

ICE/DRO DETENTION STANDARD

VISITATION

I. PURPOSE AND SCOPE. This Detention Standard ensures that detainees will be able to maintain morale and ties through visitation with their families, the community, legal representatives, and consular officials, within the constraints of safety, security and good order.

It also ensures that the public may be informed about ICE/DRO detention operations and facilities by permitting non-governmental organizations to have access to non-classified and non-confidential information, to tour facilities; and to interview individual detainees, with permission from ICE/DRO and the detainees themselves.

News media interviews and tours are covered by the Detention Standard on **News Media Interviews and Tours**.

Conjugal visits for ICE/DRO detainees are prohibited.

This Detention Standard applies to the following types of facilities housing ICE/DRO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by DRO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.
- ***Procedures in italics are specifically required for SPCs and CDFs.*** IGSAs must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Some terms used in this document may be defined in the separate **Definitions** Standard.

II. EXPECTED OUTCOMES. The expected outcomes of this Detention Standard are:

1. Detainees will be able to receive visits from their families, associates, legal representatives, consular officials, and others in the community.
2. Visits between legal representatives and assistants and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.
3. Detainees will be advised of their right to contact their consular representatives and receive visits from their consulate officers
4. Detainees will be advised of visiting privileges and procedures as part of the facility's admission and orientation program in a language they can understand.
5. Information about visiting policies and procedures will be readily available to the public.

6. The number of visitors a detainee may receive and the length of visits will be limited only by reasonable constraints of space, scheduling, staff availability, safety, security, and good order. The minimum duration for a visit shall be 30 minutes.
7. Visitors will be required to adequately identify themselves and register to be admitted into a facility, and safety, security and good order will be maintained.
8. A background check will be conducted on all new volunteers prior to their being approved to provide services to detainees.
9. Each new volunteer will complete an appropriate, documented orientation program and sign an acknowledgement of his or her understanding of the applicable rules and procedures and agreement to comply with them.
10. The applicable contents and procedures in this Standard will be communicated to the detainee in a language or manner which the detainee can understand.

III. DIRECTIVES AFFECTED. This Detention Standard replaces **Visitation** dated 9/12/2008.

IV. REFERENCES

American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF: 5B-01, 5B-02, 5B-03, 5B-04, 2A-21, 2A-27, 2A-61, 6A-06, 7B-03, 7C-02, 7F-05, 7F-06.

ICE/DRO Detention Standard on **News Media Interviews and Tours.**

ICE/DRO Detention Standard on **Searches of Detainees**

ICE/DRO Detention Standard on **Disciplinary System**

V. EXPECTED PRACTICES

A. Overview

Facilities that house ICE/DRO detainees shall provide visiting facilities and procedures for detainees to maintain communication with persons in the community. Safety, security and good order are always primary considerations in a detention facility, and visitors must be properly identified and attired and are subject to search upon entering the facility and at any other time. Except as otherwise permitted herein, visitors may not give anything directly to a detainee, although it may be permissible to leave certain items and funds for a detainee with a staff member.

Any violation of the visitation rules may result in disciplinary action against the detainee, and introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor, detainee or both.

As detailed later in this Detention Standard, , there are differences in the various conditions of each visit, including who may visit, when they may visit, how they may be approved to visit and where in the facility they may visit, dependent on the type of visitation.

- Social Visitation. Family, relatives, friends and associates. Minors may be subject to special restrictions. (Paragraph I)
- Legal Visitation. Attorneys, other legal representatives, and legal assistants. (Paragraph J)
- Consultation Visitation. For detainees subject to expedited removal. (Paragraph K)
- Consular Visitation. Similar to legal visitation but with consular officials who have State Department issued identification. (Paragraph L)
- Non-Governmental Organization Visitation and Tours (Paragraph M)
- Community Service Organization Visitation. Representatives of civic, religious, cultural groups, etc. (Paragraph N)
- Other Special Visitation (Paragraph O), such as news media.

B. General

Each facility shall establish written visiting procedures, including a schedule and hours of visitation.

