

5.9 Visitation

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that residents will be able to maintain morale and ties through visitation with their families, the community, legal representatives, and consular officials within the constraints of 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. Centers are encouraged to allow residents to maintain ties to their family and friends in the community. Residents will be able to receive visits from legal representatives, consular officials, and others in the community.
2. Visits between legal representatives and assistants, independent experts assisting with a resident's legal case, and an individual resident are confidential and will not be subject to auditory supervision. Private consultation rooms will be available for such meetings.
3. Residents will be advised of their right to contact their consular representatives and receive or reject visits from their consulate staff members.
4. Centers are encouraged to provide residents with opportunities for both contact and noncontact visits (when requested) during both day and evening hours.
5. Information about visiting policies and procedures will be readily available to the public.

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6. Centers will only limit the number of visitors a resident may receive daily and the length of each visit due to reasonable constraints of space, scheduling, staff availability, and safe and secure Center operations. Generally, visits should be for the maximum period practicable but not less than 1 hour, with special consideration given to family circumstances and individuals who have traveled long distances.
7. To ensure safe and secure Center operations, visitors will be screened and approved upon arrival and will be required to identify themselves adequately and register prior to entrance into a Center.
8. A background check will be conducted on all new volunteers prior to their being approved to provide services to residents.
9. Each new volunteer will complete an appropriate, documented orientation program and sign an acknowledgement of his/her understanding of the applicable rules and procedures and agreement to comply with them.
10. Residents will be advised of visiting privileges and procedures in a language or manner they can understand as part of the Center's admission and orientation programs.
11. Conjugal visits are prohibited.

Standards Affected

This standard replaces the ICE Family Residential Standard on *Visitation* dated 12/21/2007 and any other ICE Directive, policy statement, or Standard Operating Procedure specific to visitation at ICE Family Residential Centers.

Expected Practices

A. Overview

Centers that house ICE/Enforcement and Removal Operations (ERO) residents will establish written visitation procedures, including a visitation schedule, and designate visiting areas so that residents can maintain communication with persons in the community. Safe and secure Center operations are always primary considerations, and visitors must be identified and attired properly and are subject to search upon entering the Center and at any time while on Center premises.

Except as otherwise permitted by the FRS or Center policy, visitors may not give anything directly to a resident, although it may be permissible for visitors to leave certain items and funds for a resident with a staff member, at the discretion of the Center Administrator. An itemized receipt that lists funds and property brought for the resident will be provided to the visitor.

All visitation will be contact visitation except where a resident requests otherwise as noted in the Expected Outcome above.

Any violation of the visitation rules by the resident may result in corrective action against the resident. Violations by visitors also will be grounds for visitors to be barred from visitation

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temporarily or permanently. Introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor, resident, or both.

As detailed in this standard, the visitation category will determine conditions of visitation, including who is permitted to visit, how many hours they may visit, their approval process to visit, and the location in the Center where they may visit. Visitation will be categorized as one of the following:

- Social visitation: Family, relatives, friends, and associates; minors may be subject to special restrictions (see the Social Visitation section in this standard);
- Legal visitation: Attorneys, other legal representatives, and legal assistants (see the Visits by Legal Representatives and Legal Assistants section in this standard);
- Consultation visitation: For residents subject to expedited removal (see the Consultation Visits for Residents Subject to Expedited Removal section in this standard);
- Consular visitation: Similar to legal visitation but with consular officials who have identification issued by the U.S. Department of State (see the Consular Visitation section in this standard);
- Community service organization (CSO) visitation: Representatives of civic, religious, cultural groups, etc. (see the Visits from Representatives of Community Service Organizations (CSOs) section in this standard);
- Other special visitation (see the Other Special Visits section in this standard); and
- Nongovernmental organization (NGO) visitation and tours (see the ICE Family Residential Standard on *News Media, Interviews, and Tours*).

B. General

Each Center will establish written visiting procedures and rules, including a schedule and hours of visitation, and make them available to the public.

Exceptions to this standard may be made by the Center Administrator on a case-by-case basis when warranted by compelling circumstances or individual needs or conduct in consultation with ICE/JFRMU/ERO/OPLA.

A Center Administrator may temporarily restrict visiting when necessary to ensure safe and secure Center operations. Each restriction or denial of visit, including the duration of and reasons for the restriction, will be documented in writing.

