

**U.S. Immigration and Customs Enforcement (ICE)  
Advisory Committee on Family Residential Centers (ACFRC)  
Read Aheads**

**San Antonio, Texas  
March 16, 2016**

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**U.S. Immigration and Customs Enforcement (ICE)  
Advisory Committee on Family Residential Centers (ACFRC)  
Meeting Agenda**

**March 16, 2016  
9:00 a.m. – 2:00 p.m.**

- 9:00 A.M. Commence Meeting/Overview of Agenda  
John Amaya (Designated Federal Officer)  
Elizabeth Cedillo-Pereira (Alternate Designated Federal Officer)
- 9:10 A.M. ICE Enforcement and Removal Operations (ERO) Briefing  
Philip T. Miller (Deputy Executive Associate Director, ICE ERO)
- 12:00 P.M. Lunch
- 12:30 P.M. Review Previously Issued Committee Tasking on Recommendations for Best Practices  
at Family Residential Centers  
John Amaya/Elizabeth Cedillo-Pereira
- 1:15 P.M. Public Comment
- 1:45 P.M. Closing Remarks  
John Amaya/Elizabeth Cedillo-Pereira
- 2:00 P.M. Adjourn

*\*Please note that the meeting may close early if the Committee has completed its business. Public comment period times are subject to change.*

**U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC)  
Committee Task**

Develop recommendations for best practices at family residential centers that will build on ICE's existing efforts in the areas of educational services, language services, intake and out-processing procedures, medical staffing, expansion of available resources and specialized care, and access to legal counsel.

Detail mechanisms to achieve recommended efficiencies in the following focus areas:

1. Educational Services
  - Providing educational services to a juvenile population that will be in custody for a short period of time.
  - Providing individualized educational services to a transient juvenile population with little to no English language capabilities and from a variety of socio-economic and educational levels.
  - Phasing full delivery of services over a 15 – 20 day period with an expectation that the juvenile will be released and enrolled in a public school located in the United States pending resolution of their immigration proceedings.
2. Language Services
  - Providing accurate and timely language services.
3. Detention Management
  - Evaluating intake and out-processing procedures to improve overall management, to include screening, communication of resources available, and alternatives to detention.
4. Medical Treatment
  - Expanding existing resources and specialized care to enhance medical treatment of family units.
  - Providing mental health services/trauma-informed services to a multi-lingual population whose average length of stay may not lend itself to full delivery of treatment.
  - Recruiting, placing, and retaining qualified health care providers.
    - Recruitment through a contract for services, the U.S. Public Health Service Corps, and Title V/Title 38 general schedule personnel.
5. Access to Counsel
  - Evaluating existing resources and tools.

## **U.S. Immigration and Customs Enforcement Family Residential Centers Program Overview**

### **Background Information**

The U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) directorate manages and operates three Family Residential Centers (FRCs) in Pennsylvania and Texas. The FRCs are managed through partnerships with private vendors and local county contracts. All FRCs are subject to the ICE Family Residential Standards (FRS) and inspected to ensure compliance.

### **History**

The Berks County Residential Center opened March 2001, with an initial capacity of 84 beds. The Berks center operates under an ICE Intergovernmental Service Agreement (IGSA) with Berks County Pennsylvania. In FY 2014, the Berks center raised its capacity to 96 beds. Discussion is currently underway over the future of the facility given licensing issues with the state of Pennsylvania.

The Karnes County Residential Center opened in February 2012 as an adult civil detention center with a capacity of 580 beds. The facility was transitioned to a Family Residential Center in 2014 in response to the influx of alien families. The Karnes center operates under an ICE IGSA with Karnes County, Texas. The center's daily operations are managed by a private vendor, the GEO Group, Inc.

The South Texas Family Residential Center (STFRC) opened in November 2014 with a capacity of 2,400 beds. The STFRC was developed and designed specifically to house and manage family units. The STFRC center operates under an ICE IGSA with Eloy, AZ. The center's daily operations are managed by a private vendor, Corrections Corporation of America (CCA).

### **Evolution**

ICE's capacity to detain and house family units has fluctuated since the original FRC opened in 2001. ICE currently has the capacity to house approximately 3,300 residents at its FRCs.

The Berks facility had previously been a nursing home, with a dormitory-style setting and open campus. Centers established after Berks vary in physical plant and layout. While Karnes and Dilley differ in their exterior structures, the interior of these Texas FRCs are residential, rather than restrictive, in nature. Interior spaces are not interrupted by security boundaries or check points, and resident are allowed to move freely through programing areas of the campus.

In an effort to achieve a campus-like setting, ICE sought to develop FRCs with families in mind. For instance, the STFRC was constructed specifically to meet ICE's exacting civil detention standards with specific attention paid to meet the needs of family groups. As a new center built entirely to ICE specifications, it represents a significant milestone in the Agency's long-term effort to reform the immigration detention system.

### **Current framework**

Daily FRC operations and functions are administered by county employees or private vendors. These private vendors and county employees provide the residents with all services required under the FRS

and are contracted to maintain a campus-like living environment. Oversight of these vendors is provided by local ICE Field Offices who also provide immigration case management for each family unit. The Berks center is managed by the Philadelphia (PHI) Area of Responsibility (AOR), while Karnes and STFRC are under San Antonio's (SNA) AOR.

### **Current Statistics**

As of January 30, the Berks Family Residential Center had **249** Facility Book-ins during FY16.

As of January 30, the Karnes County Residential Center had **4,480** Facility Book-ins during FY16.

As of January 30, the South Texas Family Residential Center at Dilley had **7,961** Facility Book-ins during FY16.

### **Detention Management, Oversight and Inspections**

In addition to ICE ERO field office-level oversight, ICE ERO's Juvenile and Family Residential Management Unit (JFRMU) at ICE headquarters provides another level of management and monitors FRCs' compliance with the FRS. JFRMU staff have specialized training and background in youth and family programming. JFRMU monitors conditions of confinement through a combination of methods, including maintaining compliance officers on-site at each center, conducting ongoing irregular and unscheduled inspections, and maintaining an independent compliance review and inspection program operated by a third-party vendor. JFRMU works closely with the local field offices and contract staff to facilitate corrective action when necessary and strives to promote the adoption of best practices and lessons learned at each Center.

Currently, JFRMU has on-site headquarters staff assigned at the three FRCs. Having headquarters staff on-site at these Centers provides ICE ERO leadership with an additional means of quickly identifying and resolving issues that may arise.

Additionally, JFRMU has contracted with Danya International (Danya) to conduct monthly, annual and focused independent compliance inspections of each FRC. Danya, which focuses on programs that support children and their families through capacity building, monitoring, evaluation, and research, is based in Silver Spring, Maryland. Danya provides ICE with objectivity and accountability in monitoring FRC compliance with the FRS. Danya also provides subject matter experts in a variety of fields including child development, education, medical and mental health to assist in program execution, policy and planning. In addition to compliance work, Danya works closely with JFRMU to identify needs and deploy technical assistance resources to assist centers in implementing best practices, improving processes, and better supporting the families housed within each FRC.

### **Detention Reform**

In keeping with the Administration's commitment to civil detention reform, ICE FRCs represent a clear departure from historical detention settings. Family residential centers maintain the least restrictive environment practicable to manage family units in ICE immigration custody. FRC residents receive expanded services that range from recreational and educational participation to food services and medical and mental health care. Centers employ individuals who have child-centered and social-services education and experience. Effective program management is achieved through communication, counseling and cooperation between staff and residents. This staffing and program philosophy guides every interaction with the residents, understanding the complex circumstances

surrounding family detention. With its oversight responsibilities, JFRMU strives to help ICE meet its mission while recognizing and valuing the dignity of the individual.

In all ICE FRCs, the dignity and humanity of families awaiting the outcome of immigration hearings or pending return to home country is respected. Individuals can move freely throughout the center to toddler playrooms, snack areas with continually restocked refrigerators, social and legal libraries, exercise rooms, outdoor campuses, and other amenities.

The FRC open concept has features that protect the safety and security of residents and staff, while allowing residents to move about, unescorted, availing themselves of educational and recreational opportunities, including contact visitation from friends, relatives, attorneys, and others.

### **Standards/policies**

The FRCs must adhere to the ICE FRS. These standards set the requirements for those stakeholders who decide to partner with ICE in housing family units. ICE approves all FRC-specific policies and procedures set by the service providers.

### **Family and Youth Services**

Facility services encourage and strengthen family interaction and growth. Parents are expected to be responsible for their children and are encouraged to take an active role in their development. FRC staff counsel and mentor parents in appropriate non-physical behavior management techniques. Family units are normally assigned bedrooms together to further familial bonds. Residents may access age-appropriate toys, games, and books, and organized structured activities such as “mommy and me” classes, toddler “story time” and arts and crafts activities projects for both children and adults throughout the each day. Centers provide age-appropriate play structures and recreational equipment for all residents. Mental health providers conduct weekly “wellness” checks on all juvenile residents. Additionally, mental health providers are available to residents for adult counseling and family counseling needs.