Each facility administrator shall decide whether to permit contact visits, as is appropriate for the facility's physical plant and detainee population. Exceptions to this policy can be made by the facility administrator on a case-by-case basis when compelling circumstances or individual needs or conduct warrant it.

A facility administrator may temporarily restrict visiting when necessary to ensure the security and good order of the facility. Each restriction or denial of visits shall be documented in writing, including the duration of and reasons for the restriction.

C. Notification of Visiting Rules and Hours

Each facility shall:

- Provide written notification of visitation rules and hours in the Detainee Handbook or local supplement given each detainee upon admission, and post those rules and hours where detainees can easily see them. *In SPCs and CDFs, that information shall be posted in each housing unit.*
- Make the schedule and procedures available to the public, both in written form and telephonically. A live voice or recording shall provide telephone callers the rules and hours for all categories of visitation.
- Post that information in the visitor waiting area in English, Spanish, and other major languages spoken in the facility.

D. Visitor Logs

Each facility shall maintain a log of all general visitors, and a separate log of legal visitors, as described below.

In SPCs and CDFs, staff shall record in the general visitors' log:

- *The name and alien-registration number (A-number) of the detainee visited;*
- *The visitor's name and address;*
- *The visitor's immigration status;*
- *The visitor's relationship to the detainee; and*
- *The date, time in and time out.*

E. Incoming Property and Funds for Detainees

In accordance with the Detention Standard on **Funds and Personal Property**, each facility shall have written procedures regarding incoming property and money for detainees. The facility administrator may allow a visitor to leave cash or a money order with a designated staff member for deposit in a detainee's account and must provide the visitor a receipt for all money or property left at the facility. **Under no circumstances may visitors give property or money directly to a detainee.**

The shift supervisor must approve all items that visitors bring for detainees. The visiting room officer may not accept articles or gifts of any kind for a detainee, unless the facility administrator and/or shift supervisor has approved them.

Due to the relatively short length of stay and the fact that ICE/DRO provides all necessities, detainees may receive only minimal amounts of personal property, including:

- Small religious items
- Religious and secular reading material (soft cover)
- Legal documents and papers (in IGSA facilities and SPC/CDFs)
- Pictures (10 maximum), measuring 5" x 7" or smaller
- Prescription glasses
- Dentures
- Personal address book or pages (in IGSA facilities and SPC/CDFs)
- Correspondence
- Wedding rings
- Other items approved by the facility administrator.

F. Sanctions for Violation of Visitation and Contraband Rules

Any violation of the visitation rules may result in disciplinary action against the detainee, including loss of visitation privileges. Visiting privileges can be revoked only through the formal detainee disciplinary process. However, the facility administrator has the authority to restrict or suspend a detainee's ordinary visiting privileges temporarily when there is reasonable suspicion that the detainee has acted in a way that constitutes a threat to safety, security or good order of the facility. The restriction or suspension

must be limited to the time required to investigate and complete the disciplinary process and such time that it takes for a combative and or assaultive detainee to become compliant and non-combative. Each incident will be documented. Legal visitation will be suspended only if necessary to maintain the safety or security of the facility, staff and visitors. ICE cannot unconditionally permit visitation rights in those instances that could jeopardize staff, detainee, and/or a counselor's safety.

A visitor's failure to abide by visiting rules may result in immediate cancellation or termination of a visit and/or suspension of future visitation privileges.

Introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor, detainee or both.

G. Dress Codes for Visitors

If the facility establishes and maintains a dress code for visitors, it shall be made available to the public.

For SPCs and CDFs, the minimum dress code is as follows.

