



U.S. Immigration  
and Customs  
Enforcement

# Temporary Housing Standards

FOR CHILDREN, FAMILIES,  
AND SINGLE ADULTS

JULY 2023

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## **Background / Purpose**

The following requirements must be followed when a noncitizen in U.S. Immigration and Customs Enforcement (ICE) custody is housed temporarily in a hotel or similar arrangement due to exigent circumstances including travel delays, lack of other bedspace, delay of receipt of travel documents, medical issues, or other unforeseen circumstances. These standards will also apply any time a noncitizen is housed in a temporary setting while in transit to their next destination.

These requirements apply whether an ICE officer or an ICE contractor is completing the transport and staffing the temporary stay. ICE contractors are governed by their contract, which is managed by the Contracting Officer's Representative (COR), as well as these standards. Throughout these standards, the term "ICE/contractor staff"<sup>1</sup> is used to refer to both ICE personnel and contractor personnel who are performing duties during the temporary stay.

All housing accommodations (e.g., hotels) shall have the appropriate state or local licensing to operate as intended, to include appropriate occupancy permits.

All services provided will be delivered in a manner sensitive to developmental, cultural, and religious diversity, and conveyed in a language that the noncitizen understands.

## **Family Units and Children**

Children can be part of a family unit (FAMU) or unaccompanied.

Paragraph 12 of the *Flores* Settlement Agreement (FSA)<sup>2</sup> includes the standards that ICE Enforcement and Removal Operations (ERO) must meet when housing minors to ensure conditions are safe and sanitary. The FSA also requires that ICE ERO demonstrates concern for the particular vulnerabilities of minors and ensures that minors are:

- Placed in the least restrictive detention setting appropriate to their age and special needs;
- With regard to unaccompanied minors, that they are kept apart from unrelated adults during transport and temporary detention;
- Transferred out of temporary locations within 72 hours of entering Department of Homeland Security (DHS) custody, or as expeditiously as possible; and

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<sup>1</sup> ICE/contract staff generally will not wear ICE logos or other attire easily associated with the government. Ordinary "street" attire shall be worn instead.

<sup>2</sup> Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 85-4544 (C.D. Cal., Jan. 17, 1997).

- Treated with “dignity, respect, and with special concern” due to their inherent vulnerability.

To meet paragraph 12 and other FSA requirements, ICE/contractor staff shall ensure all temporarily housed children and FAMU individuals have access to toilets and sinks, adequate temperature control and ventilation, meals, snacks, drinks, clean and weather-appropriate clothing, and personal hygiene kits. Drinking water should be available in the rooms at all times.

***Throughout this document, those requirements applying only to children will appear in italics.***

## **Responsibilities**

**Contracting Officer's Representative (COR):** Assists in the technical monitoring or administration of a contract, and under these Standards, coordinates or oversees the contract personnel responsible for the care of noncitizens.

**Custody Programs Division (CPD):** Provides guidance with respect to ICE policies and guidelines for special populations and programs (i.e., Sexual Abuse and Assault Prevention and Intervention (SAAPI), legal access, language access, religious practice accommodations, disability accommodations, LGBTQI+, parental interests).

**ERO Field Office:** Assists in coordinating the transfer of noncitizens from temporary housing sites to their next destination. Makes custody determinations in the event of illness or other issues.

**Field Office Director:** Has chief responsibility for facilities in an assigned geographic area and, under these Standards, coordinates or oversees the government personnel responsible for the care of noncitizens.

**ICE/Contractor Staff:** Coordinates and staffs temporary stays in accordance with these Standards.

**ICE Health Service Corps (IHSC):** Provides medical guidance as needed when ICE staff are transporting noncitizens without a contractor.

**ICE Juvenile Coordinator:** Monitors and ensures the agency's compliance with the FSA and provides ongoing information to the Department of Justice, the *Flores* Court, and/or the *Flores* Plaintiffs, where appropriate.

**Juvenile and Family Management Division (JFMD):** Provides ongoing guidance and support to ERO Field Offices regarding noncitizen family units and unaccompanied children who come into ERO custody. (This division was formerly known as the Juvenile and Family Residential Management Unit.)

**Juvenile and Family Management Division Compliance Standards Officer:** Conducts compliance monitoring of the accommodations in accordance with these Standards.

## **Procedures and Requirements**

### **1. Environmental Health and Safety**

These standards provide guidelines to protect noncitizens in custody, staff, and contractors from injury and illness by maintaining high standards of cleanliness and sanitation, safe work practices, and control of hazards.

#### **A. Personal Protective Equipment (PPE):**

PPE will be made available for noncitizens in custody as needed, including age-appropriate surgical masks, age-appropriate N95 masks, gloves, hand sanitizers, disinfectant sprays (if available), and disinfectant wipes.

#### **B. Emergency Response:**

In case of an emergency, ICE/contractor staff will take immediate action as appropriate, including but not limited to, contacting their Field Office leadership, local law enforcement, or calling an ambulance. ICE/contractor staff then will notify the ICE/ERO Field Office Director *and the JFMD Case Management Unit (CMU) Chief if children are in residence* when it is safe to do so. ICE/contractor staff shall be educated on how to recognize and respond to signs or symptoms of injury or illness, especially for those under 18 years old.

#### **C. First Aid:**

First Aid supplies shall be readily available. These may be kept with ICE/contractor staff if there is easy and timely access to them.