### **Education**

Initial evaluations are administered to all children five years old and older within three days of arrival to identify special needs and to determine educational placement. Staff members refer special needs issues to the local education agency for evaluation and services. Educational services consist of one hour of instruction daily in language arts, math, science, social studies and physical education during the school day. The educational curriculums and academic schedules comply with State regulations and teachers are state certified and bilingual. Four-year-old residents receive pre-kindergarten educational services and centers provide younger residents with age appropriate developmental toys, games and materials.

Parents have access to English as a Second Language and other adult education.

### **Language Services**

In August 2015, ICE Director Saldaña issued a Language Access Plan (LAP) in support of Executive Order (EO) 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000). This EO requires federal agencies to examine and improve accessibility to the services they provide for individuals who are limited English proficient.

As part of ICE's efforts to improve language access at its FRCs, FRC staff now employ the following procedures during the intake process:

- 1) As one-word responses are insufficient to assess understanding, staff will engage residents in conversation to elicit responses that convey meaningful understanding. Upon arrival of a resident, staff will utilize the attached script to address all Mexican, Central and South American individuals to determine residents' primary language.
- 2) Staff refer to the script and ask the resident questions in Spanish. Based on their responses, if an individual appears to have no understanding of Spanish, staff refer to an "Intakes Indigenous Slideshow" to determine the appropriate language. If staff believe the resident is proficient in Spanish, they will also ask a control question to determine if the resident feels more comfortable speaking a language other than Spanish. If the resident responds "no" to the control question, the processing may take place in Spanish.
- 3) If the resident answers "yes," the staff will utilize the indigenous language slideshow to help determine the appropriate language, and then seek assistance from an approved ICE language line to conduct intake processing. The brief slideshow provides audio spoken in the various dialects from that country as well as an English translation so intake staff can follow along. When a resident understands the spoken sentence for each dialect, the resident will motion to staff by raising their right hand.
- 4) When an indigenous speaker has been identified, the language is documented in ERO detention records and the resident file and communicated to center staff. Intake staff will seek interpretive assistance from one of several language lines available.

The Karnes FRC JFRMU on-site detention compliance officer has coordinated with both the field office and facility management to implement the ICE Indigenous Language Protocol. At present, the PowerPoint presentation has been installed on all workstations in the facility's intake area. The questionnaire and interpretive services flier have been collocated at each workstation. Additionally, facility management is determining the means (possibly the addition of a colored stripe on the existing identification cards) to easily recognize those who speak an indigenous language as their primary language. ICE and GEO personnel are collaborating on the instructions for the mandated use of this program. Affirmation of full compliance is pending, as the program continues its "rollout" phase.

**U.S. Immigration and Customs Enforcement (ICE)**  
**Dilley and Karnes Housing Classification (adult mothers and children)**  
**August 7, 2015**

This housing classification maintains family unity upon intake. This classification applies to South Texas Family Residential Center and the Karnes Residential Center only.

Housing assignment classifications comprise four groups of families:

- Group 1 includes mothers whose children are 0-10 years of age,
- Group 2 includes mothers whose children are 11 to 13 years old,
- Group 3 includes mothers whose children are 14 to 17 years old,
- Group 4 includes mothers of children who are different sexes and mothers whose children are different ages.

Note: Mothers age 18-to-26 CANNOT room with other families that include UNRELATED 15-to-17-year-old males.

1. All Group 1 families are housed with other Group 1 families without regard to the child's sex.
2. Group 2 families are housed with other Group 2 families according to the child's sex. UNRELATED male and female children age 11 to 13 CANNOT room in the same bedroom.
3. Group 3 families are housed with other Group 3 families according to the child's sex. UNRELATED male and female children age 14 to 17 CANNOT room in the same bedroom.
4. Group 2 and Group 3 families may room together if all family members are female.
5. Group 4 families are housed with other Group 4 families but:
  - Males 11 and older CANNOT room with UNRELATED female(s).
  - Males 14 and older CANNOT room with UNRELATED younger male(s) (13 or younger).
  - Males 10 and younger may room with UNRELATED female(s).
6. Consult the on-site SNA ERO compliance team and the on-site JFRMU representative in any circumstances not outlined in Groups 1-4, or if other questions arise as to suitability of proposed assignments.

All resident supervisors must be well trained in the above housing classification rules and confirm familial relationship and adherence to the above age/sex requirements during room checks. Facility staff must conduct regular and ongoing audits, at least weekly, of all housing assignments to ensure adherence to the above guidance.



U.S. Immigration  
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# Risk Classification Assessment

## ACFRC Member Briefing



- The RCA module in EARM provides a scoring methodology to generate standardized recommendations during the intake and subsequent assessment process for the following decisions:
  - Detain or Release
  - Bond Amount, if applicable
  - Custody Classification Level, if the individual is detained
  - Community Supervision Level, if the individual is released
- The RCA solution consolidates and builds upon classification procedures currently utilized by ICE and PBNDS 2011, and incorporates information currently collected by and available to ICE officers on a variety of forms and systems
- The ability for ICE personnel to exercise discretion is always maintained
- Decisions outside of recommended parameters require justification and supervisory approval



- The RCA solution considers several key factors when developing recommendations, including: Whether an individual is subject to mandatory detention on the basis of Immigration and Nationality Act (INA) charges
- Whether an individual has a special vulnerability, including disability, pregnancy, or any claims that they have been victims of abuse and/or trafficking which would increase the individual's likelihood of being vulnerable in detention
- Whether an individual poses a significant risk of harm to the public, based on his or her criminal history, including previous convictions, open warrants, or gang affiliation(s)
- Whether an individual poses a significant risk of flight, based on his or her immigration violation history, home stability, and ties to the local community

## **U.S. Immigration and Customs Enforcement (ICE) Alternatives to Detention (ATD)**

The Alternatives to Detention (ATD) Intensive Supervision Appearance Program (ISAP) is a flight-mitigation tool that uses technology and case management to increase compliance with release conditions, and facilitate alien compliance with court hearings and final orders of removal while allowing aliens to remain in their community – contributing to their families and community organizations and, if necessary, wrapping-up their affairs in the U.S. – as they move through immigration proceedings.

To be eligible for the ATD/ISAP Program, a participant must be an adult (18 years of age or older), be removable, and be at some stage of Removal Proceedings. The program supervises participants, with contractor support, utilizing a combination of home visits, office visits, alert management, court tracking, and a form of technology (either a GPS unit or Telephonic Reporting). Individuals are evaluated for potential enrollment on a case-by-case basis when a determination is made that the alien is not subject to mandatory detention, or is no longer required to be held in custody. Factors that are taken into account for ATD/ISAP enrollment include, but are not limited to:

- Supervision history
- Community and family ties
- Criminal history
- Immigration history
- Financial self-sufficiency
- Medical considerations
- Other humanitarian considerations

## U.S. Immigration and Customs Enforcement Family Case Management Program

### Overview and Purpose

- On January 21, 2016, U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) commenced the Family Case Management Program (FCMP).
- The FCMP uses qualified case managers to promote participant compliance with immigration obligations.
- ICE expects to enroll families in five metropolitan regions, including Baltimore/Washington, New York City/Newark, Chicago, Miami, and Los Angeles<sup>1</sup>.
- The FCMP will promote participant compliance with immigration obligations (e.g., release conditions, including any required reporting to ERO; immigration court hearings; final orders of removal; voluntary departure; voluntary return, or other resolution of the participants' cases).

### Current Enrollment Metrics

Count of Families by Case Type and AOR			
Region	Pre-Order	Post Order	<i>Total</i>
BAL/WAS	16	1	17
CHI	3	0	3
LOS	9	0	9
MIA	6	0	6
NEW/NYC	13	0	13
<i>Total</i>	47	1	48

### Role of GEO Care and Community Partners

- Geo Care, LLC is the primary contractor for FCMP. The role of the contractor is to provide case management services to family units to ensure that they comply with their immigration obligations, including ensuring the FCMP family units understand their immigration obligations, have transportation arrangements for immigration court proceedings, and are proactively connected to needed community-based services.
- Geo Care, LLC has secured formal partnerships with community-based social service organizations to provide the case management and legal orientation services. The services include:
  - Orientation and education to participants about their legal rights and responsibilities;
  - Assessments and individualized family service plans;
  - Referrals to legal services and community resources
  - Assistance with transportation logistics (if an emergency and needed only to attend a required ICE check-in, court appearance, or to further removal);
  - Tracking and monitoring of immigration obligations (to include attendance at immigration court hearings); and
  - Safe repatriation and reintegration planning for participants who are returning to their home countries.

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<sup>1</sup> The program case load was reduced from 1,500 to 800 in order to include community-based organization partnerships in each region while remaining cost neutral (i.e. consistent with the current overall current price).

## ICE Family Case Management Program

### Active Community Partners

#### ➤ Case Management Services

- Washington DC/Baltimore
  - Bethany Christian Services (Bethany): Bethany is a global nonprofit organization that brings families together and keeps them together through various services. Their services include Pregnancy Counseling, Domestic and International Adoption, Foster Care Adoption, Post Adoption Services and counseling and Post-Release Services for Unaccompanied Minors. Partnerships include collaboration with agencies, community providers, churches, individuals, agencies and businesses. These partnerships have allowed them to expand their mission, extend their voice and collaborate their efforts throughout the area.
- Los Angeles
  - International Institute of Los Angeles (IILA): IILA was founded in 1914 to help newly arrived immigrants integrate into their new lives in Los Angeles. Throughout the years IILA has helped hundreds of thousands of immigrants and other low-income people overcome the barriers they face in becoming contributing members of society. The Family Case Management Program will be part of IILA's Local Integration and Family Empowerment (LIFE) Department which provides comprehensive social services to refugees, human trafficking survivors, and unaccompanied minors.
- Chicago
  - Frida Kahlo Community Organization (Frida): Frida was founded in 2002 as a community and immigrant focused not-for-profit community organization whose mission it is to serve as an agent of change in Chicago's Latino Community by providing expanded access to a host of services and resources that improve the quality of life in the Latino community. Frida accomplishes its mission via a multiple pronged approach that addresses the various factors critical to the Latino community in Chicago and across Illinois: Immigration services; Education and health programming across neighborhood and school communities; and, Leadership development. Through their services and partnerships with public, private, school district, governmental, cultural, and civic institutions, Frida annually serves over 8,000 parents, students, and community members.
- Miami
  - Youth Co-Op, Inc (YCI): YCI has been providing quality, cost-effective case management services to their participants at no cost since the early 1970's. Their mission is based upon a proven formula to educate, employ, and empower. Each year they meet the needs of thousands using this formula as their guide. YCI provides Reception and Placement program services to refugees admitted through the U.S. Resettlement Program and assists immigrants by working closely with community members to ensure they receive food and shelter, community orientation, and introduction to American systems such as school, medical, legal and other institutions.
- New York City/Newark
  - Catholic Charities of NY Catholic Charities Community Services (CCCS): CCCS is a not-for-profit agency serving the New York City boroughs of Manhattan, the Bronx, and Staten Island and the counties of Westchester, Putnam, Rockland, Orange, Sullivan, Ulster and Dutchess. CCCS provides a comprehensive range of professional human services including: immigration legal services; refugee resettlement; ESOL classes; eviction prevention; case management to help people resolve financial, emotional and family issues; emergency food; specialized assistance for the blind and visually impaired; sports and recreational programs for children and youth; after-school and employment programs for youth; and supportive housing programs for adults with mental illness.

#### ➤ Know Your Rights Presentations

- Washington DC/Baltimore
  - Bethany Christian Services: see supra

## ICE Family Case Management Program

- Catholic Charities/ Baltimore, Esperanza Center , Immigration Legal Services (ILS): ILS was founded in 1994 to provide low-cost legal counseling and representation in immigration matters. They have served individuals from over 150 different countries who reside in Maryland or have immigration cases in Maryland. They assist clients and their family members seeking to obtain, extend or retain lawful immigration status or citizenship in the United States.
- Immigration Solutions Group Immigration Solutions Group, PLLC (ISG): ISG is a leading Washington, DC based law firm focused on representing individuals, families, and employers with their immigration needs. Led by attorneys with superior expertise including past president of the American Immigration Lawyers Association for DC, MD and VA, ISG serves its clients with a deep understanding of the most up-to-date immigration laws to provide the most viable solutions for its clients..
- Los Angeles
  - International Institute of Los Angeles (IILA): see supra
  - Cynthia Rivera (Attorney): Cynthia Rivera is a partner of the law firm Vega & Rivera. Attorney Rivera dedicates her practice to immigration law. She has worked for Central American Resource Center (CARECEN), a reputable non-profit organization in the City of Los Angeles. She also worked at the Law Offices of Jessica Dominguez during which she gained experience representing immigrants in very complex cases. Attorney Rivera has represented immigrant families in many cases including: removal defense, family and employment based petitions, permanent residence, consular process, waivers, citizenships, asylum based on domestic violence, NACARA, and TPS. Attorney Rivera has also given various know your rights presentations at schools, churches, and community centers.
- Chicago
  - Frida Kahlo Community Organization (Frida): see supra
- Miami
  - Youth Co-Op, Inc (YCI): see supra
  - Guatemala Maya Center: The Guatemalan-Maya Center, Inc. is a tax-exempt 501(c)3 non-profit agency in Palm Beach County, Florida founded in early 1992 with the express purpose of accompanying the Guatemalan-Maya population fleeing violence and instability. The Center provides unique social services to the Guatemalan-Maya refugee population using a family-centered approach to preserve native language, culture and wisdom while promoting stability, resiliency and efficacy for all.
- New York City/Newark
  - Catholic Charities of NY Catholic Charities Community Services (CCCS)
  - Lutheran Social Services of NYC: Since 1995, the Immigration Legal Program of LSSNY (LSSNY-ILP) has helped immigrants and refugees achieve self-sufficiency, improve their living conditions, and strengthen their family and support systems through community-based immigration legal services. LSSNY-ILP provides representation and legal advice to applicants seeking asylum, family-based immigration status, citizenship, and other forms of immigration relief. Staff attorneys represent clients in several venues—before USCIS, in immigration removal proceedings, and in family court proceedings. Services are made available in partnership with community-based organizations, either through referrals from our partners or regular clinics held at their offices.

**U.S. Immigration and Customs Enforcement (ICE)  
Family Residential Centers  
Medical Staffing Categories as of March 2016**

<b>Professional Category - Dilley</b>
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Physician Psychiatrist Psychologist or Licensed Clinical Social Worker Dentist Hygienist Physician Assistant or Nurse Practitioner Registered Nurse Licensed Practical Nurse or Vocational Nurse Medical Assistant Pharmacist
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<b>Professional Category - Berks</b>
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Physician Psychologist or Licensed Clinical Social Worker Dentist Physician Assistant or Nurse Practitioner Registered Nurse Licensed Practical Nurse or Vocational Nurse Pharmacist
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<b>Professional Category - Karnes</b>
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Physician Mental Health Dentist Physician Assistant or Nurse Practitioner Registered Nurse Licensed Practical Nurse or Vocational Nurse Pharmacist
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# Resident Wellness Check and Psychological Follow Up

## Patient Identification

\*Patient properly identified by 2 sources including:

Wrist Band  Picture  Verbally  Other

\*Interpretation Provided?

Yes  Provider fluent in detainee's native language  No interpreter available during visit  Detainee speaks English fluently

\*Chaperone Present?

Yes  No

## Psych Check and Follow Up

\*Behavioral Observations:

No Concerns  Aggressive  Defiant / Oppositional  Disproportional Reactions  Withdrawn  Attention Seeking  
 Other/Comments

\*Mood and Affect Observations:

No Concerns (calm/content)  Sad / Depressed  Angry / Irritable  Fearful / Anxious  Terrified  Flat Affect  Blunted Affect  
 Constricted Affect  Normal Affect  Broad Affect  Other/Comments

\*Attention, Concentration, Energy Levels and Motivational Observations:

No Concerns  Change in Attention/Concentration/Alertness  Change in Energy Levels  Change in Motivation  Unaware  
 Distractible  Low Attending Skills  Attends  Hypervigilance  Other/Comments

\*Social Observations (check all that apply):

No Concerns (positive interactions, adults/peers)  Isolates/Disengaged  Aggressive Play/Bullying  Ignored by Peers  
 Other/Comments

\*Sleep and Eating Observations (check all that apply):

No Concerns  Poor sleep/Looks Tired/Nightmares/Bed Wetting/Waking during Night  Increased/Decreased Appetite/Weight Concern  
 Other/Comments

\*Physical Observations (check all that apply):

No Concerns  Difficulty or Change: Moving/Coordination/Balance  Difficulty/Change in Senses/Bruises/Injury  Other/Comments

\*Caregiver Observations/Interactions with Children (circle all that apply):

No Concerns (attached/provides/takes in appropriate comfort & discipline)  Distance/Avoidant from Caregiver  Fearful of Caregiver  
 Other/Comments

\*Suicidal/Self-harm/Self-Injurious/Assaultive Ideation and/or Comportment (check all that apply):

Suicidal Ideation/Plan  Suicidal Behaviors  Self-Injurious Ideation  Self-harm Behaviors  Assaultive Ideation  Assaultive Behavior  
 Other/Comments

Therapy Comments:

Other/General Comments:

Patient Education/Goals/Plans:

# ICE



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# ICE

# ICE HEALTH SERVICE CORPS

## Approach to Trauma Informed Care



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## PURPOSE

To support the provision of trauma informed care by providing staff with information on psychological trauma and ensure a safe residential environment for residents that may have experienced psychological trauma



## OBJECTIVES

After completing this training staff will be able to:

- Utilize available resources to incorporate trauma informed care into all interactions with the detained/resident population in accordance with the Substance Abuse and Mental Health Services Administration (SAMHSA) National Center for Trauma Informed Care (NCTIC) principles.



