



U.S. Immigration
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ICE | ERO

Virtual Attorney Visitation (VAV) Program

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Relevant Detention Standards

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Detention Standards pertaining to Legal Access require that detainees have confidential contact with attorneys and their authorized representatives in person, on the telephone, and through correspondence; and that they have access to information and resources that inform their immigration court case.



Operations Manual ICE Performance Based National Detention Standards (PBNDS)

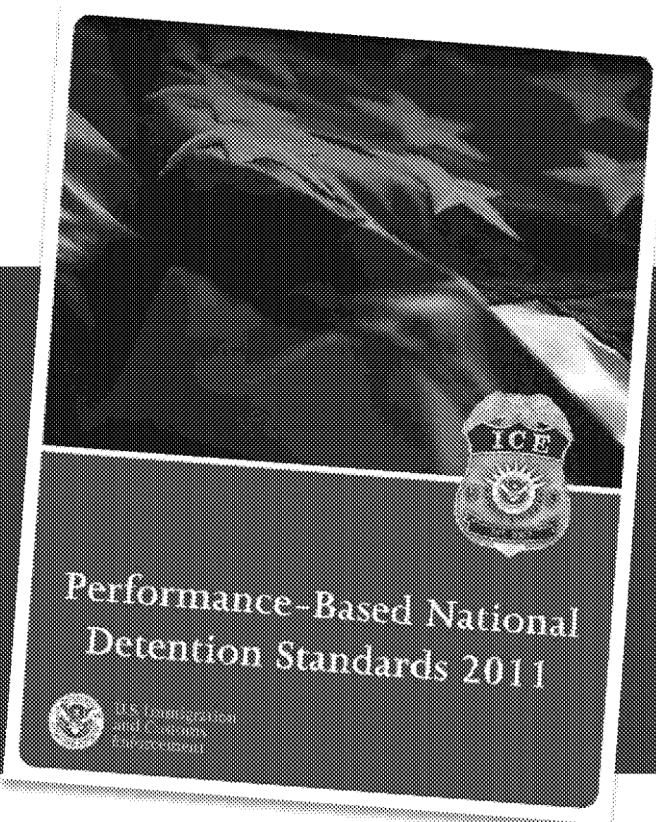
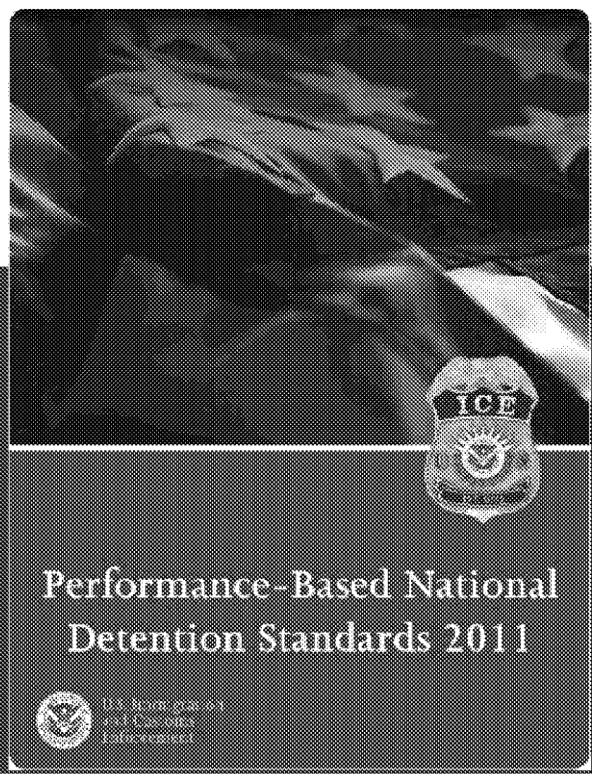
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Detention Standards related to legal visitation require that detainees shall be able to meet with their legal representatives and consular officials, within the constraints of the safety, security and good order of the facility.

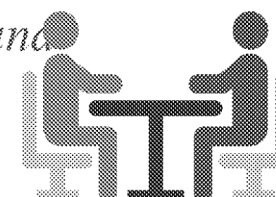
Definition of Legal Visitation *PBNDS 2011 5.7(V)(A)(2); PBNDS 2008 5.32(V)(A) & (J)(1); NDS 2019 5.5(II)(G)(1)*

- May meet privately with current or prospective legal representatives and their legal assistants.
- Includes attorneys, other representatives, legal assistants.



