maintain safety and security of residents and staff. Any denial of accommodation and the reason for it will be documented and placed in the resident's file.

### A. Religious Headwear

Examples of religious headwear include:

- Yarmulke (Jewish)
- Kufi (Muslim)
- Hijab (Muslim; worn by women)
- Crown (Rastafarian)
- Turban (Sikh)

Centers may restrict the color, size, or other features of religious headwear, as necessary to maintain safe and secure Center operations. Where Centers restrict the color, size, or other features of religious headwear, and the resident's personal religious headwear does not conform to the standard, the Center must ensure that residents are provided conforming religious headwear for free or at a minimal cost. The Chaplain or RSC, in consultation with community representatives of the resident's faith group and other appropriate sources, when necessary, will ensure that the Center restrictions on color, size, or other features of religious headwear are appropriate and meet the needs of the respective faith traditions.

### B. Religious Garments

Examples of religious attire and garments include but are not limited to:

- Scarves and headwraps (hijabs) (Jewish, Muslim, Rastafarian, Orthodox Christian; worn by women). These may be black, white, or off-white;
- Jumper dresses may be worn by women who wear loose-fitting clothing for the sake of modesty as consistent with their religious beliefs;
- Kachhehra (soldier's shorts) (Sikh men);
- Prayer shawls and robes; and
- Kurda or ribbon shirts during ceremonial use.

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### C. Religious Property and Articles of Faith

Examples of religious property and articles of faith include but are not limited to:

- Holy books: Examples include but are not limited to: the Bible (Christian); the Koran (Muslim); and the Torah (Jewish). Holy books are permitted in accordance with the Center's general rules relating to retention of personal property and incoming publications, such as types of binding permitted;
- Kara (steel bracelet) (Sikh) may be permitted during meal times and under other limited circumstances depending on the size, weight, and appearance of the Kara and in light of security considerations. For example, a plain, light-weight, and non-decorative Kara generally is appropriate for low- and medium-security residents;
- Rosaries and prayer beads;
- Oils;
- Prayer rugs;
- Prayer rocks;
- Phylacteries; and
- Religious medallions and pendants.