

7.1 Resident Files

Introduction

This U.S. Immigrations and Customs Enforcement (ICE) Family Residential Standard contributes to efficient and responsible Center management by maintaining, for each family admitted into the Center for more than 24 hours, a file of all significant information about the family. This standard also addresses security for electronic files.

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

A file will be maintained on each family admitted to the Center. Each file will include all documents, forms, and other information specified herein.

1. The security and confidentiality of each file and its contents will be maintained.
2. Electronic record-keeping systems and data will be protected from unauthorized access.
3. Staff will have access to files as needed for official purposes only.
4. File information may be released to an outside third party only with the resident's signed consent and/or in accordance with applicable Federal and State regulations.
5. Centers will maintain files for a minimum of 18 months after discharge of the family, for auditing purposes.
6. Inactive and closed files will be archived properly.

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Standards Affected

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

Expected Practices

A. File Creation

When a family is admitted to a Center, staff will create a family file. Staff will identify an adult head of household whose name and alien number will serve as the primary identifier for each family, and an individual indicator for each family member.

The Center Administrator will develop procedures to ensure admission staff always has consistent access to all necessary supplies and that equipment is maintained in good working order, including photocopiers and paper. The equipment will have the capacity to handle the volume of work generated.

The Center will always have on hand a paper shredder where defective and/or extra photocopies not placed in the resident's file should be shredded, or a locked paper bin in which such defective and/or extra photocopies that are not placed in the resident's file should be placed to be shredded or otherwise destroyed. .

B. Required File Contents

The file will contain either originals or copies of all forms or their equivalents, and other documents generated during the admissions process and throughout the family's stay. Defective or extra copies will be disposed of properly.

The file will, at a minimum, contain the following documentation for each family member as appropriate:

- Resident intake form;
- I-203;
- Personal property inventory sheet;
- Property receipt(s) for property held by Center;
- Baggage receipt(s) for property held by Center;
- Handbook receipt;
- Religious preference designation and any religious requests;
- Orientation acknowledgement;
- Locker key receipt;
- Work assignment sheet;
- Special requests;
- Corrective action forms;

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- Grievances and their disposition (except medical grievances, which are maintained in the medical file);
- Records of counseling;
- Commissary records;
- Other approved documents (e.g., staff reports about the resident’s behavior, attitude, etc.);
- G-1025 (“Strip Search” form); and
- Privacy and/or consent forms completed (other than medical), including “Release of Information Consent” forms.

C. Location of Files

Files will be located and maintained in a secured area according to the following guidelines:

- Active files will be maintained in the admissions processing area, unless the Center Administrator designates another area;
- The cabinet containing the files does not need to be securable if located in a controlled access area; however, if the cabinet is located in a congested work area or in a high-traffic area, then it must be locked;
- The Center Administrator or designee will determine the key distribution for cabinets that lock; and
- Archived files will be placed in storage boxes, with the time frame clearly marked (e.g., from [mm/dd/yy] to [mm/dd/yy]). The Center Administrator will designate a restricted access storage space.

D. Archiving Files

Each file will remain active during the family’s stay at a Center, and will be closed and archived upon the last family member’s discharge from the Center. When requested, Centers will make inactive files available to ICE/Enforcement and Removal Operations personnel.

Upon the last family member’s discharge from the Center, staff will add final documents to the file before closing and archiving the file and after inserting the following:

- Copies of completed discharge documents; and
- Original closed-out receipts for property and valuables.

The staff member closing the file will make a notation (on the “ Acknowledgement” form or its equivalent, if applicable) that the file is complete and ready for archiving.

The closed file will not be transferred with the family to another Center. If a family is transferred, the receiving FRC will create its own file in accordance with this standard. Staff may forward copies of file documents at the request of supervisory personnel at the receiving Center or office. When forwarding requested documents, staff at the sending office will update the archived file, noting the document request and the name and title of the requester.

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The archival and disposal of files must be done in accordance with agency policies and regulations.

E. File Access

File contents are subject to the same Privacy Act regulations as ICE alien file (A-file) contents. Unless release of information is required by statute or regulation, an adult resident must sign a "Release of Information Consent" form prior to the release of any information about them or their children, and a copy of the form will be maintained in the file. The information contained in the form will be explained to the resident in a language or manner that he/she understands.

The Privacy Act of 1974 provides statutory privacy rights to U.S. citizens and Legal Permanent Residents (LPRs), but the law does not cover aliens who are not LPRs. As a matter of policy, however, U.S. Department of Homeland Security (DHS) treats any personally identifiable information (PII) that is collected, used, maintained, or disseminated in a DHS records system as being subject to the Privacy Act regardless of whether the information pertains to a U.S. citizen, LPR, or alien. Treating such records systems as covered by the Privacy Act establishes efficient and uniform business practices for handling PII without necessitating maintenance of two parallel records systems.

Understanding that resident files are the property of the Federal government appropriate Center staff or other law enforcement agencies, with ICE approval, may have access to resident files for official purposes.

Unless the Center Administrator or designee determines otherwise, each borrowed file must be returned by the end of the administrative workday.

At a minimum, a logbook entry recording the file's removal from secure storage will include the following information:

- The head of household's name and their assigned A-File number;
- Date and time removed;
- Reason for removal;
- Signature of person removing the file, including title and department;
- Date and time returned; and
- Signature of person returning the file.

Upon request by the resident, a copy of the file will be provided to the resident or his/her designated attorney of record. Seek assistance from JFRMU for non-routine requests.

F. Electronic Files

Electronic record keeping systems and data will be protected from unauthorized access. All electronic file data is subject to the same Privacy Act regulations as the contents of traditional paper resident files.

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G. Identity Documents

Centers will process found identity documents in accordance with the ICE Family Residential Standard on *Admission and Release*.

References

- ICE Family Residential Standard on Admission and Release
- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes