



U.S. Immigration
and Customs
Enforcement

JUN 28 2005

MEMORANDUM FOR: Field Office
Directors

FROM: Wesley J. Lee
Acting
Director

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SUBJECT: Alternatives to Detention Programs (ATDP) Enrollment Guidance

Purpose

This memorandum clarifies field guidance regarding the use of the Intensive Supervision Appearance Program (ISAP) and Electronic Monitoring Program (EMP) for aliens not subject to mandatory detention.

Background

The recent field guidance regarding the eligibility criteria for aliens placed into Alternatives to Detention Programs (ATDPs) within the Office of Detention and Removal Operations (DRO) may be updated or clarified, as needed. As discussed in the attached memorandum, ATDPs were designed to provide expanded options in lieu of formal detention for adult aliens, while continuing to closely monitor them throughout the removal process. ISAP and EMP represent two of the recent programs that have been developed to accomplish this goal.

Discussion

ISAP and EMP are not programs requiring an alien to volunteer to participate. Both programs are specific conditions of release DRO may require in order for an alien to be released from custody. Failure of the alien to comply with the program requirements may result in increased supervision restrictions including the alien's return to detention.

Careful screening of aliens not subject to mandatory detention should occur to determine the

appropriate levels of supervision required for each individual alien. In field offices participating in ISAP, its use should be maximized to provide intensive case management, improved appearance rates as required at immigration court, and increased compliance with removal or voluntary departure orders. For those sites not participating in ISAP, consideration of the use of electronic for monitoring technology (EMP) should be a priority. As always, conditions of release must be explained to the alien and noted clearly on the release paperwork.

Please direct any questions or concerns regarding these programs to (b)(6),(b)(7)(C) Acting Chief, Alternatives to Detention Unit, Office of Detention and Removal Operations via e-mail or phone at (202) 353-██████████

Attachment



U.S. Immigration
and Customs
Enforcement

MAY 11 2005

MEMORANDUM FOR: Field Office Directors

FROM: Wesley J. Lee
Acting Director

A handwritten signature in black ink, appearing to read "W. Lee", positioned to the right of the typed name "Wesley J. Lee".

SUBJECT: Eligibility Criteria for Enrollment into the Intensive Supervision
Appearance Program (ISAP) and the Electronic Monitoring Device
(EMD) Program

Purpose

To specify eligibility criteria for enrollment of an individual into the Intensive Supervision Appearance Program (ISAP) and the Electronic Monitoring Device (EMD) Program.

Background

The recent development and growth of Alternatives to Detention Programs (ATDPs) within the Office of Detention and Removal Operations (DRO) requires a consistent national policy related to enrollment criteria. ATDPs were designed to provide expanded options for release of adult aliens, by assisting officers in closely monitoring aliens released into the community. ISAP and EMD represent two of the recent programs that have been developed to accomplish this goal. Each individual case is reviewed carefully to determine whether an ATDP should be employed and, if so, the appropriate program and level of supervision are selected.

Both programs provide supervision tools such as curfews and electronic monitoring devices for individuals released from detention. However, ISAP also provides additional community-based supervision including intensive case management. The case management involved in ISAP includes structured reporting requirements and unscheduled home visits. Both ISAP and EMD have their eligibility criteria set forth in a placement or risk matrix worksheet when an individual is being screened for release from custody. However, as discussed below, there are additional criteria that apply when considering a non-detained individual for enrollment into either of these programs for a violation of conditions of release.

General Discussion of ISAP and EMD Programs

The EMD program consists of two monitoring systems. The first, Telephonic Reporting (TR) is a call-in system utilizing voice recognition. This supervision tool may be used as an added condition of release from detention or for supplementing in-person reporting requirements. It is available nationwide and may be used to increase the levels of reporting while under supervision to include reporting daily, weekly, or monthly, as appropriate. This method of reporting is beneficial for the participant as well as the officer because it frequently decreases in-person reporting requirements.

The second EMD tool is Radio Frequency (RF) monitoring. RF is a home curfew system that uses an electronic bracelet. This program has a specific worksheet that determines eligibility for placement into the RF program. It is primarily focused on aliens who are being considered for release from detention.

ISAP is the newest of the ATDPs that are available as a tool for supervised release. The population that is eligible for ISAP is specifically addressed within the electronic ISAP placement worksheet. This program includes a highly-structured supervision model that requires a case specialist to closely supervise a small caseload of participants, utilizing a variety of control and supervision tools such as: weekly schedules, electronic bracelet monitoring, home visits, alien reporting, decreasing levels of restrictions as participants demonstrate compliance, and community collaborations that support the participant. This program is offered within the geographic proximity of the following eight sites: Philadelphia, Baltimore, Miami, Kansas City, MO, Denver, San Francisco, St. Paul, and Portland, OR.

Special Factors When Considering a Non-Detained Alien for ISAP or EMD

Due to the intensive supervision of individuals participating in RF monitoring and ISAP, careful case-by-case reviews must occur when determining their use for individuals not complying with their release conditions. When considering a non-detained alien for RF monitoring or ISAP due to violations of the conditions of release, apply additionally the following criteria:

- (1) The nature of the conditions of release violation should be made clear to the alien, and the alien should be given a chance to explain the violation. The officer should consider whether it would be appropriate to give the alien another chance to comply with the conditions of release before seeking to place the alien on RF monitoring or ISAP. Officers should take into account all relevant factors, including the nature of the violation, history of past violations, and the explanation offered by the alien. A record of this decision, including a brief summary of the alien's explanation and the officer's reasoning, should be placed in the A-file.
- (2) If the *only* condition of release the alien has violated is related to the alien's efforts to obtain a travel document or assist ICE in obtaining a travel document, then the alien generally should not be placed on RF monitoring or ISAP if the alien's full compliance with the conditions of release would have little or no chance of resulting in a travel document being issued. This may be the case, for example, where the country in question has consistently refused to issue a travel document in similar circumstances, or where the alien has previously submitted a complete application that has been rejected by the country and there has been no change in

the relevant circumstances.

Use of New Addendum to the Order of Supervision COS)

Attached is an updated addendum to the OS, which is designed to help give the alien more specific written notice of the steps he/she must take to obtain a travel document. Please use this version from now on. The new addendum still has an "other" section where the officer can specify any additional requirements that are particular to an individual case. Immediately above the "other" section, a section has been added that should be checked when ISAP or EMD will be used. The alien should complete the signature and date blocks in this section when agreeing to participate. When an alien is being placed in ISAP or EMD, documents that describe the particular program requirements must be attached to the OS. These will normally be the program documents that the alien signs upon entering the specific program.

As previously mentioned, ISAP and EMD programs are supervision tools designed to assist offices with monitoring individuals released into the community with various reporting requirements. They are interrelated in that they provide varying levels of supervision available for use as appropriate on a case-by-case basis. The proper use of these programs will assist in decreasing the backlog of absconders. Careful review of each case placed into an ATDP will allow for better case management, improved appearance rates as required at immigration court, and increased compliance with removal or voluntary departure orders.

If you have any questions concerning this memorandum, please direct your calls to (b)(6),(b)(7)(C) Acting Chief, Alternatives to Detention Unit, Office of Detention and Removal Operations via e-mail or phone at (202) (b)(6),(b)(7)(C)

Attachments (2)

Alien's Name	File Number	Date
<hr style="border: 0.5px solid black;"/> <p style="text-align: center;"><i>Alien's Signature</i></p> <p style="text-align: center;">Alien's Address</p> <hr style="border: 0.5px solid black;"/> <hr style="border: 0.5px solid black;"/> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">Alien's Telephone Number (if any)</p>		<div style="border: 1px solid black; width: 150px; height: 130px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="margin: 0 auto;">(picture)</div> </div> <div style="margin-top: 10px; text-align: center;"> RIGHT INDEX PRINT <div style="border: 1px solid black; width: 150px; height: 80px; margin: 0 auto;"></div> </div>

PERSONAL REPORT RECORD

DATE	OFFICER	COMMENT/CHANGES

Signature	Title
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File No: _____

Date: _____

Name: _____

That you do not associate with criminals or members of a gang that is known to be involved in criminal activity.

That you register in a substance abuse program within 14 days and provide Immigration and Customs Enforcement (ICE) with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.