## OBJECTIVES, CONT'D

- Define Psychological Trauma including acute and chronic types
- List variables that affect response to trauma across the spectrum of custody
- List the potential effects of trauma exposure
- Describe the interpersonal as well as physical, psychological, and social safety considerations that are essential to providing trauma informed care



## PSYCHOLOGICAL TRAUMA

What is psychological trauma  
and how can you employ trauma  
informed care?



## WHAT IS PSYCHOLOGICAL TRAUMA?

- Psychological Trauma refers to the *physical and emotional responses* of a person to events that threaten the life or physical integrity of that person or of someone critically important to that person (such as a parent or spouse).
- Traumatic events can overwhelm a person's capacity to cope and elicit feelings of terror, powerlessness, and out-of-control physiological arousal.



## WHAT IS PSYCHOLOGICAL TRAUMA?

Traumatic events core elements:

- Often unexpected
- Unpredictable: person was unprepared
- Person could do nothing to prevent it from happening

Traumatic events may affect :

- Ability to trust others
- Sense of personal safety
- Effectiveness in navigating life changes



## TYPES OF ACUTE TRAUMA

- Experiencing or witnessing horrific injury, carnage, or fatalities
- Serious accidents
- Community violence
- Natural disasters (earthquakes, wildfires, floods)
- Sudden or violent loss of a loved one
- Physical or sexual assault (e.g., being shot, raped, molested)
- Breakup of a significant relationship
- Surgery or invasive medical procedure
- A humiliating or deeply disappointing experience
- Discovery of a life-threatening illness or disabling condition



## TYPES OF CHRONIC TRAUMA

**Chronic Trauma** refers to the experience of multiple traumatic events.

- Domestic violence/sexual violence
- Longstanding physical abuse or neglect
- Living through long-lasting war & torture
- Extreme poverty

The effects of chronic trauma are often cumulative, as each event serves to remind the person of prior trauma and reinforce its negative impact.



## TRAUMA INFORMED APPROACH KEY ASSUMPTIONS & PRINCIPLES

SAMSHA's concept of a trauma approach is grounded in a set of three assumptions and four key principles. The context in which trauma is addressed contributes to the outcome of trauma survivors.

Discussion in the upcoming slides will address:

- The Three E's of Trauma Informed Care
- The Four R's of Trauma Informed Care, and
- The Six Key Principles of a Trauma Informed Approach



## THE THREE E'S OF TRAUMA INFORMED CARE

- Event
- Experience
- Effect



## THE THREE E'S OF TRAUMA INFORMED CARE

**Event(s)**: May include the actual threat of physical or psychological harm. These events may be a single occurrence or repeated over time.

Examples of **Events include but are not limited to**:

- Serious Accident
- Sudden or violent loss of a loved one
- Physical or sexual assault (shot, raped or molested)
- Witnessing horrific injury, carnage or fatalities
- Natural disasters
- Severe or life threatening neglect of a child



## THE THREE E'S OF TRAUMA INFORMED CARE

**Experience:** A particular event may be experienced as traumatic for one individual and not another.

How the individual labels, and assigns meaning to an event will contribute to whether or not the experience is traumatic. Cultural beliefs, developmental stages and availability of social supports also play a key role to the individual's perception of experience and trauma.



## THE THREE E'S OF TRAUMA INFORMED CARE

Examples of Experience include but are not limited to:

- Extreme Poverty
- Separations from parent/siblings
- Traumatic grief and loss
- Domestic violence
- Living through extended periods of war
- Refugee or immigrant experiences



## THE THREE E'S OF TRAUMA INFORMED CARE

**Effect** - High-risk or destructive coping behaviors, may lead to serious mental and physical health problems.(SAMSHA)

Examples of **effects include but are not limited to:**

- Alcoholism
- Drug abuse
- Depression
- Suicide attempts
- Sexually transmitted diseases (due to high risk activity with multiple partners)



## THE FOUR R'S: KEY ASSUMPTIONS IN TRAUMA APPROACH

- Realization
- Recognize
- Respond
- Re-traumatization



## THE FOUR R'S: KEY ASSUMPTIONS IN TRAUMA APPROACH

**Realization**- To become aware of the possible impact of trauma in an organization or system at all levels.

To be able to understand that trauma can affect families, groups, and individuals.



## THE FOUR R'S: KEY ASSUMPTIONS IN TRAUMA APPROACH

**Recognize**-People within the organization are able to identify sign & symptoms of trauma. As a result people may exhibit but may not be limited to:

- Sleep Disturbances
- Difficulty with Learning
- Behavior that shifts from being overly fearful and overly aggressive



## THE FOUR R'S: KEY ASSUMPTIONS IN TRAUMA APPROACH

**Respond** - Integrate knowledge about trauma into policies, procedures & practices into all areas of functioning. This involves all staff of the organization whether directly or indirectly involved with care.

Best practices may include but are not limited to:

- Active Listening
- Creating Initiatives
- Fostering an environment of safety



## THE FOUR R'S: KEY ASSUMPTIONS IN TRAUMA APPROACH

**Re-traumatization-** Re-experiencing thoughts and feelings related to the trauma.

Organizations often inadvertently create stressful or toxic environments that interfere with recovery of clients.

For example: Using restraints on a person that has been sexually abused or placing a child who has a history of neglect and abuse in a seclusion room.



## CONSIDERATIONS FOR IMPLEMENTATION OF A TRAUMA INFORMED APPROACH

- First and foremost, provide supportive listening
- Go by what detainee/resident tells you, not by what may or may not be true
- Goal is to help person recover and rehabilitate
- Role of staff is to facilitate healing
- Keep in mind that persons with most severe behavior problems may be the most traumatized
- Work to avoid re-traumatizing
- Remember that traumatized persons may be functioning well. Do not assume that trauma=impairment in functioning



## CONSIDERATIONS FOR IMPLEMENTATION OF A TRAUMA INFORMED APPROACH

Foster an environment of safety

### 1. Physical

- Absence of Violence
- Feeling that basic needs are met

### 2. Psychological

- Feeling safe with oneself & the environment
- Able to exercise self-control & self discipline
- Able to express sense of humor, creativity and spirituality

### 3. Social Safety

- Feeling respected by others
- Feeling free to express private thoughts and feelings without being misjudged



## CASE STUDY # I

Hi, my name is Juan and I'm 8 years old. I just came to the United States with my sister. My sister's boyfriend has been hitting her and he got mad at me one day and hit me in the face and I could not open my eye. My Mom died when I was 5 and my sister is all I have. I never knew my father.

Juan's sister reports that he has nightmares and at times is not eating. He gets scared when he hears others voices getting loud. He has at times been real withdrawn or gets very angry.

Juan has experienced multiple traumatic events(**chronic trauma**),such as death of his mother, witnessing family violence-sister being beaten by her boyfriend, these events are having an impact on Juan's functioning and sense of safety-(**complex trauma**)



## Case Study # 2

Nina is a 28 year old female from New Guinea. There was a genocide in her village and she was left alone and captured by rebels. She was tortured and forced to have sex. She was trafficked to Mexico where she escaped and came to the United States in the back of a van with 5 other women. She reports to the security staff at the detention facility that she is having difficulty sleeping and she has lost a significant amount of weight. She feels that the male guards are looking at her inappropriately. The female Guard took her to medical and discussed weight loss with the RN. After a brief check of her vitals she was referred by the RN for both a medical appointment and a mental health intake.



**Everyone who interacts with detainees/residents plays a role in trauma informed care throughout the duration of custody.**



- National Center for Trauma-Informed Care
  - 866-254-4819
  - [NCTIC@NASMHPD.org](mailto:NCTIC@NASMHPD.org)
  - <http://www.samhsa.gov/nctic>



U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ENFORCEMENT AND REMOVAL OPERATIONS  
STANDARD OPERATING PROCEDURES

**Legal Access and Legal Visitation Standard Operating Procedures for ICE  
Family Residential Centers**

**Directive Number:** 11302

**Issue Date:**

**Superseded:** None.

**Federal Enterprise Architecture Number:** 301-112-002b

1. **Purpose/Background.** These Standard Operating Procedures establish minimum legal access and legal visitation standards applicable to all Immigration and Customs Enforcement (ICE) Family Residential Centers (FRC) that are active and operational as of the above effective date.
2. **Policy.** ICE will promote access and visitation for residents by legal representatives as set forth in these standard operating procedures. In the event of an emergency that threatens the safety or security of FRC residents and/or staff, the facility administrator may temporarily suspend these procedures, in whole or in part. Any violation of the legal access and visitation rules by a visitor may result in corrective action, including suspension of access to the facility. Any criminal violations may lead to criminal arrest and prosecution. ICE will review these procedures on an annual basis or more frequently if operationally required.
3. **Definitions.** The following definitions apply for purposes of this SOP only.
  - 1) **Attorney.** Any person who is eligible to practice law in, and is a member in good standing of the bar, of the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him/her in the practice of law. 8 C.F.R. § 1.2.
  - 2) **Interpreter.** A person who provides an oral interpretation or written translation, from one language and converts to another language while retaining the same meaning.
  - 3) **Legal Assistant.** An individual (other than an interpreter) who, working under the direction and supervision of an attorney or legal Representative, assists with group presentations and in representing individual residents. Legal assistants may interview residents, assist residents in completing forms, and deliver papers to residents without the Attorney or Legal Representative being present.
  - 4) **Independent Medical Expert.** An individual who is licensed or otherwise authorized by a state to provide medical or mental health care services, including but not limited to physicians, registered professional nurses, and licensed social workers. Such individuals are not permitted under this SOP to provide medical or mental health care services to residents, but may be permitted to evaluate individual residents for purposes of preparing expert reports.