C. Notification of Visiting Rules and Hours

Each Center will:

- Provide written notification of visitation rules and hours in the resident handbook and/or local supplement given to each resident upon admission and post those rules and hours where residents can see them easily. Such information will be posted in all living and activity areas;

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- Make the schedule, procedures, and rules available to the public, both in written form and telephonically. A live voice or recording will notify telephone callers of the rules and hours for all categories of visitation; and
- Post schedule, procedures, and notification of visitation rules and hours in the visitor waiting area in English, Spanish, and, where practicable, other languages spoken by significant segments of the resident population with limited English proficiency.

D. Visitor Logs

Each Center will maintain a log of all general visitors and a separate log of legal visitors. If the stated purpose of the visit is for Expedited Removal consultation, then the visit will be logged in the Legal Visitation Log.

Staff will record in the general visitors' log:

- The name and alien number (A-number) of the resident visited;
- The visitor's name and complete address;
- The visitor's relationship to the resident;
- The date, arrival time, and departure time; and
- Any important comments about the visit, as needed.

For legal visits, the Legal Visitation Log will note all of the above as well as the supervising attorney's name (if applicable).

E. Incoming Property and Funds for Residents

In accordance with the ICE Family Residential Standard on *Funds and Personal Property*, each Center will have written procedures regarding incoming property and money for residents.

The Center Administrator may permit a visitor to leave cash or a money order with a designated staff member for deposit in a resident's account. The staff member must provide the visitor a receipt for all money or property left at the Center. Under no circumstances may visitors give property or money directly to a resident.

The Shift Supervisor must approve all items brought for residents. The visiting room staff member may not accept articles or gifts of any kind for a resident, unless the Center Administrator and/or Shift Supervisor have approved these items in advance. Visitors will be allowed to leave resident minors small toys, books, coloring books, etc., that meet Center safety requirements.

Due to the relatively short length of stay and the fact that ICE/ERO provides all necessities, residents may receive only minimal amounts of personal property, including:

- Small religious items;
- Religious and secular reading material (soft cover);
- Correspondence;
- Legal documents and papers;

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- Pictures: 10 maximum, measuring 5 x 7 inches or smaller each;
- Prescription glasses, reading glasses, sunglasses, or contact lenses;
- Dentures;
- Medical devices;
- Personal address book or pages;
- Wedding rings;
- Telephone calling cards;
- Toys and small comfort items for resident minors;
- Other items approved by the Center Administrator; and
- Other items approved by ICE/ERO.

F. Sanctions for Violation of Visitation and Contraband Rules

Any violation of the visitation rules by the resident may result in corrective action against the resident, including loss of visitation privileges, excluding legal and consular visits. Visiting privileges may be revoked only through the formal resident corrective action procedures. However, the Center Administrator has the authority to restrict or suspend a resident's social visitation privileges temporarily when there is reasonable suspicion that the resident has acted in a manner constituting a threat to safe and secure Center operations. Each incident will be documented, and the restriction or suspension will be limited to the time required to investigate and initiate corrective action. Legal visitation will be suspended only if necessary to maintain safe and secure Center operations.

A visitor's failure to abide by visiting rules may result in immediate cancellation or termination of a visit and/or suspension of future visitation privileges. Visitors will acknowledge understanding of the procedures and rules by signing and dating an agreement annually or when updated. Introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor, a resident, or both.

G. Dress Codes for Visitors

If the Center establishes and maintains a dress code for visitors, then it will be made available to the public (e.g., posted on the Center's website, as an outgoing telephone message, and included in the resident handbook and local supplement).

H. Visiting Room Conditions

The Center's visiting areas will be furnished and arranged appropriately and made as comfortable and pleasant as practicable. Centers also will provide activity areas that allow parents/guardians to observe their children visually while they are visiting. Centers are encouraged to provide outdoor visitation areas. Also, as practicable, space will be provided outside of the immediate visiting areas for the secure storage of visitors' coats, handbags, and other personal items.

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The Center Administrator will provide adequate supervision of all visiting areas, and the visiting area staff member will ensure that all visits are conducted in an orderly and dignified manner.

I. Social Visitation

1. Hours and Time Limits

Each Center will establish a visiting schedule based on the resident population and the demand for visits. Social visitation hours will be a minimum of eight hours a day (including evening hours), seven days a week. The Center will accommodate the scheduling needs of visitors for whom regular visiting hours pose a hardship; for example, by authorizing special visits for family visitors.