1. Female Visitors Age 12 and Older

- *Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts may be no higher than mid-thigh. Short-shorts, jogging shorts, cut-offs, and other obviously inappropriate short garments are prohibited.*
- *Skirts and dresses shall extend no higher than mid-thigh, seated.*
- *Slits in skirts and dresses shall rise no higher than mid-thigh, seated.*
- *Sheer (see-through) clothing is prohibited.*
- *The top of clothing shall be no lower than the underarm in the front and back. Bare midriffs and strapless tops, tube tops, and swimsuits are prohibited.*
- *Shoes shall be worn at all times.*
- *Recognized gang "colors" and other gang displays are prohibited.*

2. Male Visitors Age 12 and Older

- *Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts may be no higher than mid-thigh. Short-shorts, jogging shorts, cut-offs, and other obviously inappropriate short garments are prohibited.*
- *Shirts shall be worn at all times. Muscle shirts, bare midriff shirts and sleeveless shirts are prohibited.*
- *Shoes shall be worn at all times.*
- *Gang "colors" and other gang displays are prohibited.*

H. Visiting Room Conditions

The facility's visiting areas shall be appropriately furnished and arranged, and as

comfortable and pleasant as practicable. Also as is practicable, space should be provided outside of the immediate visiting areas for the secure storage of visitors' coats, handbags, and other personal items.

The facility administrator shall provide adequate supervision of all visiting areas, and the visiting area officer shall ensure that all visits are conducted in a quiet, orderly, and dignified manner.

I. Visits by Family and Friends

1. Hours and Time Limits

Each facility shall establish a visiting schedule based on the detainee population and the demand for visits. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays, and, to the extent practicable, the facility shall accommodate the scheduling needs of visitors for whom weekends and holidays pose a hardship. The facility may, for example, authorize special visits for family visitors unable to visit during regular hours. Where staff resources permit, the facility may establish evening visiting hours.

To accommodate the volume of visitors within the limits of space and staff resources, and to ensure adequate security, the facility administrator may restrict visits. For example, some or all detainees and visitors may be limited to visiting on Saturday or on Sunday, but not both days. ICE/DRO does not require a facility to permit every visitor to visit on both days of a weekend, nor to permit every detainee to have visits on both days of a weekend. However, to the extent practicable, ICE/DRO encourages the facility administrator to establish visiting hours for each detainee on both days of the weekend, and to try to accommodate visitors who can only visit on a specific weekend day.

The facility's written rules shall specify time limits for visits, **30 minutes minimum**, under normal conditions. ICE/DRO encourages more generous limits when possible, especially for family members traveling significant distances. In unforeseen circumstances, such as the number of visitors exceeding visiting room capacity, the facility administrator may modify visiting periods.

2. Persons Allowed to Visit. Individuals from the following categories may visit, unless they would pose a threat to the security and good order of the institution:

a. Immediate Family

Immediate family may include: Mothers, fathers, stepparents, foster parents, brothers, sisters, step brothers, step sisters, biological and adopted children, stepchildren, foster children, and spouses, including common-law spouses.

Immediate family members detained at the same facility may visit with each other during normal visiting hours regardless of gender when practicable.

b. Other Relatives, Friends and Associates

Other relatives, friends, and associates may include: Grandparents, uncles, aunts, in-laws, cousins, nieces, nephews, non-relatives and friends.

c. Minor Visitors

At facilities where there is no provision for visits by minors, upon request, ICE/DRO shall arrange for a visit by children, stepchildren, and foster children within the first 30 days. After that time, upon request, ICE/DRO shall consider a request for transfer, when possible, to a facility that will allow such visitation. Upon request, ICE/DRO shall continue monthly visits, if transfer is not approved, or until an approved transfer can be effected.

In SPCs and CDFs, staff shall contact the supervisor on duty when a visitor's identity is in question. At the supervisor's discretion, a minor without positive identification may be admitted if the accompanying adult visitor vouches for his or her identity. Minors must remain under the direct supervision of an adult visitor so as not to disturb other visitors, and excessively disruptive conduct by minors may result in termination of the visit.

3. Visitor Identification and Search

Staff shall verify each adult visitor's identity before admitting him or her to the facility. No adult visitor may be admitted without positive photo identification, such as a valid driver's license, unexpired passport or other photo identification.

The facility administrator may establish a procedure for random criminal background and warrant checks for the purpose of ensuring facility safety, security and good order.

Staff shall escort visitors to the visiting room only after completing identification and inspection as provided in the facility's written procedures. All visitors are subject to a personal search, which may include a pat ("pat-down") search as well as a visual inspection of purses, briefcases, packages, and other containers. No person who refuses to be searched may be permitted to visit. Written procedures shall be publicly available to inform visitors that they are subject to search procedures.

In each facility, written procedures shall provide for the prevention, cancellation or termination of any visit that appears to pose a threat to safety, security or good order. Visiting area officers or other staff, who believe a situation poses such a threat, shall alert the shift supervisor or equivalent and the supervisor may prevent, cancel or terminate the visit.

In SPCs and CDFs, the inspecting officer may ask the visitor to open a purse, briefcase, package, and other container for visual inspection of its contents. If warranted, the officer may ask the visitor to remove the contents and place them on a table; however, the officer may not place his or her hands inside the container. SPCs and CDFs shall provide and promote visitors' use of lockers or a secure area provided for safekeeping of personal belongings during visits.

Only an officer with the rank of supervisor or above may deny or cancel a visit. In those cases, the officer shall document his or her action in a memorandum sent through official channels to the facility administrator. The visiting room officer, with concurrence from the shift supervisor, may terminate visits involving inappropriate behavior.

SPCs and CDFs shall not require approved visitor lists from ICE/DRO detainees.

4. Contact Visits

Written procedures shall detail the limits and conditions of contact visits in facilities permitting them. Ordinarily, within the bounds of propriety, handshaking, embracing and kissing are permitted only at the beginning and end of the visit; however, staff may limit physical contact to minimize opportunities for contraband introduction and to otherwise maintain the orderly operation of the visiting area.

*In SPCs and CDFs, detainees receiving contact visits shall be given a thorough pat-down search prior to entering the visiting room and upon exiting. Searches of detainees will be in accordance with the ICE/DRO Detention Standard on **Detainee Searches**.*

5. Visits for Administrative and Disciplinary Segregation Detainees

While in administrative or disciplinary segregation status, a detainee ordinarily retains visiting privileges.

Ordinarily, in a facility that allows contact visits, segregated detainees may use the visiting room during normal visiting hours. However, the facility may restrict or disallow general visits for a detainee who violates visiting rules or whose behavior indicates he or she would be a threat to the security or good order of the visiting room.

Under no circumstances may detainees be permitted to participate in general visitation while in restraints. If the detainee's behavior warrants restraints, the visit may not be granted under general population visiting conditions.

In SPCs and CDFs, detainees in protective custody and violent and/or disruptive detainees shall not use the visitation room during normal visitation hours. Violent and/or disruptive detainees may be limited to non-contact visits. In extreme cases, where a visit would present an unreasonable security risk, even non-contact general visits may be disallowed for a particular detainee.

J, Visits by Legal Representatives and Legal Assistants

1. General

In visits referred to as "legal visitation," each detainee may meet privately with current or prospective legal representatives and their legal assistants. Legal visits may not be terminated for routine official counts.

2. Hours

Each facility shall permit legal visitation seven days a week, including holidays, for a minimum of eight hours per day on regular business days (Monday through Friday), and a minimum of four hours per day on weekends and holidays.

The facility shall provide notification of the rules and hours for legal visitation as specified above. *SPCs and CDFs shall prominently post this information in the waiting areas and visiting areas for general and legal visitors, in the recreation area and in the housing units.*

On regular business days, legal visitations may proceed through a scheduled meal period, and the detainee shall receive a tray or sack meal after the visit.

In emergency circumstances, facilities may consider requests from legal representatives for extended visits or visits outside normal facility visiting hours.

3. Persons Allowed to Visit

Subject to the restrictions stated below, individuals in the following categories may visit detainees to discuss legal matters:

a. Attorneys and Other Legal Representatives

An attorney is any person who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia, and is not under an order of any court suspending, enjoining, restraining, disbaring or otherwise restricting him or her in the practice of law.