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- 5) **Legal Representative.** Any person who is legally authorized to represent another, including accredited law school students under the direct supervision of a faculty member, licensed attorney, or accredited representative, and accredited law school graduates not yet admitted to a bar; "reputable individuals"; accredited representatives; accredited officials; and attorneys outside the United States. *See* 8 C.F.R. § 292.1.
4. **Responsibilities.**
- 1) **The FRCs and Legal Visitors** are responsible for following the procedures in Section 5 of this directive.
  - 2) **Legal Representatives** are responsible for completing and submitting a Form G-28 to ICE/ERO if an attorney-client relationship has been established. This requirement applies to both visitation with individual residents and to attorney-client group legal meetings. Such forms will be available in the legal visitation reception area. Each completed Form G-28 becomes a permanent part of the resident's administrative file, and it remains valid until ICE/ERO receives written notice of the relationship's termination from the resident or the legal representative. Attorneys representing residents on legal matters unrelated to immigration are not required to complete a Form G-28. In addition, Form G-28 is not required for pre-representation sessions provided by attorneys or legal representative.
5. **Procedures.**
- 5.1. **Notification of Visitation Rules and Hours.** Every FRC will complete the following actions to promote access and availability of visitation rules and procedures:
- 1) Provide existing and newly admitted residents with a resident handbook (or equivalent) upon admission, which shall include information regarding FRC visitation rules and hours in Spanish and English.
  - 2) Conspicuously post visitation rules and hours in Spanish and English in common resident areas and housing units.
  - 3) Promote public access to visitation Rules and hours in both Spanish and English through conspicuous postings in the visitor waiting areas, in writing upon request, and telephonically via live voice or recorded message.
- 5.2. **Visitor Logs.**
- 1) The PERC/LESC will complete a records check of the subject, including but not limited to, National Crime Information Center (NCIC) active wants and/or warrants, criminal history, immigration status, and docket location.
- 5.3. **Access to Communication Devices.**
- 1) FRCs will maintain a land-line telephone in each legal visitation room for use by attorneys and residents for legal visitation purposes relevant only to the specific visit.
  - 2) Use of personal electronic devices (e.g., cell phones/ smart phones, and other Wi-Fi/cellular enabled devices) is generally prohibited. The use of laptops, Wi-Fi and hot spot devices, and tablets are, however, permitted in the visitation area. At the discretion of the ICE Facility Administrator, limited cell phones/smart phones may be permitted if functioning land-line telephones become unavailable.

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**5.4. Visiting Room Conditions.**

- 1) Visiting areas will be appropriately furnished and arranged, and as comfortable and pleasant as practicable, including safe and appropriate accommodations for children.
- 2) Monitored care of children is available upon request as explained in the section below entitled "Legal Visitation Privacy."
- 3) As practicable space should be provided outside of the immediate visiting areas for the secure storage of visitors' coats, handbags, and other personal items.
- 4) The facility administrator will provide adequate supervision of all visiting areas. The visiting area staff will ensure that all visits are conducted in a quiet, orderly, and dignified manner.

**5.5. Visitors' Food and Drink.**

- 1) Visitors will be permitted to bring water and an appropriate amount of snacks for personal consumption.
- 2) FRCs will designate specific areas of the facility in which food and beverages may be consumed, generally inside the visitation area.
- 3) Food and beverages may not be shared with or otherwise provided to the residents.
- 4) All food and beverages will be subject to search upon entering the FRC.
- 5) FRC staff will ensure that food and beverage vending machines are stocked appropriately.

**5.6. Pre-Screening Requirement For Designation of Legal Visitors and Independent Medical Experts.**

- 1) For the safety and security of FRC residents and staff, FRCs will require all prospective Legal Visitors to pass pre-clearance/ record checks seventy-two (72) hours prior to the initial visit. The pre-clearance/records checks will include, but is not limited to, identity verification, current employment or educational status, arrest and criminal history, and verification of training, certification, and/ or skills underlying the applicant's request for legal/medical visitor designation.
- 2) Licensed attorneys may satisfy the pre-clearance/records check requirement with proof of identity and proof of admission and good standing in any state bar. Licensed attorneys satisfying these requirements will not be required to undergo the broader screening referenced above.
- 3) The ERO Field Office Director (FOD) for the area of responsibility (AOR) containing the respective FRC is the approving official for applications for Legal Visitor designation.

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**5.7. Visits by Legal Representatives and Legal Assistants.**

- 1) Subject to the restrictions herein, individuals in the following categories are considered Legal Visitors:
  - a. Attorneys and Legal Representatives
  - b. Legal Assistants
    - i. Upon presentation of a letter of authorization from the legal representative under whose supervision the legal assistant is working, an unaccompanied legal assistant may meet with a resident during legal visitation hours. The letter must state that the named legal assistant is working on behalf of the supervising legal representative for the purpose of meeting with the FRC resident(s).
  - b. Interpreters
    - i. Interpreters will be permitted to accompany legal representatives and legal assistants on legal visits, subject to visitor identification and search procedures detailed in the sections titled "Pre-Screening Requirement For Designation of Legal Visitors" and "Necessary Documentation to Prove Legal Representative and Legal Assistant Status."
  - c. Independent Medical Experts
    - i. Upon presentation of a written request by a legal representative under whose supervision the medical expert is working, and approval by the ERO Juvenile and Family Residential Management Unit, a medical or mental health professional will be permitted to conduct an independent medical or mental health examination of a specified resident. (Note: Such individuals are not permitted under this SOP to provide medical or mental health care services to residents.). The written request must identify the individual resident to be examined and the purpose of such examination. Neither ICE nor the facility may assume any cost for the examination.
- 2) Messengers who are not legal representatives or legal assistants will be permitted to deliver documents to and from the facility, but not visit residents.
- 3) Prior to each visit, all legal representatives and assistants will be required to provide identification. State bar cards are preferred. Attorneys who are members of a state bar that does not provide bar cards are required to present other documentation that verifies bar membership. If such documentation is not readily available, the attorney will be required to report where he or she is licensed as an attorney and how this information may be verified.
- 4) Law students must have a government-issued identification card and a memorandum on letterhead from the supervising attorney who is a bar member in good standing acknowledging that the law student is a representative of the supervising attorney.

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- 5) FRCs will ensure that local rules allow each resident to meet privately with current or prospective legal representatives and their legal assistants. The FRC and ICE staff may not inquire into the subject matter of visits with legal representatives and assistants.
  - 6) A legal visitation request, using the appropriate facility form, should be completed and submitted to the facility at least twenty-four (24) hours prior to the requested visit time to ensure proper scheduling of a private meeting room.
    - a. The legal visitation request form must identify the resident to be visited.
    - b. Legal representatives and assistants are not required to provide, and FRC staff shall not inquire into a resident's A-number as a condition of visiting; FRC staff will make a good-faith effort to locate a resident if provided with sufficient information about the resident.
  - 7) Legal representatives and assistants may call the facility in advance of a visit, to determine the custody status of a particular individual. These calls may be answered by facility staff or forwarded to a designated ERO officer within the facility or to the ERO field office within the respective AOR.
  - 8) The FRCs will not reject qualified attorneys or pre-cleared legal visitors who fail to provide notice 24 hours in advance, but failure to provide such notice may result in the following:
    - a. Notification to such legal visitors that their visit may be accommodated subject to space limitations, and only following the facilitation of legal visits of those who provided notice 24 hours in advance;
    - b. Placement of such legal visitors in queue or an on-call list to replace no-shows or cancellations from legal visitors who provided advanced notice; and/ or
    - c. The FRC's inability to identify or locate residents in a timely manner.
  - 9) Legal representatives and assistants are subject to a search, at any time, of his/her person and belongings, pursuant to a reasonable and articulable basis, for the purpose of ascertaining the presence of contraband.
  - 10) The FRCs will designate a Legal Access Communications Liaison Officer to administer legal access policies and procedures discussed in this SOP and facilitate legal access related communication between residents and the public, including legal visitors.
  - 11) The FRC personnel will be required to complete Legal Access detention standards training and refamiliarize themselves with the provisions of this SOP at least once each fiscal year to ensure consistent and fair application of legal visitation rules.