#### **D. Training:**

- 1) ICE/contractor staff will be aware of mandated reporting of child abuse and neglect in accordance with applicable federal and state laws. In the event local authorities are contacted about alleged child abuse and neglect, contractor staff shall immediately notify the Field Office and *JFMD*.
- 2) ICE/contractor staff will be knowledgeable of the Temporary Housing Standards for Children, Families, and Single Adults.
- 3) ICE/contractor staff shall be trained to recognize signs, symptoms, and situations which indicate the potential for self-harm and/or suicide risk.

- 4) ICE/contractor staff shall be trained on their responsibilities under SAAPI pursuant to section 5.2.2 of ICE Directive 11062.2.

E. Age-Appropriate Gear:

*ICE/contractor staff shall provide age-appropriate gear for housing and travel, including portable cribs and car seats. During transportation, children must be secured in an appropriate child restraint system (car seat / booster seat) in accordance with federal motor vehicle safety standards and state law.*

F. Room Preparation and Logs:

Upon arrival, the supervising officer will complete and log the following as appropriate to the setting:

- 1) Thoroughly search the room, including drawers, in order to remove any objects that could injure a noncitizen, as well as contraband, *or items that may present a choking hazard based on the age of the child that will be housed in the room.* Any objects removed shall be stored in a secure location inaccessible to noncitizens in custody.
- 2) Ensure the room is clean and all items, including refrigerators, kitchen areas, sinks, and bathtubs are in working order. Another room shall be used if conditions are not found to be in working order.
- 3) Check all windows and adjoining room doors to ensure they are locked or secured. This should also be performed at any subsequent safety check.
- 4) Secure all landline phones/cords, removable hair dryers, and clothes irons, and other materials that could be dangerous. If a cord cannot be removed, such as with a wall mounted hair dryer, a zip tie will be used to make the cord as tight as possible so that the cord cannot be extended, so as to prevent the cord from being a suicide risk. The room will be returned to its original state before departing.
- 5) In rooms with kitchens, remove all knives, forks, and other items that can be used as a weapon.
- 6) *Ensure lower cabinets and drawers are childproofed as needed if tender aged children are in residence as feasible.*
- 7) In cases involving noncitizens with disabilities, verify that the room, toilet, and showering facilities are accessible.
- 8) Ensure that all high-touch areas are clean.



- 9) Identify the nearest hospital or urgent care center and evacuation procedures.

## **2. Length of Stay**

ICE will strive to ensure that temporary housing does not exceed 72 hours. ICE shall work to coordinate travel prior to the temporary stay so that most stays do not go beyond one or two days. Any extensions of the 72-hour time frame should be very brief.

The use of commercial airlines for transportation can cause delays exceeding 72 hours given frequent flight cancelations, delays, and sometimes limited availability of seats or other unforeseen circumstances. If conditions arise that would require a stay over 72 hours, ICE/contractor staff shall consult with the Field Office to investigate alternative housing arrangements.

*JFMD must be notified any time a FAMU/child is housed by ICE for more than 72 hours. This includes when exceptional circumstances arise for children, such as, but not limited to:*

- *extended travel delays,*
- *pending medical exams,*
- *unexpected delays in filling prescriptions requiring the child(ren) to stay longer in temporary housing, or*
- *illness.*

*When JFMD is notified of a FAMU/child stay that exceeds 72 hours, JFMD will arrange for the appropriate notifications to the Department of Justice, the Flores Court, and/or the Flores Plaintiffs, through and in coordination with DHS Office of the General Counsel where appropriate.*

## **3. Family Unity**

*When temporarily housed in ICE's custody, FAMUs will stay together, and, if in a hotel, only one FAMU will be housed per hotel room.*

*Should a child require medical treatment, the parent/legal guardian will accompany the child with staff remaining with the rest of the family. In the case of a single parent with two children, the parent may decide whether the other child remains at the accommodation with staff or accompanies the parent and other child to the medical treatment where possible.*

## 4. Security

### A. General:

Protocols implemented will not only ensure the safety of the noncitizens in residence but will also ensure that outside entities are not able to compromise the integrity of the operation and will mitigate risk factors to protect those in residence, staff, and neighboring communities.

### B. Assignment of Housing:

Vulnerabilities, including special vulnerabilities as defined in Appendix A: Definitions, will be considered when assigning living arrangements.

The following are examples of how this may be achieved:

- 1) ICE/contractor staff should seek to house family units in suites to allow for greater freedom of movement and space within the confines of the room; and
- 2) ICE/contractor staff should place any noncitizens who are identified as having special vulnerabilities in rooms with the greatest amount of visibility.

ICE/contractor staff must house noncitizens with disabilities in a space that is physically accessible.

### C. Control:

Those housed in a hotel will not leave their room without being escorted by ICE/contractor staff and will be separate and apart from other hotel guests.

### D. Behavior Management:

Behavioral management expectations, rules and corrective actions must be explained fully upon arrival in a language that the noncitizen can understand utilizing bilingual staff, professional interpretation, and/or written rules in the noncitizen's primary language.

### E. Use of Force and Restraints:

The use of force and restraints shall comply with the latest version of ICE's Use of Restraints, Firearms and Use of Force Directive, and Firearms and Use of Force Handbook, as well as the DHS Use of Force Policy.

If the noncitizen poses no immediate threat of harm, a calculated use of force or restraints should be employed and needs to be authorized in advance by

the FOD *and* JFMD. Calculated use of force events must be audio-visually recorded. Application of four/five-point restraints are considered a calculated use of force and must follow the approval, reporting, and recording requirements for reportable calculated uses of force.

ICE/contractor staff must document and promptly report all reportable use of force or restraints incidents in writing (when it is safe to do so) to the FOD *and* JFMD. Following the initial report, an ICE supervisor will submit an ICE Use of Force, Assaults, and Discharge (UFAD) report within 48 hours. The Firearms and Use of Force Incident Review Committee will review the submission pursuant to the ICE Firearms and Use of Force Directive.

In addition to the requirements in these Standards and ICE and DHS policy, contractor staff shall follow COR-approved policies and procedures to include an after-action review and associated reporting (e.g., to the COR and local Field Office) should the need for use of force or restraints arise while the noncitizen is in custody. All uses of force or restraints must be immediately reported orally through the contractor's chain of command when it is safe to do so.

In the event of an emergency or escape, ICE/contractor staff shall contact local law enforcement for coordination or response, as necessary.

The use of restraints for Special Cases requires documented approval and guidance from the FOD or *JFMD Deputy Assistant Director*. Record-keeping and reporting requirements regarding the approval to use restraints shall be consistent with other provisions within these standards, including documentation and reporting.

1) Special Cases:

a) Noncitizens with Disabilities: (See also Disability)

An individual with a disability is someone whose mental and/or physical condition requires different accommodations or arrangements than those required by someone who does not have special needs. This includes, but is not limited to, those requiring auxiliary aids and services for effective communication, those who are chronically ill or infirm, and those who are addicted to or in withdrawal from drugs or alcohol.

If a situation arises involving the need to restrain someone with a disability, ICE/contractor staff must take the necessary steps to

ensure the safety and security of both the individual and themselves. Consistent with current ICE policy, ICE/contractor staff may restrain an individual with their hands in front or use other appropriate and approved restraining device(s). The appropriate FOD or *JFMD Chief* will be contacted once it is safe to do so, along with local law enforcement or other emergency services as appropriate.

b) Pregnant, Postpartum, and Nursing Individuals:

Individuals who are pregnant or in post-delivery recuperation shall not be restrained absent truly extraordinary circumstances that render restraints absolutely necessary, as documented by a FOD or *JFMD Deputy Assistant Director*. This general prohibition on restraints applies to all pregnant noncitizens in the custody of ICE. Restraints are never permitted on individuals who are in active labor or delivery.

Restraints should not be considered as an option for these populations, except under an extraordinary circumstance<sup>3</sup> in which:

- i. A medical officer has directed the use of restraints for medical reasons<sup>4</sup>;
- ii. Credible, reasonable grounds exist to believe the individual presents an immediate and serious threat of hurting themselves, staff, or others; or
- iii. Reasonable grounds exist to believe the individual presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

Even in the extraordinary circumstance when restraints are deemed necessary, handcuffing in front should be used whenever possible to enable a pregnant noncitizen to break their fall, and no noncitizen known to be pregnant shall be restrained in a face-down position with four-point restraints, on their back, or in a restraint belt that constricts the area of the pregnancy. All attempts will be made to ensure that the person is placed on their left side if they are immobilized.

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<sup>3</sup> See ICE Directive, 11032.4, Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals (July 1, 2021).

<sup>4</sup> In the context of temporary stays, medical direction or clearance for the use of restraints may have come from a medical professional prior to departure from the previous facility or housing location.

ICE/contract staff should use the least restrictive restraints necessary and only for the duration absolutely necessary to avert the threat of harm to themself, staff, or others.

The use of restraints requires documented approval and guidance from the Field Medical Coordinator.<sup>5</sup> Record-keeping and reporting requirements regarding the medical approval to use restraints must be noted in the system of record (i.e., EARM).

A pregnant individual placed in restraints should be carefully monitored and taken for emergency medical evaluation (or emergency services called) if signs of physical distress become apparent.

c) Children

A child shall not be restrained absent truly extraordinary circumstances that render restraints absolutely necessary, as documented by a FOD or *JFMD Deputy Assistant Director*.

Restraints should not be considered as an option for these populations, except under the extraordinary circumstance in which credible, reasonable grounds exist to believe the individual presents an immediate and serious threat of hurting themself, staff, or others.

In all cases, ICE/contractor staff should first use a short personal restraint that lasts no longer than one minute if doing so does not put the child or staff at risk of physical harm, before moving on to more involved techniques.

All restraints must minimize the risk of physical discomfort, harm, or pain to the child and use the minimal amount of reasonable and necessary physical force.

If a child is placed in restraints, ICE/contractor staff shall call emergency services to conduct an evaluation.

Children will be released from restraints as soon as the restraints have had a calming effect. ICE/contractor staff will monitor restrained individuals continuously to determine compliance, to ensure that the

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<sup>5</sup> This guidance may be provided telephonically.

restraints are not hampering circulation, and to monitor the general welfare of the child.

F. Searches:

Searches of a FAMU or Unaccompanied Child (UC) will not occur unless there is probable cause that an individual could have encountered contraband since the trip started. Local law enforcement will be notified if illegal contraband is identified.

When there is reasonable belief or suspicion that contraband may be concealed on the person or a good opportunity for concealment has occurred, a pat down search may be conducted. *No UC or family member under 14 years old may be subject to a pat-down search without the explicit authorization of the COR or FOD/JFMD.* Same-gender and/or gender identity staff will be used to conduct all searches and a second staff-member shall always be present to observe the search. Staff should use the least intrusive search method practical – such as clothed pat down searches, searches of outer garments and contents of pockets, intake questioning, x-rays and metal detectors, etc. – to detect contraband.