A representative or legal representative is an attorney or other person representing another in a matter of law, including law students or law graduates not yet admitted to the bar under certain conditions; "reputable individuals;" accredited representatives and accredited officials and attorneys licensed outside the United States. See 8 CFR 292.1 for more detailed definitions of these terms.

b. Legal Assistants

Upon presentation of a letter of authorization from the legal representative under whose supervision he or she is working, an unaccompanied legal assistant may meet with a detainee during legal visitation hours. The letter shall state that the named legal assistant is working on behalf of the supervising legal representative for purposes of meeting with the ICE/DRO detainee(s).

c. Interpreters

The facility shall permit interpreters to accompany legal representatives and legal assistants on legal visits, subject to ***Visitor Identification and Search Procedures*** detailed above.

d. Messengers

The facility shall permit messengers (who are not legal representatives or legal assistants) to deliver documents to and from the facility, but not to visit detainees.

4. Identification of Representatives, Legal Representatives and Assistants

Prior to each visit, all representatives, legal representatives and assistants shall be required to provide identification.

State bar cards are the preferred forms of identification for legal representatives, and attorneys who are members of state bars that do not provide bar cards are required to present other documentation that verifies bar membership. If such documentation is not readily available to attorneys licensed in a particular state, the person shall be required to indicate where he or she is licensed as an attorney and how that fact may be verified.

Legal representatives and legal assistants shall not be asked to state the legal subject matter of the meeting.

Representatives, legal representatives and assistants are subject to a non-intrusive search – such as a pat-down search of the person or a search of the person’s belongings – at any time for the purpose of ascertaining the presence of contraband.

5. Identification of Detainee to Be Visited

The facility may not require legal representatives and assistants to submit a detainee’s A-number as a condition of visiting and shall make a good-faith effort to locate a detainee if provided other information sufficient to reasonably identify the detainee.

6. Call-Ahead Inquiries

Each facility shall establish a written procedure to allow legal representatives and assistants to telephone the facility in advance of a visit to determine whether a particular individual is detained there. The request must be made to the on-site ICE/DRO staff or where there is no resident staff, to the ICE/DRO office with jurisdiction over the facility.

If the person seeking the information states that he or she already represents the detainee, ICE/DRO staff shall confirm that the caller’s name corresponds with the name on a Form G-28 (Notice of Appearance) on file. To protect confidentiality, where the Form G-28 is not yet on file, ICE/DRO staff must be satisfied that the person making the inquiry is, in fact, a legal representative or legal assistant who is considering representing the subject detainee in legal proceedings or is inquiring about a pre-representation meeting or a consultation visit for expedited removal.

When unfamiliar with the person making the inquiry, ICE/DRO staff should request documentary evidence, such as a letter of request on identifying letterhead and shall accept such evidence by fax. Alternatively, at the request of the caller, staff shall seek the consent of the detainee for the disclosure of detention information. In either case, ICE/DRO staff shall respond to the caller as soon as possible, but in no case more than 24 hours after the call was made.

Notwithstanding the general policy set forth in the previous paragraph, the ICE/DRO retains the discretion to withhold this telephonic information on a case-by-case basis if it has clear and compelling facts to support the belief that disclosure would endanger national security, facility security, or the detainee. In such circumstances, ICE/DRO staff may request further information to allay the security concerns raised and may seek the detainee’s consent to the disclosure.

7. Pre-Representation Meetings

During the regular hours for legal visitation, the facility shall permit detainees to meet with prospective legal representatives or legal assistants. The facility shall document such “pre-representation meetings” in the logbook for legal visitation.

To meet with a detainee, legal service providers’ representatives need not complete a Form G-28 (stating that they are legal representatives of the detainee) at the “pre-representation” stage.

8. Form G-28 and Attorney/Client Meetings

Attorneys representing detainees on legal matters unrelated to immigration are not required to complete a Form G-28.

Once an attorney-client relationship has been established, the legal representative shall complete and submit a Form G-28, available in the legal visitation reception area. Staff shall collect completed forms and forward them to ICE/DRO.

Each completed Form G-28 becomes a permanent part of the detainee's A-file and it remains valid until ICE/DRO receives written notice of the relationship's termination from the detainee or the legal representative. Staff shall place such notices in the A-file on top of the Form G-28.

9. Private Meeting Room and Interruption for Head Counts

Visits between legal representatives and assistants and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.

Officers may terminate legal visits at the end of the allotted time or to maintain security but not for routine official counts.