Persons Allowed to Visit *PBNDS 2011 5.7(V)(J)(3); PBNDS 2008 5.32(V)(J)(3); and NDS 2019 5.5(II)(G)(3)*

- **Attorneys and other legal representatives** (including non-immigration)
 - Legal representatives may include **law students or graduates** not yet admitted to the bar, **accredited officials, non-US attorneys.**
- **Legal Assistants** – with a letter of authorization from the legal representative overseeing assistant
- **Translators and Interpreters** - may accompany legal representatives and legal assistants
- **Messengers** - may **deliver documents** to/from facilities but **may not visit detainees.**





Visiting Rules and Hours PBNDS 2011 5.7 (V)(B) & (C) and (J)(11) & (15); PBNDS 2008 5.32(V)(B); (C); and (J)(2) and (12); NDS 2019 5.5 (II)(G)(2), (11), and (13)

- **Written visiting procedures**, including a schedule and hours for visitation, shall be established, included in the detainee handbook, posted in the facility, and made available to the public
- **Legal visitation** shall be permitted **7 days a week**, including holidays, for **at least 8 hours per day on regular business days**, and a **minimum of 4 hours per day on weekends and holidays**
- **May proceed through scheduled meal periods** on regular business days
- Facilities may **consider requests for extended visits or visits outside normal hours**
- Detainees in **administrative and disciplinary segregation shall be allowed legal visitation**

Identification PBNDS 2011 5.7(V)(J)(4) & (7); PBNDS 2008 5.32(V)(J)(4), (5), and (7); NDS 2019 5.5(II)(G)(4), (5), (9)

- **Bar card, document from DOJ or EOIR** demonstrating partial or full accreditation, or **letter from the legal representative** under whom the individual is working
- **Submission of A-number** by legal representative or assistant **not required for visit**
- **G28 not required** for non-immigration legal matters or consultations



Privacy & Confidentiality PBNDS 2011 5.7 (V)(J)(9); PBNDS 2008 5.32 (V)(J)(9) & (13); NDS 2019 5.5 (II)(G)(8)

- Meetings with legal representatives and legal assistants are **confidential and not subject to auditory supervision; private consultation rooms** shall be available for these meetings.
- Unless requested by the legal representative, **staff shall not be present in the confidential area during the meeting.**



- **Staff may observe visually** through a window or camera, but **may not overhear**
- If private conference rooms are in use, an attorney's **request for use of an alternate room shall be accommodated** to the extent practicable and given the **greatest amount of privacy possible.**
- Upon request, **confidential meetings with a legal representative/assistant and two or more detainees shall be granted** to the greatest extent possible.



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Program Overview

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Program Overview:

Located in 11 detention facilities nationwide, the Virtual Attorney Visitation (VAV) program facilitates confidential attorney-client through virtual technology (e.g., Skype, Teams, Webex, Gettingout.com). The program is not a substitute for in-person meetings, but it does provide an alternative for attorneys to communicate with clients in a timely and efficient manner, especially when in-person visitation is not possible or practicable.

Program Sites:

Adelanto (LOS AOR)*

Aurora Detention Facility (DEN AOR)

Folkston ICE Processing Center (ATL AOR)

Irwin County Detention Center (ATL AOR)

Stewart Detention Center (ATL AOR)

Jena/LaSalle Detention Center (NOL AOR)

Pine Prairie Correctional Center (NOL AOR)

South Texas ICE Processing Center (SNA AOR)

Hutto (SNA AOR)

Imperial (SND AOR)

Houston CDF (HOU AOR)

Otay Mesa (SND AOR)



Privacy Booths
Desktop Computer
Webex



Private Room
Desktop Computer
Skype



Private Room (Dual Purpose)
Tablet
Gettingout.com App



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Best Practices for Implementing VAV

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Implementation VAV may include:

- Designation of at least one (1) room per facility, outfitted with video equipment or tablets, that affords privacy and allows confidential video and audio communication between detainees and legal representatives.
- Established protocol for secured monitoring of the VAV rooms by ensuring visibility of detainee through windowed doors or other alternative.
- Established system and protocol which allows attorneys to contact the facility and schedule VAV visitation at least 24-hours in advance.
- Develop a clear policy that states the protocols and standards for virtual visitation are the same as those for in-person legal visitation (e.g. who may visit, confidentiality, etc.).