For the purposes of these standards, contraband is defined as anything individuals are not authorized to have in their possession.

In the event that the contraband is not illegal to possess under criminal statutes and would not otherwise pose a threat to security, ICE/contractor staff shall lock the item(s) in a secure storage area, provide the noncitizen a receipt, and transfer the item(s) as appropriate upon completion of the trip, whether to the individual, or to the receiving shelter or temporary stay ICE/contractor staff.

Illegal contraband includes, but is not limited to, unauthorized drugs and weapons, and, if identified, shall not be returned but shall be processed as appropriate in accordance with ICE policy.

## 5. Supervision

A. Observation:

ICE/contractor staff will be assigned to provide constant line of sight supervision. At least one staff person will be of the same gender of the noncitizens they are observing and accompanying, *with at least two staff assigned to each FAMU or child.* ICE/contractor staff will have sight and

sound<sup>6</sup> supervision at all times and will be rotated in shifts to ensure coverage overnight. ICE/contractor staff will observe those in residence at all times. Only the FOD *or designated point of contact at JFMD* can approve a different staffing structure.

**B. Behavioral Issues:**

Any significant behavioral issues (behavior going beyond a mere nuisance and presenting a health or safety risk) will be documented on an ICE/ERO approved Incident Report form and reported to Field Office leadership *and JFMD* for instruction regarding disciplinary issues, as appropriate. Contractor staff shall follow their COR-approved policies and procedures for any additional required reporting. *For significant behavioral issues of accompanied children, ICE/contract staff shall first attempt to work with parents/legal guardians to address the behavior. For unaccompanied children, attempts to address the behavior will be documented and immediately reported to the FOD and JFMD.*

**C. Privacy Considerations:**

All individuals shall have privacy when bathing, toileting, changing clothing, or attending to other personal hygiene needs by either using the bathroom with the door closed, or if a suite is used, using the bedroom with the door closed. *Should a tender-aged unaccompanied child require help with dressing, toileting, or other activities, same-gender staff will accommodate as needed.* Overnight room lighting will be appropriately adjusted to allow line of sight while limiting disruptions to noncitizen sleep.

**6. Logging and Recordkeeping**

To maintain an accurate record of observation, ICE/contractor staff will document all activities over the course of the stay, including hourly logging “line of sight checks” that verify that the noncitizens are under direct visual observation. Each entry that involves an interaction with the noncitizen should include the name, title, and gender of the ICE/contractor staff conducting the activity. Line of sight is defined as an unobstructed view of the noncitizen by staff.

The following activities will also be logged:

- A. Arrival;
- B. Orientation upon arrival, which will describe to noncitizens the reason for being housed in a hotel or similar accommodations (e.g., flight delays,

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<sup>6</sup> Sound, but not sight, supervision shall be suspended for private legal meetings and calls. See Section 22, Legal Access.

rescheduling, etc.), including the time the orientation was provided, the language in which it was provided, and any language assistance services that were used;

- C. Any infectious disease testing and documentation of test results, as required by current prevailing policy<sup>7</sup>;
- D. Hourly line of sight checks, including notes on the subject's activities at the time, including the name and gender of every officer who conducts the line-of-sight check;
- E. Medical/mental health visits, whether remote or in person;
- F. Medications administered;
- G. Meals and snacks provided, requested, and consumed;
- H. Restroom and hygiene (e.g., providing access to showers, noting any refusals);
- I. Hygiene supplies provided (as listed in Personal Hygiene below);
- J. Official visits by anyone not assigned to supervise the noncitizen, including *JFMD*, other ICE components, a contractor, or other DHS staff;
- K. Denials of religious practice accommodation requests, including an explanation of the compelling reason for the denial;
- L. Assistance from bilingual staff or use of the language line to communicate with a noncitizen, including staff name, and title, the interpreter ID and which language was interpreted;
- M. Requests to use the telephone and instances where a noncitizen is unable to make a requested call or when a noncitizen declines to use the phone;
- N. Grievances filed, including medical grievances, and the responses to them;
- O. Phone calls made including number called, party called, and duration of call;
- P. Any significant event such as:
  - 1) Illness
  - 2) Disputes or incidents of non-compliance
  - 3) Use of force or use of restraints (including type and duration)
  - 4) Escape attempt
  - 5) Any other issues or emergencies not covered above;

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<sup>7</sup> For example, the ERO Post-Pandemic Emergency COVID-19 Guidelines and Protocols (May 11, 2023), or a successor policy.



- Q. Movement/activities; and
- R. Departure.

## **7. Tender Age Children**

*If a tender aged child is present, age-appropriate items will be provided, such as: diapers, wipes, baby shampoo, bottles, sippy cups, age-appropriate food and snacks, infant formulas, a baby bath, baby gates, and a portable crib. Age-appropriate toys or activities must also be provided.*

*The room in which the child will be housed should be inspected for and cleared of any age-relevant hazards.*

*During the stay, if a tender-aged unaccompanied child requires help with dressing, toileting, or other activities, same-gender staff will accommodate as needed.*

## **8. Confirm Upon Arrival**

Upon arrival the following processes will occur. If the transporting staff are the same as the ICE/contractor staff managing the stay, some of this information may already be known before intake. However, ICE/contractor staff should take this opportunity to perform or to confirm (in cases where this information is already known) the following:

- A. Language access screening and identification, if not already known;
- B. Identification of any disabilities, if not already known;
- C. Risk assessment screening to determine if an individual may be a member of a vulnerable population;
- D. Personal property collection and provision of an itemized receipt;
- E. Infectious disease testing;
- F. Suicide risk / self-harm screening; and
- G. Medical / mental health screening and medication confirmation/administration.