Staff shall not be present in the confidential area during the meeting unless the legal representative or assistant requests the presence of an officer; however, staff may observe such meetings visually through a window or camera to the extent necessary to maintain security, as long as staff cannot overhear the conversation.

When a situation arises where private conference rooms are in use and the attorney wishes to meet in a regular or alternate visiting room, the request should be accommodated to the extent practicable. Such meetings should be afforded the greatest degree of privacy possible under the circumstances.

10. Materials Provided to Detainees by Legal Representatives

The facility's written legal visitation procedures must provide for the exchange of documents between a detainee and the legal representative or assistant, even when contact visitation rooms are unavailable.

Documents or other written material provided to a detainee during a visit with a legal representative shall be inspected but not read. Detainees are entitled to retain legal material received for their personal use. Quantities of blank forms or self-help legal material in excess of those required for personal use may be held for the detainee with his or her property. The detainee shall be permitted access to these documents utilizing the established avenues of communication.

11. Detainee Search

Each facility shall have written procedures to govern detainee searches, consistent with the ICE/DRO Detention Standard on Searches of Detainees. If standard operating procedures require strip searches after every contact visit with a legal representative, the facility must provide an option for non-contact visits with legal representatives in an environment that allows confidentiality. Each detainee shall receive a copy of these search procedures in the Detainee Handbook or local supplement given each detainee upon admission.

12. Legal Visitation for Detainees in Administrative and Disciplinary Segregation

Detainees in administrative or disciplinary segregation shall be allowed legal visitation. If the facility administrator considers special security measures necessary, he or she shall notify legal service providers of the security concerns prior to the meeting.

13. Group Legal Meetings

Upon the request of a legal representative or assistant, the facility administrator may permit a confidential meeting (with no officer present) involving the requester and two or more detainees. This may be for various purposes: pre-representational, representational, removal-related, etc. The facility should grant such requests to the greatest extent practicable, if it has the physical capacity and the meeting would not unduly interfere with the security and good order of the facility. Each facility administrator shall limit detainee attendance according to the practical concerns of the facility or the security concerns associated with the meeting in question.

See also the Detention Standard on **Legal Rights Group Presentations**.

14. ICE/DRO-Provided List of Free Legal Service Providers and Detainee Sign-Up

ICE/DRO shall provide each facility the official list of local free legal service providers updated quarterly by the local DOJ Executive Office for Immigration Review. The facility shall promptly and prominently post the current list in detainee housing units and other appropriate areas.

Any legal organization or individual on the current list may write the facility administrator to request the posting and/or general circulation of a sign-up sheet. The facility administrator shall then notify detainees of the sign-up sheet's availability and, according to established procedures, ensure coordination with the *pro bono* organization.

15. Legal Visitation Log

Staff shall maintain a separate log to record all legal visitors including those denied access to the detainee. The log shall include the reason(s) for denying access.

At SPCs and CDFs, the log entries shall include: the date; time of arrival; visitor's name; visitor's address; supervising attorney's name (if applicable); detainee's name and A-number; purpose of visit (e.g., pre-representation, representational, expedited-removal consultation); time visit began; time visit ended. Staff shall also record any important comments about the visit.

16. Availability of Legal Visitation Policy

The facility's written legal visitation policy shall be available upon request. The site-specific policy shall specify visitation hours, procedures and standards, including but not limited to, telephone inquiries, dress code, legal assistants working under the supervision of an attorney, pre-representational meetings, Form G-28 requirements, identification and search of legal representatives, identification of visitors, materials provided to detainees by legal representatives, confidential group legal meetings and detainee sign-up.

K. Consultation Visits for Detainees Subject to Expedited Removal

1. General

Detainees subject to expedited removal who have been referred to an Asylum Officer are entitled by statute and regulation to consult with persons of the detainee's choosing, both prior to the interview and while the Asylum Officer's decision is under review. Such consultation visitation is for the general purpose of discussing immigration matters, not for purely social visits covered earlier.