Process for Scheduling VAV Meetings:

- Require that requests for virtual meetings be made at least 24 hours in advance.
- Schedule meetings in 30 to 60-minute increments and advise legal representatives how many meetings they may schedule and how often.
- Require (per the standards) that legal representatives show appropriate identification, such as a bar card from any state, or other available documentation demonstrating bar membership, as is required for in-person visits.
- Designate contract staff to coordinate and supervise virtual attorney visits and manage scheduling.
- Post scheduling process and other related procedures on the facility page on ICE.gov.



Folkston ICE Processing Center Process for Scheduling a Virtual Attorney Client Visit:

Video Teleconferencing

Legal representatives may request video teleconference (VTC) meetings or confidential legal phone calls with their clients or prospective clients by email at GA231Court@thegeogroup.onmicrosoft.com. The FIPC court officers will email back with a confirmed date and time. Please see the flyer for details.

The email should include:

- Legal representative's full name
- Legal representative's contact information, including phone number(s), email address, and Skype ID
- Detainee's name
- Detainee's alien number
- A few proposed times/dates for the requested VTC session
- A scan of the legal representative's government issued identification
- A scan of the legal representative's identification or documentation reflecting their status as an active legal representative, such as a state bar card, attorney license, paralegal license, or similar legal status.
- A scan of the attorney's DHS Form G-28 (unless this is a pre-representational)
- If a legal assistant is the only legal representative to join the call, the email should also attach a letter of authorization on the firm's/organization's letterhead and a scan of the assistant's identification.

Legal representatives may also schedule VTC meetings or calls by dialing (912) 496-6771 for the court room officer responsible for scheduling.

All appointments for VTC meetings or phone calls should be made 24 hours prior to the desired appointment time. Appointments are scheduled 8 a.m. to 4 p.m. and are in 60-minute increments. Legal representatives are not limited on the number of VTC appointments they can request, but no legal representative is permitted more than one 60-minute appointment with a detainee in a single day.

The same guidelines for in-person attorney/client visits will apply to VTC meetings and legal calls. Only legal representatives, legal assistants, and interpreters will be allowed; no family or friends of the clients are permitted. The attorney and/or his/her agents may contact outside interpretation services during the call or session. The sessions will be confidential; a visitation officer will be stationed outside of the confidential room to ensure security by standing out of earshot but within eyeshot. The officer will knock 5 minutes before the call off time.



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Program Benefits

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Benefits of the VAV program include:

- Helps meet the expected outcomes as outlined in ICE detention standards.
- Increases efficiencies in the court process and grants ICE more flexibility in scheduling visiting hours and expanding visiting opportunities.
- Ensures that legal representatives have continued access to clients even during emergencies, such as infectious outbreaks.
- Reduces the drive, wait, and security processing times for legal representatives to meet with clients in-person.
- Ensures compliance with the Parental Interests Directive requirements for visitation by providing a mechanism for video or teleconference participation in child welfare and family court proceedings and visitation when in-person appearance and visitation is not possible.



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How Legal Access HQ Can Assist in Implementation

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The Legal Access Team at HQ can assist with implementation of VAV in various ways, including:

- Liaising with OAQ, OAFM (for SPCs), OCIO, CMD and field office leadership as needed to assist with incorporating VAV requirements language into detention contracts; trouble-shooting spatial and/or security & staffing concerns; and helping with the overall rollout of the program.
- Conducting market research and helping with independent government cost estimates for implementing VAV based on the facility's desired rollout plan.
- Creating flyers, materials, and procedures for field office and facility administrator approval.
- Making best practice recommendations tailored to each facility.