## **9. Orientation**

ICE/contract staff will provide noncitizens a brief orientation of their temporary stay, the reason for the stay, and include an explanation of behavioral expectations. This

orientation is intended to minimize anxiety and increase cooperation. The orientation will be provided in an *age*-appropriate manner and in the noncitizen's primary language. The provision of the orientation will be documented, including the time it was provided, the language in which it was provided, and any language assistance services that were used. The orientation will be both verbal (via information session) and via written materials in the top languages encountered by ICE/contract staff.

The ICE/contractor staff providing the orientation will explain:

- A. Why the noncitizens are at the hotel (e.g., delay due to inclement weather) and the next steps for the noncitizens' trip (e.g., how long they may be at the hotel, estimated departure);
- B. The role of all team members;
- C. The ability to request language assistance, disability accommodations, and the availability of auxiliary aids and services, as needed;
- D. Operation of the showers, toilets, sinks, televisions, and other items;
- E. The importance of personal hygiene, hand washing, toiletries, and access to other items as needed;
- F. The unlimited availability of unmonitored telephone calls to family, friends, legal representatives, the DHS Office of Inspector General (OIG), the ICE Office of Professional Responsibility (OPR) Joint Intake Center (JIC), the ICE Detention Reporting and Information Line (DRIL), and the noncitizen's consulate, including procedures for using telephonic interpretation services;
- G. The provision of pro bono legal service provider resources;
- H. The process for requesting access to personal property;
- I. The ability to request access to telephonic, audio-visual, and in-person legal representatives;
- J. Availability of virtual religious services and their rights to practice their religion;
- K. Ability to file a grievance and the instructions on how to do so, as well as the grievance process;
- L. Availability of meals and snacks, including vegetarian and religious meals;
- M. Availability of PPE, and importance of PPE, mask wearing, and social distancing in line with guidance from the Centers for Disease Control and Prevention;
- N. Prohibitions against sexual harassment, discrimination, retaliation, touching and language of a sexual nature;

- O. Behavioral expectations and corrective measures;
- P. The anticipated time, point, and manner of a noncitizen's release from the temporary accommodation;
- Q. Which ERO Field Office has chief responsibility for overseeing their current geographic location and how to contact or submit a request to that Field Office and/or an ICE officer managing their case; and
- R. How to make a complaint to the DHS Office of Inspector General (OIG), the DHS Office for Civil Rights and Civil Liberties (CRCL), the DHS Office of the Immigration Detention Ombudsman (OIDO), the ICE DRIL hotline and the ICE/CBP Joint Intake Center (JIC). A handout will be provided with this information.
- S. The provision of the Temporary Housing Sexual Abuse and Assault Awareness pamphlet to ensure noncitizens are informed of all forms of sexual abuse and the multiple ways to report it.

ICE/contractor staff will also support the noncitizens' understanding of documentation and the immigration process to include translation and interpretation services, and coordination with legal service providers.

## 10. Personal Hygiene

Noncitizens may conduct personal hygiene at any time provided it does not interfere with scheduled events, such as a medical visit. All noncitizens will be encouraged to shower, use the bathroom, perform personal hygiene, and put on clean clothing behind closed bathroom doors. Noncitizens may shower and perform personal hygiene as desired. Personal hygiene items will be provided. *Children/FAMU will be instructed to change clothes in the bathroom to ensure appropriate privacy protections.* All noncitizens will be provided with *age/gender* appropriate items including, but not limited to:

- Body soap
- Deodorant
- Unlimited feminine hygiene products
- One comb or hairbrush, as appropriate
- One tube of toothpaste
- One toothbrush
- One bottle of shampoo
- One bottle of hair conditioner

- One bottle of skin lotion
- Lip balm
- *Baby items as required such as baby wipes, diapers, diaper rash ointment, baby shampoo, etc.*

## **11. Clothing**

Clothing will be kept with noncitizens in their room. If any noncitizen does not have adequate clothing, ICE/contractor staff shall provide two sets of gender- and age-appropriate clothing and one pair of shoes.

## **12. Laundry**

ICE/contractor staff will provide laundry services for noncitizens as needed. When hotels are used, linens and towels will be changed per standard hotel policy; however, housekeeping staff will not enter the room. Clean clothing will be provided as specified above and as needed if the noncitizen does not have their own clean clothing.

## **13. Meals and Snacks**

ICE/contractor staff will serve three hot meals to all individuals per day. The meals will be age-appropriate and be obtained from local restaurants/vendors in the area and will be supplemented with items such as drinks and desserts.

No food items left behind will be redistributed to other noncitizens.

Religious, vegetarian, or medically necessary (e.g., low salt or allergen-free) meals, including prepackaged certified kosher and halal meals, will be provided upon request. ICE/contractor staff will inquire and document in readily visible locations any food allergies and provide access to meals and snacks that are free of the allergen.

