

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

11012.1: Stakeholder Detention Facility Tours, Visitation, or Tours with Visitation

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Superseded: NONE

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1. **Purpose/Background.** The purpose of this directive is to provide Enforcement and Removal Operations (ERO) Field Office Directors, or their supervisory designees, and field offices with policy, procedures, and forms to facilitate detention facility tours, visitation, or tours *with* visitation (tour/visit) for non-governmental organizations (NGOs) and other agency stakeholders.

This directive does not supplant other visitation procedures found in the applicable Immigration and Customs Enforcement (ICE) detention standards. This directive applies to all Service Processing Centers (SPCs), Contract Detention Facilities (CDFs), dedicated Inter-Governmental Service Agreement (IGSA) facilities, and to the extent practicable, other ICE detention facilities.

This directive does not apply to (1) Legal Orientation Program or Know Your Rights presentation providers; (2) law firms, organizations, or sole attorney practitioners providing or seeking to provide legal representation; and (3) health care practitioners with a request from a detainee's counsel to conduct an examination relevant to the detainee's case.

2. **Policy.** In fulfillment of the agency's detention reform goals of providing more transparency and accountability in the detention process, ERO will maintain an open and transparent approach to its detention program through managed access of stakeholders participating in approved tours, visits, or tours with visitation. ERO will generally approve stakeholder requests for tours, visits or tours with visitation, in circumstances where personnel is available, advance notice has been provided, and there are no concerns regarding safety and/or security
3. **Definitions.** The following definition applies for purposes of this directive only:
 - 3.1. **Consent form.** A consent form is a document provided to a detainee by a stakeholder informing the detainee about how the stakeholder may use or share the information he or she provides. A consent form should be completed by both the individual detainee and the stakeholder prior to any formal conversation.
 - 3.2. **Stakeholders.** Stakeholders include, but are not limited to, community service organizations, intergovernmental entities (e.g., United Nations High Commissioner for Refugees), faith-based organizations, members of academia, and legal representatives/associations/groups (e.g., pro bono legal service provider groups).

4. Responsibilities.

4.1. Field Office Directors (FODs), or their supervisory designees, are responsible for:

- 1) Ensuring that field office personnel and facility staff follow the procedures in this Directive for detention facility tours/visits;
- 2) Ensuring that stakeholders comply with their responsibilities for detention facility tours/visits; and,
- 3) Consulting with the Office of State, Local, and Tribal Coordination (OSLTC), division of Public Engagement (the principal ICE Headquarters office in charge of agency outreach to NGOs and other public stakeholders) regarding any concerns they may have regarding a NGO or stakeholder.

4.2. Office of State, Local, and Tribal Coordination (OSLTC), division of Public Engagement is responsible for forwarding any requests it receives from a stakeholder for a facility tour, visit, or tour/visit to the relevant FOD for approval or denial.

5. Procedures.

5.1. Request Package.

- 1) The FOD, or his/her supervisory designee, shall provide stakeholders with instructions on submitting a written request to the FOD or his/her supervisory designee, or ICE Headquarters (i.e., OSLTC, Public Engagement) for a tour, visitation or a tour with visitation (see Attachment 7.1). The FOD, or his/her supervisory designee, shall also provide stakeholders the Stakeholder Code of Conduct Form (see Attachment 7.4) OSLTC will promptly forward stakeholder requests sent to ICE Headquarters to ERO for consideration.
- 2) The FOD, or his/her supervisory designee, shall comply with Department of Homeland Security (DHS) security requirements when sending Sensitive Personally Identifiable Information (PII) (e.g., name, date of birth, Social Security Number, home address) by email. PII must be encrypted unless the individual to whom the information pertains has authorized DHS to send the information unencrypted.
- 3) The FOD, or his/her supervisory designee shall review the consent form (supplied by the stakeholder), a signed Stakeholder Code of Conduct for each stakeholder, and the completed ICE Stakeholder Visitation Notification Flyer (see Attachment 7.2) to ensure that the content does not depict, describe, encourage, or promote activities that could lead to physical violence or facility disruption. The FOD, or his/her supervisory designee, field office personnel, and the facility staff are not responsible for overseeing the content of the consent form or ensuring that the detainee and the stakeholder have completed it.

5.2. Action on the Request.

- 1) The FOD, or his/her supervisory designee, may consult with OSLTC Public Engagement regarding any concerns with the pending request.
- 2) The FOD, or his/her supervisory designee, will generally approve stakeholder requests for tours, visits or tours with visitation, in circumstances where personnel is available, advance notice has been provided, and there are no concerns regarding safety and/or security.
- 3) If the requested facility does not have adequate personnel to staff a tour with visitation on the same business day, as requested, the FOD, or his/her supervisory designee, will work with the stakeholder to accommodate different dates for the tour or visitation.
- 4) If the tour/visit is approved, the FOD, or his/her supervisory designee, or OSLTC shall promptly notify the NGO or stakeholder.
- 5) If denied, the FOD, or his/her supervisory designee, shall promptly provide a written explanation, to include the basis for the denial (e.g., security, resources issues).

5.3. Posting of Notification and Sign-Up Sheet. The FOD, or his/her supervisory designee, shall ensure:

- 1) At least 48 hours in advance of a stakeholder visitation, the facility staff posts an approved ICE Stakeholder Tour/Visit Notification Flyer and ICE Sign Up Sheet (see Attachments 7.2 and 7.3) in the facility in appropriate locations (e.g., message boards, housing areas).
- 2) The facility staff are aware that they may make appropriate oral announcements to detainees (e.g., announcement during meal times) regarding the stakeholder visitation.
- 3) The facility staff are aware that they are not required to inform a detainee's attorney that a stakeholder will tour/visit the facility (see Attachment 7.5).

5.4. Procedures for Visitation. The FOD, or his/her supervisory designee, shall ensure:

- 1) On the day of the visitation, the facility staff gives the stakeholder access to pre-identified detainees or detainees who have signed up in advance to speak with the stakeholder.
- 2) The facility staff arranges for the visitation to occur in a pre-determined common area or space.
- 3) The facility staff are aware that they may maintain a physical presence in the meeting room to maintain safety and security; however, private meeting rooms may be used, if available.

6. **Authorities/References.**

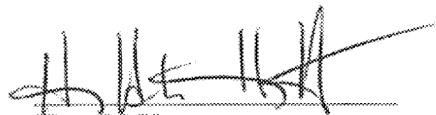
- 6.1. *Handbook for Safeguarding Sensitive PII*, located on DHS's website (<http://dhsconnect.dhs.gov>).
- 6.2. Memorandum from OPLA Ethics Office, titled "Communication with represented detainees and solicitations by attorneys," dated October 6, 2010.

7. **Attachments.**

- 7.1. Stakeholder Procedures for Requesting a Detention Facility Tour and/or Visitation.
- 7.2. ICE Stakeholder Tour/Visit Notification Flyer.
- 7.3. ICE Sign Up Sheet.
- 7.4. ICE Stakeholder Visitor Code of Conduct.
- 7.5. Memorandum from OPLA Ethics Office, titled "Communication with represented detainees and solicitation by attorneys," dated October 6, 2010.
8. **No Private Right.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



Gary Mead
Executive Associate Director
Enforcement and Removal Operations



Harold Hurtt
Assistant Director
Office of State, Local and Tribal Coordination