The Center may restrict visitation times for school-age residents during the school day but will have no other limitations on visits during visiting hours.

The Center's written rules will specify time limits for visits, no less than one hour, under normal conditions.

ICE/ERO encourages more generous limits when possible, especially for family members traveling significant distances. In unforeseen circumstances, such as the number of visitors exceeding visiting room capacity, the Center Administrator may modify visiting periods.

2. Persons Allowed to Visit

Families, relatives, friends, and associates may visit residents, unless they pose a threat to safe and secure Center operations.

Visiting minors must remain under the direct supervision of an adult visitor so as not to disturb other visitors or residents. Excessively disruptive conduct by minors may result in termination of the visit.

3. Visitor Identification and Search Procedures

Staff will verify each adult visitor's identity before admitting him/her to the Center. No adult visitor will be admitted without Government-issued photo identification or another form of identification when photo identification is unavailable for religious reasons. Staff will contact the supervisor on duty when a visitor's identity is in question or when the visitor does not possess required identification. At the supervisor's discretion, a minor (under 18 years of age) without required identification may be admitted if the accompanying adult visitor vouches for his/her identity. All visitors will be subject to identification and personal search.

The Center Administrator may establish a procedure for random criminal background and warrant checks for the purpose of ensuring safe and secure Center operations. If the background check reveals an unresolved issue that could compromise safe and secure Center operations, then the visitor may be denied entry. In such cases, the Center Administrator and Juvenile and Family Residential Management Unit (JFRMU) onsite representative will be notified. Visitors will not be precluded from visiting a resident solely because of a past conviction. Centers can exclude visitors based on an examination of the underlying conduct of the conviction.

Staff will escort visitors to the visiting room only after completing identification and inspection as provided in the Center's written procedures. All visitors are subject to a personal search, which may

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include a pat search (also known as “pat-down”) as well as a visual inspection of purses, briefcases, packages, and other containers. Minors under 14 years of age will not be subject to a pat search. Written procedures will be publicly available to inform visitors that they are subject to search procedures.

The inspecting staff member may ask the visitor to open a purse, briefcase, package, or other container for visual inspection of its contents. If warranted, the staff member may ask the visitor to remove the contents and place them on a table; however, the staff member may not place his/her hands inside the container. Visitors will be notified via signage or acknowledgement form of these procedures prior to entry to the Center. Centers will provide and promote visitors’ use of lockers or a secure area provided for safekeeping of personal belongings during visits. Persons who refuse to be searched will not be permitted to enter the Center.

In each Center, written procedures will provide for the denial, prevention, cancellation, or termination of any visit that appears to pose a threat to safe and secure Center operations. Visiting area staff members or other staff who believe a situation poses such a threat will alert the Shift Supervisor or equivalent, who may then prevent, cancel, or terminate the visit.

Only supervisory staff will have the authority to deny or cancel a visit. In those cases, the staff member will document his/her action in a memorandum sent through official channels to the Center Administrator, who will notify onsite ICE supervisory staff and the JFRMU Chief. The visiting room staff member, with concurrence from the Shift Supervisor, may terminate visits involving inappropriate behavior.

Adults must monitor their children so as not to disturb residents or other visitors. Parents/guardians may be asked to remove minors who display excessively disruptive conduct from the visitation area.

Centers will not require approved visitor lists from ICE/ERO residents.

4. Contact Visits

Centers will establish written procedures that detail the limits and conditions of contact visits. Ordinarily, within the bounds of propriety, handshaking, embracing, and kissing are permitted. Staff may limit physical contact only where there is reason to suspect that a visitor may be attempting to introduce contraband.

Upon exiting, searches of residents will be conducted only in accordance with the ICE Family Residential Standard on *Searches and Inspections*.

J. Visits by Legal Representatives and Legal Assistants

1. General

In “legal visitation” visits, each resident may meet privately with current or prospective legal representatives and their legal assistants. Legal visits may not be terminated for routine census purposes.

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2. Hours

Each Center will permit legal visitation seven days a week, including holidays, for a minimum of eight hours per day on regular business days (Monday through Friday), and a minimum of four hours per day on weekends and holidays. As appropriate, schedules for designated legal meeting room usage will be posted to facilitate equitable use.

The Center will provide notification of the rules and hours for legal visitation as specified above. This information will be posted prominently in the waiting areas and visiting areas and in the living and activity areas.

On regular business days, legal visitations may proceed through a scheduled meal period, and the resident will receive a tray or sack meal after the visit.

In emergency circumstances, Centers may consider requests from legal representatives for extended visits or visits outside normal Center visiting hours.

3. Persons Allowed to Visit

Subject to the restrictions stated below, individuals over the age of 18 and in the following categories may visit residents to discuss legal matters:

Attorneys: An attorney is any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under an order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him/her in the practice of law (see 8 C.F.R. § 1.2).

Legal Representatives: A legal representative is an attorney or other person representing another in a matter of law, including law students or law graduates not yet admitted to the bar under certain conditions, accredited representatives, and accredited officials and attorneys licensed outside the United States (see 8 C.F.R. § 292.1 for more detailed definitions of these terms).

Legal Assistants: Legal assistants are persons assisting attorneys and other legal representatives. Upon presentation of a letter of authorization from the legal representative under whose supervision he/she is working, an unaccompanied legal assistant may meet with a resident during legal visitation hours. The letter will state that the named legal assistant is working on behalf of the supervising legal representative for purposes of meeting with the ICE/ERO resident(s).

Translators and Interpreters: Centers will permit translators and interpreters to accompany legal representatives and legal assistants on legal visits, subject to the Visitor Identification and Search Procedures section in this standard.

Messengers: Centers will permit messengers who are not legal representatives or legal assistants to deliver documents to and from the Center, but not to visit residents except during social visitation.

All legal representatives may consult with individual residents in the designated visiting area or designated legal visitation rooms. Legal representatives are only authorized to be in the Center when they are consulting with a resident.

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4. Identification of Legal Representatives, Legal Assistants, and Interpreters

Prior to each visit, all legal representatives and assistants shall be required to provide appropriate identification, such as a bar card from any state, a document demonstrating partial or full accreditation from the U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR), or a letter of authorization from the legal representative or attorney under whose supervision the individual is working as detailed above. State bar cards are the preferred form of identification for attorneys. However, attorneys who are members of State bar associations that do not provide bar cards will be required to present other documentation that verifies their bar membership. If such documentation is not readily available to attorneys licensed in any particular State, those persons will be required to indicate where they are licensed as an attorney and how that claim may be verified.

Legal representatives and legal assistants will not be asked to state the legal subject matter of the meeting.

Legal representatives, legal assistants, and interpreters are subject to a nonintrusive search—such as a pat search of the person or a search of the person’s belongings—at any time for the purpose of ascertaining the absence of contraband.

5. Identification of Resident to Be Visited

While identification by A-number is preferable, a Center may not require legal representatives and assistants to submit a resident’s A-number as a condition of visiting. Where the legal representative or assistant provides alternative information sufficient to reasonably identify the specific resident, the Center will make a good-faith effort to locate a resident.

6. Call-ahead Inquiries

Each Center will establish a written procedure, which will be approved by ICE/ERO and the JFRMU Onsite Coordinator, to allow legal representatives and assistants to telephone the Center in advance of a visit to determine whether a particular individual is present at the Center. The request must be made to the onsite Center staff or to the ICE/ERO office with jurisdiction over the Center.

A minimum of 24 hours prior to a visit, legal representatives can request a scheduled date/time to consult with specific residents. In addition to the resident’s information, the request should include the names of all legal representatives/assistants that will be present and their affiliated organization/business as appropriate. Given the open movement format of the FRCs, Centers will make a reasonable and good faith efforts to accommodate such requests.

When unfamiliar with the person making the inquiry, ICE/ERO staff should request documentary evidence, such as a letter on identifying letterhead, and will accept such evidence by fax.

Alternatively, at the request of the caller, Center staff may seek the consent of the resident for the disclosure of residential information. In either case, ICE/ERO staff will respond to the caller as soon as possible, but in no case more than 24 hours after the initial inquiry.

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7. Pre-representation Meetings

During the regular hours for legal visitation, the Center will permit residents to meet with prospective legal representatives or legal assistants. The Center will document such “pre-representation meetings” in the logbook for legal visitation.

At the “pre-representation” stage, no attorney-client relationship exists; therefore, legal representatives and assistants need not complete a Form G-28 as a condition of visiting residents for this purpose.

8. Form G-28 and Attorney/Client Meetings

Once an attorney-client relationship has been established, or if an attorney-client relationship already exists, the legal representative will complete and submit a Form G-28 to be placed in the resident’s alien file and residential file. Blank forms will be available in the legal visitation reception area. When received, staff will copy and send completed forms to ICE/ERO.