All rooms will be stocked with appropriate plastic utensils, water, juice, milk, and snacks such as chips, crackers, cookies, fresh fruit, fruit gummies, and other age-appropriate snacks. *Unlimited access to drinks and snacks shall always be available.*

## 14. Medical Care

Contract staff will have 24-hour access to either remote or in-person medical care should a noncitizen become ill while in residence. In responding to a medical need, contract staff will follow their COR-approved protocol. ICE staff will consult with the IHSC Field Medical Coordinator (FMC) for guidance regarding non-emergency medical questions. The FMC should be consulted to approve the use of restraints on pregnant, postpartum, or nursing individuals<sup>8</sup>, and to provide guidance on applying them in a safe and appropriate manner to this population.

If the noncitizen is too ill to travel, a custody determination will be made by the Field Office *and* JFMD in consultation with the contractor's Chief Medical Officer as soon as operationally feasible.

If a medical or mental health emergency occurs, ICE/contractor staff should call 9-1-1 or go to the nearest emergency room and notify their supervisor or the contract COR.

Any medications that the noncitizen has on person or prescribed while in residence will be kept by ICE/contractor staff and provided to noncitizens at the prescribed times. Medications that need immediate administration, including but not limited to asthma inhalers, will be kept on person. This will be identified prior to departure. Any medications remaining will be returned upon departure from the temporary site.

Medical interactions with individuals with special vulnerabilities, as defined in Appendix A: Definitions will occur consistent with other ICE guidance.

## 15. Procedures Specific to Infectious Diseases

All noncitizens will be tested for infectious diseases in accordance with prevailing ICE policy by ICE/contractor staff<sup>9</sup>. For single adults, if the test is positive, ICE/contractor staff will notify the Field Office, which will render a custody determination. ICE/contractor staff will document all test results.

*If a family member or child tests positive for an infectious disease while in residence such that a delay of more than 72 hours is likely, ICE/contractor staff will notify JFMD. JFMD will arrange the notification to the Department of Justice, the Flores Court, and/or the Flores Plaintiffs, where required. Furthermore, ICE may*

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<sup>8</sup> See ICE Directive, 11032.4, Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals (July 1, 2021).

<sup>9</sup> ERO Post-Pandemic Emergency COVID-19 Guidelines and Protocols (May 11, 2023), or a successor policy.

*need additional time for testing results to be received from the local medical provider and, when a noncitizen is being removed, to ensure enough time for the transmission, review, and approval of those results by the accepting government.*

ICE/contractor staff shall seek to avoid extended stays (more than 72 hours) in hotels for medical or other reasons, including travel delays.

All noncitizens will receive personal protective equipment, instructions for handwashing and other precautions, and a listing of any relevant infectious disease symptoms.

For all emergent infectious diseases, CDC guidance shall be followed.

## **16. Significant Self-Harm and Suicide Prevention and Intervention**

ICE/contractor staff shall be trained to recognize signs, symptoms, and situations which indicate the potential for self-harm and/or suicide risk. ICE/contractor staff shall act to prevent suicide with appropriate sensitivity, supervision, and referrals. Any suicidal noncitizen shall receive preventive supervision and treatment.

### **A. Identification:**

ICE/contractor staff must remain vigilant in recognizing and appropriately reporting when a suicide risk is identified. This identification may result from a self-referral or through daily observation and/or interaction with ICE/contractor staff.

### **B. Referral:**

If a noncitizen is identified as being at risk for significant self-harm or suicide or determined to be at imminent risk of bodily injury or death, ICE/contractor staff will immediately call 9-1-1 or go to the nearest emergency room and notify their supervisor.

Until this referral takes place, ICE/contractor staff will place the noncitizen in a secure environment and ensure their safety through constant one-to-one visual observation.

If the noncitizen is not cleared for travel, a custody determination will be made by the Field Office *and* JFMD in consultation with the contractor's Chief Medical Officer.

C. Housing and Monitoring:

A suicidal individual requires close supervision or monitoring in a setting that minimizes opportunities for self-harm.

Noncitizens identified as being at risk for suicide or self-harm shall be monitored closely until they can be safely transported to a local emergency room, or 9-1-1 emergency response arrives.

Staff should coordinate with the Field Office *and JFMD* to determine whether any changes to the individual's destination would be appropriate.

D. Intervention:

In the event of a suicide attempt, ICE/contractor staff will immediately initiate and continue appropriate Basic Life Support (BLS) measures until relieved by health care personnel. Arriving medical personnel shall perform appropriate medical evaluation and intervention. When required, 9-1-1 emergency services will be contacted by the responding ICE/contractor staff member.

E. Notification and Reporting:

In the event of a suicide risk or suicide attempt, placement of an individual on constant one-to-one visual observation until referral to a local hospital or emergency room, ICE/contractor staff shall immediately notify the Field Office and *JFMD* and appropriate outside authorities. Reporting will follow existing policy.

ICE/contractor staff shall complete a preliminary Incident Report within 24 hours of any suicide or suicide attempt, and all staff who came into contact with the individual immediately before the suicide attempt or death shall submit a statement describing their knowledge of the individual and the incident.

The preliminary Incident Report must include the noncitizen's name, alien number, relevant medical history/diagnosis, reason for suicide precautions being taken (if applicable), date of death or suicide attempt, and name and title of person providing information.

F. Review:

ICE/contractor staff will cooperate with ICE/ERO on any mortality review process triggered by a death resulting from suicide.

## 17. Disability

In accordance with Section 504 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. § 794, ICE policy ensures nondiscrimination based on disability in ICE-conducted programs and activities and an equal opportunity for noncitizens with disabilities served or encountered in ICE-conducted programs and activities to participate in, access, and enjoy the benefits of programs, services, and activities offered. Such participation is to be accomplished through the provision of reasonable accommodations to individuals with a disability whose full participation is not already enabled through the agency's up-front efforts, or auxiliary aids and services that allow for effective communication by noncitizens with impaired sensory, manual, or speaking skills.