- The consultation visitation period **begins** before any interview with an Asylum Officer and continues while the Asylum Officer's determination undergoes review by the Supervisory Asylum Officer or Immigration Judge.
- The consultation visitation period **ends** with the issuance of a Notice to Appear and the detainee is placed in removal proceedings before an Immigration Judge; however, the detainee retains legal and other visitation privileges in accordance with this Detention Standard.

"Consultation visitation" may neither incur Government expense nor unduly delay the removal process.

2. Method of Consultation

Because expedited removal procedures occur within short time frames, each facility shall develop procedures that liberally allow the opportunity for consultation visitation to ensure compliance with statutory and regulatory requirements and prevent delay in the expedited removal process. Given the time constraints, consultation by mail will generally not prove feasible.

Facility staff shall ensure that consultation visitations by telephone and face-to-face proceed without hindrance and shall be sensitive to individual circumstances when resolving consultation-related issues.

Consultation visitation shall be allowed during legal visitation hours and during general visitation hours; however, confidentiality is ensured during legal visitation hours only. If necessary to meet demand, the facility administrator shall increase consultation visiting hours.

3. Persons Allowed To Visit for Consultation Purposes

Detainees subject to expedited removal may consult whomever they choose in person or by phone at any time during the first 48 hours. Consultants might include, but are not limited to, attorneys and other legal representatives, prospective legal representatives, legal assistants, members of non-governmental organizations (NGOs) and friends and family.

Consultant visitors are subject to the same identification and security screening procedures as general visitors. If documented security concerns preclude an in-person visit with a particular individual, the facility administrator shall arrange for consultation by telephone. If security reasons also preclude consultation by telephone, the facility administrator shall consult the respective Chief Counsel's Office.

4. Privacy

Consultation visits, in person or by telephone, receive the same privacy as communications between legal representatives and detainees.

5. Admittance for Asylum Officer Interview

Detainees subject to Expedited Removal may bring and consult advisors during the Asylum Officer interview. The presence of persons to consult is also allowed during the Immigration Judge's review of a negative credible fear determination, at the judge's discretion.

6. Log

Staff shall record consultation visits in the legal visitation log.

In SPCs and CDFs, the purpose of the visit shall be noted as "ER consultation."

The facility shall create a separate record of the visit that is placed in the detainee's A-file or place a copy of the visitation log page in the detainee's A-file.

7. Form G-28 for Consultation Visits

Visitors are not required to file Forms G-28 to participate in a consultation visit or provide consultation during an Asylum Officer interview or Immigration Judge's review of a negative credible fear determination. This applies even if the visitor is an attorney or legal representative.

8. Other Considerations for Consultation Visits

For other considerations in regard to consultation visits, the above procedures for "Visits by Legal Representatives and Legal Assistants" apply. Specifically, Group Consultations, Call-Ahead Inquiries, Searches, Identification of Detainee, Materials Provided to Detainees by the Visitor, Consultation Visits for Detainees in Administrative and Disciplinary Segregation, Pro-Bono List and Detainee Sign-Up, and Availability of Consultation Visitation Policy

L. Consular Protection

According to international agreements and by regulation, 8 CFR § 236.1, detainees must be advised of their right to consular access, and ICE/DRO will facilitate the detainee's access to consular officers. It is ICE/DRO policy and practice that all detained individuals are provided with notice, through the facility administrator, of their right to contact their consular representatives and receive visits from their consulate officers.

The facility administrator shall ensure that all detainees are notified of and afforded the right to contact and receive visits from their consular officers. The same hours, privacy, and conditions that govern legal visitation apply to consular visitation. Consular visits may be permitted at additional times outside normal visitation hours with the facility administrator's prior authorization.

To conduct such visits, consular officers must present Department of State issued identification.

M. Non-Government Organization Visitation with Detainees and Tours of Facilities

All requests by NGOs and other organizations to send representatives to visit detainees must be submitted in advance and in writing to the ICE/DRO facility administrator or ICE/DRO Field Office supervising the contract, state or local facility. The written request must state the number of visitors, exact reason for the visit and issues to be discussed.

All efforts shall be made to accommodate NGO requests for facility tours in a timely manner. All tours shall be limited to a reasonable number of participants, who must timely submit the personal information needed to conduct a background check. Tours shall be scheduled at the convenience of the detention facility so as not to disrupt normal operations and be in compliance with facility security requirements.