Attorneys representing residents on legal matters unrelated to immigration are not required to complete a Form G-28.

9. Private Meeting Room and Interruption for Census Events

Visits between legal representatives or legal assistants and an individual resident are confidential and will not be subject to auditory supervision. Private, designated, legal meeting rooms are available for such meetings. To preserve legal confidentiality as well as space for other forms of visitation, legal representatives and assistants may be required to meet with residents in private consultation rooms.

Legal visits may not be terminated for routine census events. However, staff members may impose reasonable and limited restrictions on legal visits (such as allotting one consultation room for use by one legal representative or legal services provider per day, or limiting individual consultations to one hour each) to maintain safe and secure Center operations and/or to ensure equitable access to the private consultation rooms for all residents and legal representatives in periods of high demand. Staff may also temporarily suspend an individual legal consultation if necessary to ensure the resident’s presence at necessary medical appointments. In this case, the resident may resume the legal visit as soon as the medical appointment is complete, or at the earliest convenience of the legal representative.

If a resident has another appointment, such as a Consulate visit, Center staff will allow the resident the opportunity to decide which appointment to attend. Center staff will document such decisions as appropriate.

Staff will not be present in the confidential area during the meeting unless the legal representative or legal assistant requests the presence of a staff member. In these cases, staff will document the request in the visitation log. In all other cases, staff may observe such meetings visually through a window or via camera to the extent necessary to maintain security, as long as staff cannot overhear any conversations.

When a situation arises in which designated legal meeting rooms are in use and the legal representative wishes to meet in an alternate visiting room, the request will be accommodated to

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the extent practicable, taking into consideration the orderly and secure operation of the Center. Such meetings will be afforded the greatest possible degree of privacy under the circumstances.

Upon request of a parent/guardian, during the parent's/guardian's meetings with legal representatives or assistants, Centers will provide monitored care for infants and toddlers.

10. Materials Provided to Residents by Legal Representatives

The Center's written legal visitation procedures must provide for the exchange of documents between a resident and the legal representative or assistant.

Documents or other written material provided to a resident during a visit with a legal representative will be inspected but not read. Residents will be entitled to retain legal material received for their personal use. Quantities of blank forms or self-help legal material in excess of those required for personal use may be held for the resident with his/her property. The resident will be permitted access to these documents upon request.

11. Group Legal Meetings

Upon request of a legal representative or assistant, the Center Administrator may permit a confidential meeting (with no staff member present) involving the requester and two or more residents, taking into consideration the safe and secure operation of the Center. This may occur for various purposes (e.g., pre-representational, representational, discharge-related). The Center will grant such requests to the greatest extent practicable, if it has the physical capacity and if the meeting will not interfere with safe and secure Center operations. Each Center Administrator may limit resident attendance, including the number of participants, according to the practical concerns of the Center, or the security concerns associated with the meeting in question.

See the ICE Family Residential Standard on *Legal Rights Group Presentations* for additional information.

12. ICE/ERO-provided List of Free Legal Service Providers and Resident Sign-up

ICE/ERO will provide Centers with the U.S. Department of Justice Executive Office for Immigration Review (EOIR) list of local *pro bono* legal service providers. This list is updated quarterly by EOIR. Centers will promptly and prominently post the current list in Center living and activity areas.

Any legal organization or individual on the current list may submit a request to the Center Administrator to post and/or circulate a sign-up sheet on their behalf among the general Center population.

The Center Administrator then will notify residents of the availability of the sign-up sheet and, according to established procedures, coordinate with the *pro bono* organization or individual.

13. Legal Visitation Log

Staff will maintain a separate log to record all legal visitors, including those denied access to the resident. The log will include the reason(s) for denying access.

Log entries will include the following information:

- Date;

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- Time of arrival and departure;
- Visitor's name;
- Visitor's complete address;
- Supervising attorney's name (if applicable);
- Resident's name and A-number;
- Whether the resident currently has a Form G-28 on file;
- Time visit began; and
- Time visit ended.

Staff also will record any important comments about the visit.