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Cost Estimates

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Cost Estimates of Virtual Attorney Visitation at Facility 3				
Product/Item	Quantity	Price (each)	Total Price	Comments
Teams Account	2	\$0.00	\$0.00	Skype to Skype calls are free anywhere in the world. If you are both using Skype, the call is completely free. Users only need to pay when using premium features like voice mail, SMS texts or making calls to a landline, cell or outside of Skype. *Wi-Fi connection or mobile data plan required
Laptop/Desktop with Camera	2	(b)(7)(E)	(b)(7)(E)	Price is for an HP Chromebook 11A G8- Education Edition - 11.6" 4GB Ram-32
Privacy Booth(s)	2			
	2			
Total Estimated Price at Facility 3			(b)(7)(E)	Facility 3 will have 2 booths for VAV

Cost Breakdown of VAV Privacy Booth at Facility 3		
Left Hand door 36"	2	(b)(7)(E)
Metal Studs 2" x 4" x 8'	30	
Metal Track	3	
Sheetrock 4' x 8'	4	
Screws and Washers (bulk purchase)	1	
Door Hardware	2	
Plexi Glass	1	
Cove Base	1	
Tape and float	1	
5 gallons of Paint	1	
Sound Absorbing Wall Panels	1	
Total Material Cost		
10% contingency		
Estimated Cost		

Costs are dependent upon the method of VAV chosen by the field (constructing privacy booths, utilizing tablets or desktops, etc.) and the available space in the facility.



Cost Estimates of Virtual Attorney Visitation at Facility 1

Product/Item	Quantity	Price (each)	Total Price	Comments
Citrix Account	3	(b)(7)(E)	(b)(7)(E)	Price is for an HP Elitebook 850 GB, 15.6" 1080p screen, 32GB RAM, 256 GB (SED\SSD) Drive Logitech HD Laptop Webcam C615 with Fold-and-Go Design, 360-Degree Swivel, 1080p Camera Facility 1 is installing 3 privacy booths for virtual attorney visitation. The cost for each privacy booth includes shipping and handling costs. Quoted price includes shipping and handling costs
Laptop with Camera	3			
Webcam	3			
Privacy Booth(s)	3			
Stools	3			
			(b)(7)(E)	Facility 1 will have 3 booths for VAV

Cost Estimates of Virtual Attorney Visitation at Facility 2 (facility 2 already had space and didn't require a build out of privacy booths)

Product/Item	Quantity	Price (each)	Total Price	Comments
Skype Account	1	(b)(7)(E)	(b)(7)(E)	Skype to Skype calls are free anywhere in the world. If you are both using Skype, the call is completely free. Users only need to pay when using premium features like voice mail, SMS texts or making calls to a landline, cell or outside of Skype. *Wi-Fi connection or mobile data plan required
Laptop with Camera	1			Price for a Probook 470 G5 HP
Wireless keyboard and mouse	1			Logitech MK270 Wireless Keyboard and mouse
Door Window Kits	1			Window kit
Laptop Tray	1			Locking laptop tray
VAV Location Mod Supplies	1			VAV Location Modifications Supplies- 12-2 MC Cable, bushings, wall plate, duplex plate, double tape, receptacle, CAT 5 insert, drill bits, carriage bolt, lock nuts, Silicone, Sheet of Polycarbonate, Metal Cutting Blade and Wheel, bondo, hardener, spreader, Plexiglass Cover, etc
			(b)(7)(E)	Facility 3 will have one VAV Location



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Field Perspectives

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- Per former DFOD Sterling of the ATL AOR: “ICE has no complaints. With the exception of SPLC, the private bar loves it and states that it is more convenient for them to utilize than going through security at the facility and traveling to remote locations. Running virtual attorney visitation at the facility requires one position, but for the goodwill among attorneys it is a small price to pay...the only complication with [VAV} is getting signatures since this cannot be done remotely.”
- Per SDDO Hodges in the NOL AOR: “Virtual attorney visitation is very convenient and during this time with COVID it keeps people out. The less people coming and going the better not just for COVID but for the FLU etc. The only concern is with space and staffing. In some of the facilities space is a premium so to convert offices into private VTC/Skype rooms is and could be a concern. Also depending on the set up, extra staff is needed. But over all it is very beneficial.”



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VAV Resources

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Virtual Attorney Visitation Program



at IRWIN COUNTY DETENTION CENTER

Overview

U.S. Immigration and Customs Enforcement (ICE) detention standards require that detainees in ICE facilities be allowed confidential contact with attorneys and their authorized representatives. In an effort to facilitate improved detainee access to legal representatives, ICE is spearheading the implementation of VAV in detention facilities nationwide. VAV, which facilitates confidential attorney-client conversations through virtual technology (for example, through Skype), does not substitute for in-person meetings, but it does provide an alternative for attorneys to communicate with clients in a timely and efficient manner.