All requests for visitation not explicitly addressed are governed as follows:

SPCs and CDFs shall submit written requests from domestic or international organizations and associated with detention issues to the appropriate Field Office Director. When practicable, the respective Chief Counsel shall review the NGO's written request and respond to specific issues raised, the respective Chief Counsel shall review the NGO's written request and respond to specific issues raised in a timely manner.

N. Visits from Representatives of Community Service Organizations

The facility administrator may approve visits to one or more detainees by individuals or groups representing community service organizations, including civic, religious, cultural, therapeutic, and other groups. Volunteers may provide a special religious, educational, therapeutic, or recreational activity.

The facility administrator's approval shall take into account such factors as:

- Safety and security considerations,
- Availability of detention personnel to supervise the activity, and
- Sufficient advance notification to the facility administrator.

*In SPCs and CDFs, detainees' immediate family and other relatives, friends, and associates, as detailed above under **Persons Allowed to Visit**, may not serve as volunteers.*

To inform the facility administrator's decision, facility staff (such as chaplains and recreation specialists) shall verify the organization's bona fide interests and qualifications for this kind of service.

In SPCs and CDFs, groups and/or individuals from those groups must:

1. **Provide the facility with advance notification** of the names, dates of birth, and social security numbers or unexpired passport number of the group members who will be visiting.

All volunteers, regardless of title or position, are subject to a background check that includes, but is not limited to, a criminal history check, verification of identity and occupation and verification of credentials for the type of activity involved.

2. **Provide identification** for individual members of the group upon arrival at the facility.

*The Detention Standard on **Facility Security and Control** details procedures for checking a visitor's identity, issuing visitor passes, and accounting for visitors while they are in the facility.*

3. **Comply with visitation rules.**

Each approved volunteer shall receive an appropriate orientation to the facility and acknowledge his or her understanding of rules and procedures by signing an agreement to comply with them, particularly in regard to permissible behavior and relationships with detainees. Among other things, the orientation and signed agreement shall:

- *Specify lines of authority, responsibility, and accountability for volunteers.*
- *Prohibit volunteers from:*
 - *Using their official positions to secure privileges for themselves or others;*
 - *Engaging in activities that constitute a conflict of interest;*
 - *Accepting any gift from or engaging in personal business transactions with a detainee or a detainee's immediate family.*

All volunteers shall be held accountable for compliance with the rules and procedures.

4. **Read and sign a waiver of liability** that releases ICE/DRO of all responsibility in case of injury during the visit before being admitted to any secure portion of the facility or location where detainees are present.

O. Other Special Visits

1. Law Enforcement Officials' Visits

Facility visitation procedures shall cover law enforcement officials requesting interviews with detainees. Facilities will notify and seek approval from ICE DRO of any proposed law enforcement officer visit with a detainee

2. Visitation by Former Detainees or Aliens in Proceedings

Former ICE/DRO detainees, individuals with criminal records and individuals in deportation proceedings shall not be automatically excluded from visiting. Individuals in any of these categories must so notify the facility administrator before registering for visitation privileges. The facility administrator shall weigh the nature and extent of an individual's criminal record and/or prior conduct against the benefits of visitation in determining visitation privileges. A potential visitor's failure to disclose such matters may preclude visitation privileges.

3. Business Visitors

A detainee may not actively engage in business or professional interests or activities and should assign authority for daily operations to a person in the community; however, in the event that a detainee must make a decision that will substantially

affect the assets or prospects of a business, the facility administrator may permit a special visit.

ICE/DRO does not recognize or sanction any kind of work-release program.

4. Visiting Rules Regarding Animals

Each facility shall establish and disseminate a policy and implementing procedures governing whether and, if so, under what circumstances animals may accompany human visitors onto or into facility property.

SPC and CDF visitors may not bring animals onto facility grounds, except for service animals accompanying persons with disabilities.

Standard Approved:

James T. Hayes, Jr. /s/

12/5/2008

James T. Hayes, Jr.
Director
Office of Detention and Removal Operations

Date