14. Availability of Legal Visitation Policy

The Center's written legal visitation policy will be available upon request and by telephone, published in the resident handbook and local supplement, and posted in the living and activity areas, Resident Information Center, visitation area, and lobby. The site-specific policy will specify visitation hours, procedures, and standards; and address, at a minimum, the following:

- Telephone inquiries;
- Dress code;
- Legal assistants working under the supervision of an attorney;
- Pre-representational meetings;
- Form G-28;
- Identification and search of legal representatives;
- Identification of visitors;
- Materials provided to residents by legal representatives;
- Confidential group legal meetings;
- Resident sign-up; and
- The *pro bono* sign-up process.

K. Consultation Visits for Residents Subject to Expedited Removal

1. General

Residents who are subject to expedited removal and who have been referred to an asylum officer are entitled by statute and regulation to consult with persons of the resident's choosing, both prior to the interview and while the asylum officer's decision is under review. Such consultation visitation is for the general purpose of discussing immigration matters, not for purely social visits covered earlier.

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The consultation visitation period begins before any interview with an asylum officer and continues while the asylum officer's determination is under review by the supervisory asylum officer or immigration judge.

The consultation visitation period ends with the issuance of a Notice to Appear and once the resident is placed in removal proceedings before an immigration judge; however, the resident retains legal and other visitation privileges in accordance with this standard.

"Consultation visitation" may neither incur government expense nor unduly delay the discharge process.

2. Method of Consultation

Because expedited removal procedures occur within short timeframes, each Center will develop procedures that liberally allow for consultation visitation, to ensure compliance with statutory and regulatory requirements and to prevent delay in the expedited removal process. Given the time constraints, consultation by mail is highly discouraged.

Center staff will ensure that consultation, whether in person, by telephone, or by electronic means, proceeds without hindrance during credible fear proceedings. Staff will be sensitive to individual circumstances when resolving consultation-related issues.

Consultation visitation will be allowed during legal visitation hours and during general visitation hours. The Center Administrator will increase consultation visiting hours if needed to meet demand while ensuring safe and secure center operations.

3. Persons Allowed to Visit for Consultation Purposes

Residents subject to expedited removal may request and receive consultation with whomever they choose, in person, by telephone, or by other electronic means during credible fear proceedings. Consultants might include, but are not limited to, attorneys and other legal representatives, prospective legal representatives, legal assistants, members of NGOs, friends, and family.

Consultants are subject to the same identification and security screening procedures as general visitors. If documented security concerns preclude an in-person visit with a particular individual, then the Center Administrator will arrange for consultation by telephone or other electronic means. If security reasons also preclude consultation by telephone or other electronic means, then the Center Administrator, through the Field Office Director (FOD), will consult the Office of the Principal Legal Advisor.

Upon resident request, expedited removal consultants may be present during the resident's asylum interview. At the judge's discretion, expedited removal consultants also may be present during negative credible fear determination reviews.

The Center Administrator may verify the validity of a consultation visit request; however, they will not delay the visit pending verification.

4. Privacy

Consultation visits, whether in person, by telephone, or other electronic means, will receive the same privacy as communications between legal representatives and residents.

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5. Admittance for Asylum Officer Interview

Residents subject to expedited removal may bring and consult advisors during the asylum officer interview. The presence of persons to consult also is allowed during the immigration judge's review of a negative credible fear determination, at the judge's discretion.

6. Log

Staff will record consultation visits in the legal visitation log.

7. Form G-28 for Consultation Visits

Visitors are not required to file a Form G-28 to participate in a consultation visit or provide consultation during an asylum officer interview or immigration judge's review of a negative credible fear determination. This applies even if the visitor is an attorney or legal representative.

8. Other Considerations for Consultation Visits

The procedures described in the Visits by Legal Representatives and Legal Assistants section in this standard apply to other considerations in regard to consultation visits such as the following:

- Group consultations;
- Call-ahead inquiries;
- Searches;
- Resident identification;
- Materials provided to residents by the visitor;
- Consultation visits for residents in administrative and disciplinary isolation;
- *Pro bono* list and resident sign-up; and
- Availability of consultation visitation policy.

L. Consular Visitation

According to international agreements and under regulation 8 C.F.R. § 236.1, residents must be advised of their right to consular access and ICE/ERO will facilitate the resident's access to consular officers. ICE/ERO policy and practice stipulate that all residents be provided with notice, through the Center Administrator, in a language or manner that they understand, of their right to contact their consular representatives and receive visits from their consular officers. This information will be provided during intake orientation and in the resident handbook and local supplement, as appropriate.