That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, the duration and objectives of the program, and the name of a program counselor.

That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency/agencies and provide ICE with written proof of such registration within 10 days.

That you do not commit any crimes or be associated with any criminal activity while on this Order of Supervision.

That you report to a parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.

You must follow all reporting and supervision requirements as mandated by the parole or probation officer.

That you continue to follow any prescribed doctor's orders whether medical or psychological, including taking prescribed medications.

That you make good faith and timely efforts to obtain a travel document and assist ICE in obtaining a travel document.

That you submit a complete application for a travel document to all appropriate Embassies or Consulates, including those representing the countries of _____. You must present ICE with evidence that each Embassy or Consulate to which you apply has received your request and all required documents. This may be done, for example, by mailing your application(s) with a request for return receipt and providing the signed return receipt to ICE, by obtaining a tracking number when you mail your application(s) and providing the number to ICE, or by submitting written confirmation of receipt issued by the Embassy or Consulate.

That you submit your application(s) for a travel document to all appropriate Embassies or Consulates and provide proof of receipt to ICE on or before _____.

That you provide ICE a copy of your application(s) for a travel document that you submit to any Embassy or Consulate, including all supporting documents, photos, and other items provided to the Embassy or Consulate to support your application(s).

File No: _____
Date: _____

Name: _____

on _____, you were ordered:
(Date of final order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

- Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.

- That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.

- That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.

- That you do not travel outside _____ for more than 48 hours without first
(Specify geographic limits, if any)
having notified this Service office of the dates and places of such proposed travel.

- That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.

- That you report in person on the _____ to this Service office at:
(Deportation Section) _____ unless you are granted written permission to report on another date.

- That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.

- Other: _____.

- See attached Sheet Containing Other Specified Conditions (Continue on separate sheet if required)

(Signature of INS official)

(Print name and title of INS official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

(Signature of INS official serving order)

(Signature of alien)

Date

That you provide ICE a copy of all correspondence related to your travel document application(s) that you send to, or receive from, an Embassy or Consulate.

That you contact the Embassy or Consulate within 21 calendar days of making your application(s) to confirm that the information you provided is sufficient.

That you comply with any requests from an Embassy or Consulate for an interview and make good faith efforts to submit further documentation if required by the Embassy or Consulate.

Every time you report in person under this order of supervision, you must inform the local ICE office of all actions you have taken to obtain a travel document. You must provide any available written documentation to ICE regarding these actions and the status of your travel document application(s).

That you provide ICE, upon request, with any and all information relevant to application(s) for a travel document. This may include, but is not limited to, information regarding your family history, including dates of birth, nationalities, addresses, and phone numbers as requested for such persons, whether in your country of nationality and/or citizenship or elsewhere, and your past residences, schools attended, etc.

You will participate in a supervised release program, as described in the attached document. You will comply with the rules and requirements of this program, and cooperate with its administrators.

I agree to comply with the rules, requirements, and administrators in the supervised release program described in the attached document.

Alien's signature _____ Date _____

Other. _____

Any violation of any of the above conditions may result in a fine, more restrictive release conditions, return to detention, criminal prosecution, and/or revocation of your employment authorization document.

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) the contents of this order and addendum, a copy of which has been given to me. I understand that failure to comply with the terms of this order and addendum may subject me to a fine, more restrictive release conditions, detention, criminal prosecution, and/or revocation of my employment authorization document.

(Signature of ICE official serving order)

(Signature of alien)

(date)

Please note that all references in this order/addendum to "INS" or "Service" should now be considered to refer to U.S. Immigration and Customs Enforcement (ICE).

Updated 4/25/2005

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Outprocessing Checklist

Sex Offenders

- Probation/Parole Officer notified.
- Registered as sex-offender as required by state statute within 7 days.
- Victim/Witness Coordinator notified.
- Victim/Witness notified.
- Written Proof of Counseling.

Substance Abusers

- Probation/Parole Officer notified.
- Written Proof of Counseling.

All Aliens

- Parole/Probation Officer notified.
- Obtain address where living and telephone number.
- Enter into IDENT
- NCIC check
- Travel document application

Completed By:

Deportation Officer Date

Concurrence By:

Supervisory Deportation Officer Date