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**5.8. Legal Visitation Hours.**

- 1) The FRCs will permit legal visitation seven (7) days a week, including holidays, for a minimum of eight (8) hours per day on regular business days, and a minimum of four (4) hours per day on weekends and holidays.
- 2) Notwithstanding the regular visitation hours, the FRC and ICE staff maintains discretion to extend or terminate legal visits at the end of the allotted time.
- 3) On regular business days, legal visitations may proceed through a scheduled meal period. If residents miss their scheduled meal as a result of a legal visit, the FRC staff will ensure that a meal is provided upon conclusion of the conflicting legal visit.

**5.9. Pre-Representation Meetings.** During regular legal visitation hours each FRC will permit residents to meet with prospective legal representatives. Each FRC will document pre-representation meetings in the logbook for legal visitation. For meetings that are pre-representational and no attorney-client relationship exists, legal service providers do not need to complete a Form G-28.

**5.10. Legal Visitation Privacy.**

- 1) The substance of conversations during legal visits between legal representatives or assistants and a resident are confidential and will not be subject to auditory supervision by FRC or ICE staff.
- 2) FRC and ICE staff will not be present in the legal visitation room unless the legal representative or assistant requests the presence of staff; however, staff may observe the visit through a window or camera, and only to the extent necessary to maintain security.
- 3) If the legal representative requests to meet with a resident in a general visitor or other alternate visiting room, the request should be accommodated if practicable. Such meetings will be afforded privacy but only to the extent practical under the circumstances.
- 4) Due to the presence of children and the requirement to provide for attorney-client visitation, visitation areas will be constructed in a manner that allows for parents to view the activities of their children within the visitation area. Furthermore, monitored care for children is available by staff at all FRCs should parents opt to use this amenity.
- 5) Legal visitors may occupy a meeting room for successive resident client visits but only if any other attorney is not waiting. When there are attorneys waiting, the initial attorney may return to the queue and wait for an attorney client space to become available so as to meet with more clients.
- 6) FRC staff are generally prohibited from holding a room for a legal representative who leaves the FRC premises. Exceptions will be considered and decided by the Legal Access Communications Liaison Officer. Legal representatives who leave the facility and return at a later time may be placed back in queue should all rooms be filled with other attorneys and residents.

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**5.11. Dedicated Workspace.**

- 1) Recognizing the unique nature of FRCs, the vulnerability of the resident population, families and juveniles, and other unique qualities of families awaiting immigration case processing, the FRCs will reasonably provide registered pro-bono legal representatives with a dedicated workspace for use by the attorneys and legal representatives, and their legal assistants and interpreters, in the representation of the FRC residents. Prior to using this workspace and equipment, the legal representative will be required to sign specific user agreements, which may permit, in the discretion of the FRC, for limited pre-cleared personal office equipment in the workspace.
- 2) Provisions for copy services for legal representatives will be instituted providing there is no cost to the government.

**5.12. Materials Provided to Residents by Legal Representatives.**

- 1) The FRCs will allow residents and legal representatives to exchange documents that are relevant for legal representation purposes.
- 2) Legal representatives may provide one (1) business card per resident/client.
- 3) Written material provided by a legal representative to a resident during a legal visit may be inspected by an FRC staff, but not read.
- 4) Residents are entitled to retain legal material received for their personal use.
- 5) 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 or her stored property. The resident will be permitted access to these documents through the established avenues of communication.

**5.13. Resident Access to Personal Medical Records.**

- 1) Any FRC resident may, at any time, request access to his/ her medical records that are maintained at the FRC, by submitting a medical records request form and a signed HIPAA-compliant waiver to a designated FRC staff.
- 2) The medical request and HIPAA forms shall be available in common areas.
- 3) Upon receipt of the properly completed request, the FRC staff will generally produce the medical records within five (5) business days of the receipt of the request.
- 4) Legal representatives and former residents may use the FOIA process to request medical records.

**5.14. Request for Identity Documents.** A copy of the resident's identity documents will be provided to the resident upon request. The facility and/or ICE will maintain records of all documents provided to the requesting resident and/or their attorney of record.

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**5.15. Communication with Residents.**

- 1) FRC and ICE staff will utilize contracted interpreters and translators, when necessary, to facilitate communication between staff and the residents.
- 2) ICE contracted interpreters and translators will be strictly prohibited from facilitating any legal communication between a legal representative and a resident. This strict prohibition protects all parties from potential conflicts of interest, impermissible disclosures, and any ethical issues that may arise pertaining to attorney-client privilege.

**5.16. Attorney-Client Group Legal Meetings.** Upon the request of a legal representative or assistant, the ICE facility administrator may permit a confidential meeting (with no staff present) involving the requester and two (2) or more residents. This may be for various purposes: pre-representational, representational, removal-related, etc. Such requests should be made to the Legal Access Communications Liaison. The FRCs should grant such requests to the greatest extent practicable. The ICE facility administrator will limit resident attendance according to the practical concerns of the facility, or the security concerns associated with the meeting in question. Attorney-client group legal meetings are distinct from legal rights group presentations, which are governed by ICE Family Residential Standard 6.3 (Legal Rights – Group Presentations).

**5.17. Pro Bono List and Resident Sign-Up.**

- 1) The U.S. Department of Justice (DOJ), Executive Office For Immigration Review (EOIR) produces and updates a list of local pro bono legal organizations. FRCs will promptly and prominently post the most current list in common areas.
- 2) Any legal organization or individual on the current list may contact the ICE facility administrator to request the posting and/or general circulation of a sign-up sheet to facilitate attorney-client meetings. Upon approval, the ICE facility administrator will notify residents of the sign-up sheet's availability and, according to established procedures, ensure coordination with the pro bono organization.

**5.18. Consequences for Violations of Visitation on Contraband Rules.** The following apply to FRC visitors:

- 1) Any visitor who violates any visitation rule, including adversely impacting the safety or security of the facility, may face corrective action, including visitation restrictions from all FRCs, immediate cancellation or termination of a visit, and/or suspension of future visitation privileges.
- 2) Any offense involving contraband or other criminal violations may lead to criminal arrest and referral for prosecution.
- 3) The ERO FOD, in the AOR of the relevant FRC, is designated as the deciding official on all corrective actions considered against legal visitors.
- 4) The FOD will confer with the AOR's Office of the Principal Legal Advisor Office of the Chief Counsel prior to taking corrective action taken against legal visitors.

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- 5) The FOD must notify the ERO Assistant Director for Field Operations within two hours of any terminated or refused legal visit. Barred visitors will receive prompt basis for such restriction.
  - 6) After five business days, visitors barred from the facility may submit a written request to the FOD requesting reinstatement of visitation privileges. The FOD, or designee, will provide a written response to each request.
  6. **Recordkeeping.** Records will be maintained as described in these Standard Operating Procedures.
  7. **Authorities/References.** Not applicable.
  8. **Attachments.** None.
  9. **No Private Right.** These guidelines, which may be modified, superseded, or rescinded at any time, are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.



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**Thomas Homan**  
**Executive Associate Director**  
**Enforcement and Removal Operations**  
**U.S. Immigration and Customs Enforcement**

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**  
**Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture**

<b>DISTRIBUTION:</b>	<b>ICE</b>
<b>DIRECTIVE NO.:</b>	<b>11002.1</b>
<b>ISSUE DATE:</b>	<b>December 8, 2009</b>
<b>EFFECTIVE DATE:</b>	<b>January 4, 2010</b>
<b>SUPERSEDES:</b>	<b>See section 3.</b>
<b>FEA NUMBER:</b>	<b>601-05</b>

1. **PURPOSE.** The purpose of this ICE policy directive is to ensure transparent, consistent, and considered ICE parole determinations for arriving aliens seeking asylum in the United States. This directive provides guidance to Detention and Removal Operations (DRO) Field Office personnel for exercising their discretion to consider the parole of arriving aliens processed under the expedited removal provisions of section 235 of the Immigration and Nationality Act (INA) who have been found to have a “credible fear” of persecution or torture by U.S. Citizenship and Immigration Services (USCIS) or an immigration judge of the Executive Office for Immigration Review. This directive establishes a quality assurance process that includes record-keeping requirements to ensure accountability and compliance with the procedures set forth herein.
  - 1.1. This directive does not apply to aliens in DRO custody under INA § 236. This directive applies only to arriving aliens who have been found by USCIS or an immigration judge to have a credible fear of persecution or torture.
2. **AUTHORITIES/REFERENCES.**
  - 2.1. INA §§ 208, 212(d)(5), 235(b), and 241(b)(3); 8 U.S.C. §§ 1158, 1182(d)(5), 1225(b), and 1231(b)(3); 8 C.F.R. §§ 1.1(q), 208.30(e)-(f), 212.5 and 235.3.
  - 2.2. Department of Homeland Security Delegation Number 7030.2, “Delegation of Authority to the Assistant Secretary for the Bureau of Immigration and Custom Enforcement” (Nov. 13, 2004).
  - 2.3. ICE Delegations of Authority to the Directors, Detention and Removal and Investigations and to Field Office Directors, Special Agents in Charge and Certain Other Officers of the Bureau of Immigration and Customs Enforcement, No. 0001 (June 6, 2003).
3. **SUPERSEDED POLICIES AND GUIDANCE.** The following ICE directive is hereby superseded:
  - 3.1. ICE Policy Directive No. 7-1.0, “Parole of Arriving Aliens Found to Have a ‘Credible Fear’ of Persecution or Torture” (Nov. 6, 2007).