The Center Administrator will ensure that all residents are notified of and afforded the right to contact and receive visits from their consular officers. The same hours, privacy, and conditions that govern legal visitation apply to consular visitation. Consular visits may be permitted at additional times outside normal visitation hours, with the Center Administrator's prior authorization.

To conduct such visits, consular officers must present U.S. State Department-issued identification.

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M. Visits from Representatives of Community Service Organizations (CSOs)

The Center Administrator, in consultation with the FOD and JFRMU Chief, may approve visits to one or more residents by individuals or groups representing CSOs, including civic, religious, cultural, therapeutic, and other groups. Volunteers may provide a special religious, educational, therapeutic, or recreational activity.

The Center Administrator's approval will take into account factors such as:

- Safety and security considerations;
- Availability of personnel to supervise the activity; and
- Sufficient advance notification to the Center Administrator.

Residents' immediate family and other relatives, friends, and associates, as detailed in the Persons Allowed to Visit section in this standard, may not serve as volunteers.

To inform the Center Administrator's decision, Center staff (such as Chaplains and recreation specialists) will verify the organization's bona fide interests and qualifications for this kind of service.

Groups and/or individuals from those groups must:

- Provide the Center with advance notification of the names, dates of birth, and social security numbers or unexpired passport numbers of the group members who will be visiting;
- Submit to a background check: All volunteers, regardless of title or position, are subject to a background check that includes, but is not limited to, a criminal history check, verification of identity and occupation, and verification of credentials for the type of activity involved;
- Provide identification for individual members of the group upon arrival at the Center; and
- Comply with visitation rules: Each approved volunteer will receive an appropriate orientation to the Center and will acknowledge his/her understanding of rules and procedures by signing an agreement to comply with them, particularly in regard to permissible behavior and relationships with residents.

The orientation and signed agreement will, at a minimum:

- Specify lines of authority, responsibility, and accountability for volunteers; and
- Prohibit volunteers from:
 - Using their official positions to secure privileges for themselves or others;
 - Engaging in activities that constitute a conflict of interest; and
 - Accepting any gift from or engaging in personal business transactions with a resident or a resident's immediate family.

All volunteers will be held accountable for compliance with the rules and procedures and must:

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- Read and sign a waiver of liability that releases ICE/ERO from all responsibility in case of injury during the visit before being admitted to any secure portion of the Center or location where residents are present; and
- Comply with requirements listed in this standard.

N. Other Special Visits

1. Law Enforcement Officials' Visits

Center visitation procedures will cover law enforcement officials requesting interviews with residents. Centers will notify and seek approval from ICE/ERO of any proposed law enforcement officer visit with a resident.

2. Visitation by Former Residents or Residents in Proceedings

Former ICE/ERO residents, individuals with criminal records, and individuals in deportation proceedings will not be excluded automatically from visitation. Individuals in any of these categories must request permission from the Center Administrator before registering for visitation privileges. The Center Administrator will weigh the nature and extent of an individual's criminal record and/or prior conduct against the benefits of visitation in determining visitation privileges. A potential visitor's failure to disclose such matters may preclude visitation privileges. The Center Administrator will notify the FOD and JFRMU Chief when these requests are denied.

3. Business Visitors

A resident may not actively engage in business or professional interests or activities; however, in the event that a resident must make a decision that will affect the assets or prospects of a business substantially, the Center Administrator may permit a special visit.

ICE/ERO does not recognize or sanction any work-release program.

4. Independent Medical Service Providers and Experts

A resident or his/her legal representative may seek an independent medical or mental health examination to develop information useful in administrative proceedings, in accordance with the section on "Examinations by Independent Medical Service Providers and Experts" found in the family residential standard on Medical Care. Once the FOD has approved the request for an independent examination, the Center will provide a location for the examination but no medical equipment or supplies and the examination must be arranged and conducted in a manner consistent with maintaining safe and secure Center operations.

5. Visiting Rules Regarding Animals

Each Center will establish and disseminate a policy and implement procedures governing whether and, if so, under what circumstances animals may accompany human visitors onto or into Center property. However, service animals will be permitted to accompany all persons with disabilities.

Note: News media interviews and tours are outlined in the ICE Family Residential Standard on *News Media, Interviews, and Tours*.

5.9 Visitation

References

- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Funds and Personal Property
- ICE Family Residential Standard on Legal Rights Group Presentations
- ICE Family Residential Standard on News Media, Interviews, and Tours
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- ICE Family Residential Standard on Searches and Inspections