When considering what reasonable accommodations to provide, ICE/contractor staff will engage with the noncitizen in an interactive and individualized process. In addition, ICE/contractor staff are required to provide effective communication access, including by providing auxiliary aids and services. ICE/contractor staff must serve noncitizens with disabilities in the most integrated setting possible and in a space that is physically accessible.

A noncitizen may identify themselves as an individual with a disability and/or request a reasonable accommodation through formal or informal methods at any point during temporary housing. If a noncitizen's disability is obvious, ICE/contractor staff are required to provide equal access for the noncitizen with a disability by modifying applicable policies, practices, or procedures.

ICE/contractor staff shall follow Section 5.3 "Facility Obligations and Notifications" of ERO Directive 11071.1: *Assessment and Accommodations for Detainees with Disabilities* (Dec. 15, 2016). Accordingly, ICE/contractor staff are required to:

- A. Identify noncitizens with disabilities or potential disabilities through observation, assessments, screenings, and noncitizen or third-party requests;
- B. Notify noncitizens of their right to request accommodations;
- C. Conduct an individualized and interactive assessment of a noncitizen's disability-related needs to access the temporary stay facility and available programs/activities, in which primary consideration is given to the preferences of the noncitizen (staff may consider and provide equally effective alternatives);
- D. Consider interim or temporary accommodations where the requested accommodation cannot be immediately provided or is subject to agency approval (such as expenditures requiring IHSC authorization);
- E. Develop a process to inform a noncitizen of the final decision on his or her request for accommodations, including whether the temporary stay facility will



provide the noncitizen with alternative accommodations that are equally effective as those that the noncitizen requested; and

F. Issue required notifications to the FOD.

ICE/contractor staff are required to notify the ERO Field Office and *JFMD* in writing of the following as soon as possible if the contractor has identified and has any concerns or difficulties with accommodating a noncitizen with a disability or is unable to communicate effectively or provide the appropriate auxiliary aids and services for effective communication, or the contractor intends to deny a request for an accommodation based on a disability.

The notification must include at a minimum:

- The nature of the noncitizen's disability;
- Concerns, assistance needed, or difficulties with accommodations;
- Concerns, assistance needed, or difficulties with effective communication;
- The modification requested by the noncitizen;
- The reason for denial (if applicable); and
- Any steps the staff have taken to address the noncitizen's disability.

The ICE Field Office and *JFMD* may need to transfer a noncitizen if the current placement is not able to accommodate a noncitizen with a disability.

Questions about providing access to individuals with disabilities or reasonable modifications to policies, practices, or procedures should be directed to the ICE ERO Disability Access Coordinator at [ERO.RA@ice.dhs.gov](mailto:ERO.RA@ice.dhs.gov).

## **18. Religious Activities**

As part of the orientation, noncitizens are advised of their rights to practice their religion. ICE/contractor staff shall confirm with noncitizens any required religious practice accommodations.

Due to short stay periods, in-person religious services are not generally available; however, many religious services are offered online or on television. Access to religious service materials or providers will be provided to noncitizens if requested. ICE/contractor staff shall document any instance where religious services are requested but cannot be provided.

If noncitizens have religious materials, they shall be allowed to use them while in residence. Many written materials are also available electronically on devices provided by ICE/contractor staff.

Questions about religious practice accommodations or religious materials should be directed to the ICE/ERO National Religious Services Coordinator at [religious.services@ice.dhs.gov](mailto:religious.services@ice.dhs.gov).

## **19. Telephone Calls**

All noncitizens are permitted an unrestricted number of free telephone calls using contractor devices, to the extent possible. Calls will be unmonitored but may be limited in duration or frequency if operational needs require limits. If there is an issue with the individual contacting a legal representative, ICE/contractor staff will notify *JFMD* or the FOD. All instances where a noncitizen is unable to make a requested call will be documented and reported to *JFMD* or the FOD.

Noncitizens may access their personal phones to obtain phone numbers but may not use them for any phone calls, email, or social media purposes. An ICE/contractor employee will observe and monitor the noncitizen during this process.

All calls will be unrecorded and unmonitored, and the calls will be logged, including number called and duration. Calls with legal representatives will not be monitored or subject to sound supervision to maintain confidentiality.

Incoming calls will be routed through the Field Office, which will contact the ICE/contractor staff supervising the noncitizen. ICE/contractor staff will develop procedures to take and deliver nonconfidential messages from legal service providers or family members to noncitizens as promptly as possible.

ICE/contract staff shall evaluate safety and privacy considerations to determine the best method for providing calls to single adults.

## **20. Recreation**

*A variety of age-appropriate activities will be available for use that could include card games, board games, electronic games, coloring books, crayons, Legos, chess/checkers sets, dolls, crossword books (in appropriate languages), children's books, etc. Sites may also have televisions with access to Spanish language channels or other features such as YouTube and Hulu.*

Active recreation such as, but not limited to, streaming of *age-appropriate* exercise, dance, or other recreation videos or classes will also be available.

If a stay extends beyond 72 hours, ICE/contractor staff shall explore opportunities for outdoor recreation as operationally feasible.

## 21. Language Access

The noncitizen's language should be determined and documented prior to departure. If ICE/contractor staff are unsure of the language spoken by a noncitizen, they should use the "I Speak" poster, the I Speak - *Indigenous Language* poster, or other available tools or procedures to help determine the language.