#### 4. **BACKGROUND.**

- 4.1. Arriving aliens processed under the expedited removal provisions of INA §235(b) may pursue asylum and related forms of protection from removal if they successfully demonstrate to USCIS or an immigration judge a credible fear of persecution or torture.
- 4.2. Arriving aliens who establish a credible fear of persecution or torture are to be detained for further consideration of the application for asylum. INA § 235(b)(1)(B)(ii). Such aliens, however, may be paroled on a case-by-case basis for “urgent humanitarian reasons” or “significant public benefit,” provided the aliens present neither a security risk nor a risk of absconding. 8 C.F.R. § 212.5(b); *see also* 8 C.F.R. § 235.3(c) (providing that aliens referred for INA § 240 removal proceedings, including those who have a credible fear of persecution or torture, may be paroled under § 212.5(b) standards).
- 4.3. The applicable regulations describe five categories of aliens who may meet the parole standards based on a case-by-case determination, provided they do not present a flight risk or security risk: (1) aliens who have serious medical conditions, where continued detention would not be appropriate; (2) women who have been medically certified as pregnant; (3) certain juveniles; (4) aliens who will be witnesses in proceedings being, or to be, conducted by judicial, administrative, or legislative bodies in the United States; and (5) aliens whose continued detention is not in the public interest. *See* 8 C.F.R. § 212.5(b). *But compare* 8 C.F.R. § 235.3(b)(4)(ii) (stating that arriving aliens who have not been determined to have a credible fear will not be paroled unless parole is necessary in light of a “medical emergency or is necessary for a legitimate law enforcement objective”).
- 4.4. While the first four of these categories are largely self-explanatory, the term “public interest” is open to considerable interpretation. This directive explains how the term is to be interpreted by DRO when it decides whether to parole arriving aliens determined to have a credible fear. The directive also mandates uniform record-keeping and review requirements for such decisions. Parole remains an inherently discretionary determination entrusted to the agency; this directive serves to guide the exercise of that discretion.

#### 5. **DEFINITIONS:**

- 5.1. **Arriving Alien.** For purposes of this directive, “arriving alien” has the same definition as provided for in 8 C.F.R. § 1.1(q) and 1001.1(q).
- 5.2. **Credible Fear.** For purposes of this directive, with respect to an alien processed under the INA § 235(b) “expedited removal” provisions, “credible fear” means a finding by USCIS or an immigration judge that, taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts

as are known to the interviewing USCIS officer or immigration judge, there is a significant possibility that alien could establish eligibility for asylum under INA § 208, withholding of removal under INA § 241(b)(3), or protection from removal under the Convention Against Torture.

- 5.3. **Parole.** For purposes of this directive, “parole” is an administrative measure used by ICE to temporarily authorize the release from immigration detention of an inadmissible arriving alien found to have a credible fear of persecution or torture, without lawfully admitting the alien. Parole does not constitute a lawful admission or a determination of admissibility, *see* INA §§ 212(d)(5)(A), 101(a)(13)(B), and reasonable conditions may be imposed on the parole, *see* 8 C.F.R. § 212.5(d). By statute, parole may be used, in the discretion of ICE and under such conditions as ICE may prescribe, only for urgent humanitarian reasons or for significant public benefit. As interpreted by regulation, “urgent humanitarian reasons” and “significant public benefit” include the five categories set forth in 8 C.F.R. § 212.5(b) and listed in paragraph 4.3 of this directive, including the general category of “aliens whose continued detention is not in the public interest.”

## 6. **POLICY.**

- 6.1. As soon as practicable following a credible fear determination by USCIS for an arriving alien detained by DRO, DRO shall provide the alien with the attached *Parole Advisal and Scheduling Notification*. This form informs the alien that he or she will be interviewed for potential parole from DRO custody and notifies the alien of the date of the scheduled interview and the deadline for submitting any documentary material supporting his or her eligibility for parole. The contents of the notification shall be explained to such aliens in a language they understand. In determining whether detained arriving aliens found to have a credible fear should be paroled from custody, DRO shall proceed in accordance with the terms of this directive.
- 6.2. Each alien’s eligibility for parole should be considered and analyzed on its own merits and based on the facts of the individual alien’s case. However, when an arriving alien found to have a credible fear establishes to the satisfaction of DRO his or her identity and that he or she presents neither a flight risk nor danger to the community, DRO should, absent additional factors (as described in paragraph 8.3 of this directive), parole the alien on the basis that his or her continued detention is not in the public interest. DRO Field Offices shall uniformly document their parole decision-making processes using the attached *Record of Determination/Parole Determination Worksheet*.
- 6.3. Consistent with the terms of this directive, DRO shall maintain national and local statistics on parole determinations and have a quality assurance process in place to monitor parole decision-making, as provided for in sections 7 and 8 of this directive.

- 6.4. In conducting parole determinations for arriving aliens in custody after they are found to have a credible fear of persecution or torture, DRO shall follow the procedures set forth in section 8 of this directive.
- 6.5. DRO shall provide every alien subject to this directive with written notification of the parole decision, including a brief explanation of the reasons for any decision to deny parole. When DRO denies parole under this directive, it should also advise the alien that he or she may request redetermination of this decision based upon changed circumstances or additional evidence relevant to the alien's identity, security risk, or risk of absconding. DRO shall ensure reasonable access to translation or interpreter services if notification is provided to the alien in a language other than his or her native language and the alien cannot communicate effectively in that language.
- 6.6. Written notifications of parole decisions shall be provided to aliens subject to this directive and, if represented, their representative within seven days of the date an alien is initially interviewed for parole or the date the alien requests a parole redetermination, absent reasonable justification for delay in providing such notification.
- 6.7. A decision to grant or deny parole shall be prepared by a DRO officer assigned such duties within his or her respective DRO Field Office. The decision shall pass through at least one level of supervisory review, and concurrence must be finally approved by the Field Office Director (FOD), Deputy FOD (DFOD), or Assistant FOD (AFOD), where authorized by the FOD.

## 7. **RESPONSIBILITIES.**

- 7.1. The **DRO Director** is responsible for the overall management of the parole decision-making process for arriving aliens in DRO custody following determinations that they have a credible fear of persecution or torture.
- 7.2. The **DRO Assistant Director for Operations** is responsible for:
  - 1) Ensuring considered, consistent DRO parole decision-making and recordkeeping nationwide in cases of arriving aliens found to have a credible fear;
  - 2) Overseeing monthly tracking of parole statistics by all DRO Field Offices for such cases; and
  - 3) Overseeing an effective national quality assurance program that monitors the Field Offices to ensure compliance with this directive.
- 7.3. **DRO Field Office Directors** are responsible for:
  - 1) Implementing this policy and quality assurance processes;

- 2) Maintaining a log of parole adjudications for credible fear cases within their respective geographic areas of responsibility, including copies of the *Record of Determination/Parole Determination Worksheet*;
- 3) Providing monthly statistical reports on parole decisions for arriving aliens found to have a credible fear;
- 4) Making the final decision to grant or deny parole for arriving aliens found to have a credible fear within their respective areas of responsibility or, alternatively, delegating such responsibility to their DFODs or AFODs (in which case, FODs nevertheless retain overall responsibility for their office's compliance with this directive regardless of delegating signatory responsibility to DFODs or AFODs); and
- 5) Ensuring that DRO field personnel within their respective areas of responsibility who will be assigned to make parole determinations are familiar with this directive and corresponding legal authorities.

7.4. **DRO Deputy Field Office Directors** are responsible for reviewing, and forwarding for their respective FODs' approval, parole decisions prepared by their subordinates in the cases of arriving aliens found to have a credible fear of persecution or torture. Alternatively, DFODs delegated responsibility under paragraph 7.3 of this directive are responsible for discharging final decision-making authority over parole determinations in such cases within their respective areas of responsibility.

7.5. **Assistant Field Office Directors** are responsible for reviewing, and forwarding for their respective DFODs' or FODs' approval, parole decisions prepared by their subordinates in the cases of arriving aliens found to have a credible fear of persecution or torture. Alternatively, AFODs delegated responsibility under paragraph 7.3 of this directive are responsible for discharging final decision-making authority over parole determinations in such cases within their respective areas of responsibility.