Implementation of Virtual Attorney Visitation may include:

- Designation of at least one (1) room per facility for VAV, outfitted with video equipment or tablets, that affords privacy and allows confidential video and audio communication between detainees and legal representatives. Willingness and ability to expand video visitation to two (2) or more rooms per facility, if necessary.
- Established protocol for secured monitoring of the VAV rooms by ensuring visibility of detainees through windowed doors or other alternative.
- Allow at least four (4) hours per day for detainee accessibility of VAV
- Established system and protocol which allows attorneys to contact the facility and schedule VAV visitation at least 24-hours in advance.
- Willingness and ability to use the video visitation equipment for separated parent/child visitations, contingent upon availability.

Process for requesting a virtual legal visit at Irwin:

- Requests for virtual meetings will require 24 hours advance notice and will be scheduled in 30 to 60-minute increments. Requests can be made at Irwinice@irwindc.com or 229-468-4121 ext. 251 or 252.
- Per the standards, the legal representative will be required to show appropriate identification, such as a bar card from any state, or other available documentation demonstrating bar membership, as is required for in-person visits.
- Contract staff will coordinate and supervise virtual attorney visits and manage scheduling.

Irwin will begin accepting requests for virtual legal visits by email.

Irwinice@irwindc.com

For additional questions about this process, please contact Irwin at:

229-468-4121 ext. 251 or 252



Virtual Attorney Visitation Program



at T DON HUTTO RESIDENTIAL DETENTION FACILITY

Overview

U.S. Immigration and Customs Enforcement (ICE) detention standards require that detainees in ICE facilities be allowed confidential contact with attorneys and their authorized representatives. In an effort to facilitate improved detainee access to legal representatives, ICE is spearheading the implementation of VAV in detention facilities nationwide. VAV, which facilitates confidential attorney-client conversations through virtual technology (for example, through Skype), does not substitute for in-person meetings, but it does provide an alternative for attorneys to communicate with clients in a timely and efficient manner.



Implementation of Virtual Attorney Visitation may include:

- Designation of at least one (1) room per facility for VAV, outfitted with video equipment or tablets, that affords privacy and allows confidential video and audio communication between detainees and legal representatives. Willingness and ability to expand video visitation to two (2) or more rooms per facility, if necessary.
- Established protocol for secured monitoring of the VAV rooms by ensuring visibility of detainees through windowed doors or other alternative.
- Allow at least four (4) hours per day for detainee accessibility of VAV
- Established system and protocol which allows attorneys to contact the facility and schedule VAV visitation at least 24-hours in advance.
- Willingness and ability to use the video visitation equipment for separated parent/child visitations, contingent upon availability.

Process for requesting a virtual legal visit at T Don Hutto:

- Requests for virtual meetings will require 24 hours advance notice and will be scheduled in 30 to 60-minute increments. Requests can be made at
- Per the standards, the legal representative will be required to show appropriate identification, such as a bar card from any state, or other available documentation demonstrating bar membership, as is required for in-person visits.
- Contract staff will coordinate and supervise virtual attorney visits and manage scheduling.

T Don Hutto will begin accepting requests for virtual legal visits by email:



For additional questions about this process, please contact the T Don Hutto Residential Detention Facility at:



CPD has template flyers available for customization on ICE.gov:

(b)(7)(E)



The flyer for detainees provides information about the program. It can be edited to provide facility specific information. It is also translated into 7 languages (Spanish, Portuguese, Russian, Vietnamese, Chinese, French, and Arabic)

The flyer is titled "Virtual Attorney Visitation" and "VAV". It features the U.S. Department of Homeland Security logo at the top left. The main text is in English, with translations in Spanish, Portuguese, Russian, Vietnamese, Chinese, French, and Arabic. The English text states: "Please note [facility] has the capability for virtual attorney client visitation. Requests for virtual legal visits can be made by legal representatives by calling [phone number] or emailing [email address]. Virtual Attorney client visits are free of charge and permit confidential contact via Skype or the gettingout.com application with attorneys and their authorized representatives." It also lists supported languages: English, Spanish, Portuguese, Russian, Vietnamese, Chinese (simplified), French, and Arabic. The flyer includes an image of a person at a computer and icons for a telephone and an envelope. At the bottom, there are two empty rectangular boxes, likely for facility-specific information.



U.S. Immigration and Customs Enforcement

Questions