7.6. As applicable, **DRO field personnel** so assigned by their local chains-of-command are responsible for providing detained arriving aliens found to have a credible fear with the attached *Parole Advisal and Scheduling Notification* and for fully and accurately completing the attached *Record of Determination/Parole Determination Worksheet* in accordance with this directive and corresponding legal authorities.

## 8. PROCEDURES.

8.1. As soon as practicable following a finding that an arriving alien has a credible fear, the DRO Field Office with custody of the alien shall provide the attached *Parole Advisal and Scheduling Notification* to the alien and explain the contents of the notification to the alien in a language he or she understands, through an interpreter if

necessary. The Field Office will complete the relevant portions of the notification, indicating the time when the alien will receive an initial interview on his or her eligibility for parole and the date by which any documentary evidence the alien wishes considered should be provided, as well as instructions for how any such information should be provided.

- 8.2 Unless an additional reasonable period of time is necessary (e.g., due to operational exigencies or an alien's illness or request for additional time to obtain documentation), no later than seven days following a finding that an arriving alien has a credible fear, a DRO officer familiar with the requirements of this directive and corresponding legal authorities must conduct an interview with the alien to assess his or her eligibility for parole. Within that same period, the officer must complete the *Record of Determination/Parole Determination Worksheet* and submit it for supervisory review. If the officer concludes that parole should be denied, the officer should draft a letter to this effect for the FOD's, DFOD's, or AFOD's signature to be provided to the alien or the alien's representative and forward this letter for supervisory review along with the completed *Record of Determination/Parole Determination Worksheet*. The letter must include a brief explanation of the reasons for denying parole and notify the alien that he or she may request redetermination of parole based upon changed circumstances or additional evidence relevant to the alien's identity, security risk, or risk of absconding.
- 8.3. An alien should be paroled under this directive if DRO determines, in accordance with paragraphs (1) through (4) below, that the alien's identity is sufficiently established, the alien poses neither a flight risk nor a danger to the community, and no additional factors weigh against release of the alien.

1) Identity.

- a) Although many individuals who arrive in the United States fleeing persecution or torture may understandably lack valid identity documentation, asylum-related fraud is of genuine concern to ICE, and DRO must be satisfied that an alien is who he or she claims to be before releasing the alien from custody.
- b) When considering parole requests by an arriving alien found to have a credible fear, Field Office personnel must review all relevant documentation offered by the alien, as well as any other information available about the alien, to determine whether the alien can reasonably establish his or her identity.
- c) If an alien lacks valid government-issued documents that support his or her assertion of identity, Field Office personnel should ask whether the alien can obtain government-issued documentation of identity.

- d) If the alien cannot reasonably provide valid government-issued evidence of identity (including because the alien reasonably does not wish to alert that government to his or her whereabouts), the alien can provide for consideration sworn affidavits from third parties. However, third-party affiants must include copies of valid, government issued photo-identification documents and fully establish their own identities and addresses.
- e) If government-issued documentation of identity or third-party affidavits from reliable affiants are either not available or insufficient to establish the alien's identity on their own, Field Office personnel should explore whether the alien is otherwise able to establish his or her identity through credible statements such that there are no substantial reasons to doubt the alien's identity.

2) Flight Risk.

- a) In order to be considered for release, an alien determined to have a credible fear of persecution or torture must present sufficient evidence demonstrating his or her likelihood of appearing when required.
- b) Factors appropriate for consideration in determining whether an alien has made the required showing include, but are not limited to, community and family ties, employment history, manner of entry and length of residence in the United States, stability of residence in the United States, record of appearance for prior court hearings and compliance with past reporting requirements, prior immigration and criminal history, ability to post bond, property ownership, and possible relief or protection from removal available to the alien.
- c) Field Office personnel shall consider whether setting a reasonable bond and/or entering the alien in an alternative-to-detention program would provide reasonable assurances that the alien will appear at all hearings and depart from the United States when required to do so.
- d) Officers should exercise their discretion to determine what reasonable assurances, individually or in combination, are warranted on a case-by-case basis to mitigate flight risk. In any event, the alien must be able to provide an address where he or she will be residing and must timely advise DRO of any change of address.

3) Danger to the Community.

- a) In order for an alien to be considered for parole, Field Office personnel must make a determination whether an alien found to have a credible fear poses a danger to the community or to U.S. national security.
- b) Information germane to the determination includes, but is not limited to, evidence of past criminal activity in the United States or abroad, of activity contrary to U.S. national security interests, of other activity giving rise to concerns of public safety or danger to the community (including due to serious mental illness), disciplinary infractions or incident reports, and any criminal or detention history that shows that the alien has harmed or would likely harm himself or herself or others.
- c) Any evidence of rehabilitation also should be weighed.

4) Additional Factors.

- a) Because parole remains an inherently discretionary decision, in some cases there may be exceptional, overriding factors that should be considered in addition to the three factors discussed above. Such factors may include, but are not limited to, serious adverse foreign policy consequences that may result if the alien is released or overriding law enforcement interests.
- b) Field Office personnel may consider such additional factors during the parole decision-making process.

- 8.4. Assigned DRO officers should, where appropriate, request that parole applicants provide any supplementary information that would aid the officers in reaching a decision. The *Record of Determination/Parole Determination Worksheet* should be annotated to document the request for supplementary information and any response from the detainee.
- 8.5. After preparing and signing the *Record of Determination/Parole Determination Worksheet*, and in the case of a denial of parole, drafting a written response to the alien, the assigned DRO officer shall forward these materials and the parole request documentation to his or her first-line supervisor for review and concurrence.
- 8.6. Upon his or her concurrence, the first-line supervisor shall sign the *Record of Determination/Parole Determination Worksheet* where indicated and forward it, along with any related documentation, to the FOD (or, where applicable, the DFOD or AFOD) for final approval.
- 8.7. The FOD (or, where applicable, the DFOD or AFOD) shall review the parole documentation, consult with the preparing officer and supervisor as necessary, and

either grant or deny parole by signing the *Record of Determination/Parole Determination Worksheet* where indicated and, in the case of a denial, signing the written response to the alien.

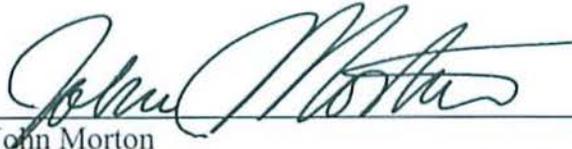
- 8.8. Following a final decision by the FOD to deny parole (or, where applicable, the DFOD or AFOD), the Field Office shall provide the written response to the alien or, if represented, to the alien's legal representative, indicating that parole was denied. If parole is granted, the Field Office shall provide the alien with a date-stamped I-94 Form bearing the following notation: "**Paroled under 8 C.F.R. § 212.5(b). Employment authorization not to be provided on this basis.**"
- 8.9. If an alien makes a written request for redetermination of an earlier decision denying parole, the Field Office may, in its discretion, reinterview the alien or consider the request based solely on documentary material already provided or otherwise of record.
- 8.10. The supporting documents and a copy of the parole decision sent to the alien (if applicable), the completed *Record of Determination/Parole Determination Worksheet*, and any other documents related to the parole adjudication should be placed in the alien's A-file in a record of proceeding format. In addition, a copy of the *Record of Determination/Parole Determination Worksheet* shall be stored and maintained under the authority of the FOD for use in preparing monthly reports.
- 8.11. On a monthly basis, FODs shall submit reports to the Assistant Director for Operations, or his or her designee, detailing the number of parole adjudications conducted under this directive within their respective areas of responsibility, the results of those adjudications, and the underlying basis of each Field Office decision whether to grant or deny parole. The Assistant Director for Operations, or his or her designee, in conjunction with appropriate DRO Headquarters components, will analyze this reporting and collect individual case information to review in more detail, as warranted. In particular, this analysis will rely on random sampling of all reported cases for in-depth review and will include particular emphasis on cases where parole was not granted because of the presence of additional factors, per paragraph 8.3(4) of this directive. Any significant or recurring deficiencies identified during this monthly analysis should be explained to the affected Field Office, which will take appropriate corrective action.
- 8.12. At least once every six months, the Assistant Director for Operations, or his or her designee, shall prepare a thorough and objective quality assurance report, examining the rate at which paroled aliens abscond and the Field Offices' parole decision-making, including any noteworthy trends or corrective measures undertaken based upon the monthly quality assurance analysis required by paragraph 8.11 of this directive.

9. **ATTACHMENTS.**

- *Parole Advisal and Scheduling Notification.*
- *Record of Determination/Parole Determination Worksheet.*

10. **NO PRIVATE RIGHTS CREATED.** This directive is an internal policy statement of ICE. It is not intended to, shall not be construed to, may not be relied upon to, and does not create, any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

Approved:



John Morton

Assistant Secretary

U.S. Immigration and Customs Enforcement