ERO has developed several job aids aimed at assisting with identification of limited English proficient individuals, including those who speak Indigenous languages and are not proficient in English or Spanish. These aids include a [Tip Sheet for Identifying Indigenous Language Speakers](#) and an audio/visual [intake tool for identifying indigenous languages](#). ERO will make these and other tools available to contract partners for use when communicating with LEP noncitizens.

Pursuant to Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (Aug. 2000), Enforcement and Removal Operations Language Access Plan (May 28, 2020), and Title VI of the Civil Rights Act of 1964, noncitizens with limited English proficiency (LEP) (i.e., those who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English) must be provided with meaningful access to agency programs and activities. This obligation includes identification and providing meaningful access for speakers of rare and/or indigenous languages. The obligation to provide meaningful access to LEP noncitizens extends to all aspects of their stay at temporary housing sites. Meaningful access may be accomplished through professional over the phone interpretation and translation services or qualified bilingual personnel. Except in emergencies, other noncitizens should not be used as interpreters or translators.

Generally, all written materials provided to noncitizens must be translated into Spanish and other frequently encountered languages. Oral interpretation or other language assistance must be provided to any noncitizen who speaks a language in which written material has not been translated or who is illiterate.

Communication with noncitizens, regardless of the method, shall be in a language or manner the noncitizen can understand.

ICE/contractor staff may also refer to the [ERO Language Services Resource Flyer](#) for ERO language line(s) contact information when language services are required,

and in the case of contract staff, are not available for a particular language through their contracted language line.

*If there are any challenges or an inability to communicate with a UC or FAMU, ICE/contractor staff shall advise JFMD, who can coordinate with the ERO Language Access team for assistance.*

## **22. Legal Access**

All noncitizens shall have access to legal representatives, including Qualified Representatives, interpreters, and legal assistants in-person, telephonically, and/or via video-teleconference. Legal representatives wishing to meet in person with a noncitizen will be provided access when and where operationally feasible. Legal representatives requesting communication with a noncitizen will be required to provide a G-28 or EOIR-28 (Notice of Appearance as Attorney or Representative), except for pre-representational meetings. Exemptions to the G-28 or EOIR-28 requirement are also granted for DOJ EOIR Legal Orientation Program (LOP) providers, *Flores* class counsel, or legal service providers representing noncitizens in other legal matters unrelated to immigration, or other pro bono legal rights group presenters. Legal service providers will be required to provide appropriate identification, such as a bar card from any state, a document demonstrating partial or full accreditation from the U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR), or a letter of authorization from the legal representative or attorney under whose supervision the individual is working as detailed above. Free virtual legal visitation capabilities will be made available via phone or tablet and permit the electronic exchange of legal documents.

ICE/contractor staff will take measures to allow sufficient privacy for noncitizens to meet in person with legal representatives and conduct legal calls (telephonic and video) privately and confidentially, such that a noncitizen's conversation cannot be monitored, recorded, or overheard.

All noncitizens will be provided the most recent DOJ EOIR Pro Bono list and the ICE Legal Resource and Information flyer.

## **23. Ability to File Grievances**

Noncitizens will be informed of their right to file a grievance and will be provided instructions and materials for doing so. Grievances related to the temporary stay site will receive an immediate response from the FOD if submitted by a single adult *and from JFMD if submitted by a FAMU or UC*. If the outcome favors the noncitizen, a timely course correction shall be provided.

Any grievance containing allegations of ICE/contractor staff misconduct or sexual abuse must be sent to the FOD and OPR/JIC.

## **24. Personal Property**

ICE/contractor staff will maintain the noncitizen's personal property to include identity documents at the temporary stay location. The personal property will be placed in an area that is inaccessible without ICE/contractor staff assistance. ICE/contractor staff will ensure noncitizens are able to maintain auxiliary aids, mobility devices, and other aids which assist noncitizens with disabilities.

All personal property will be inventoried (if not already done so by another agency), documented, and secured in an inaccessible location. ICE/contractor staff will provide noncitizens with an itemized receipt listing their property.

Noncitizens may access their mobile phones to obtain phone numbers but may not use them for any email or social media purposes.

## **25. Sexual Abuse and Assault Prevention and Intervention (SAAPI)**

ICE maintains a zero-tolerance policy for all forms of sexual abuse and assault. It is the policy of ICE to provide a safe and secure environment for all noncitizens in its custody, as well as employees, contractors, and volunteers. They are protected from the threat of sexual abuse by requiring adherence to the agency's procedures for preventing, reporting, responding to, investigating, and tracking allegations of sexual abuse. Sexual abuse of noncitizens by other noncitizens or by employees, contractors, or volunteers is prohibited and subject to administrative, disciplinary, and criminal sanctions, when applicable.

ICE/contractor staff will provide noncitizens a Temporary Housing Sexual Abuse and Assault Awareness pamphlet during orientation to ensure noncitizens are informed of all forms of sexual abuse and multiple ways to report sexual abuse.

For the purposes of this standard, the following definitions apply:

Noncitizen-on-Noncitizen Sexual Abuse and/or Assault: Sexual abuse of a noncitizen by another noncitizen includes any of the following acts by one or more noncitizens who, by force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse, engages in or attempts to engage in:

- contact between the penis and the vagina or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;

- contact between the mouth and the penis, vagina or anus;
- penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object;
- touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
- threats, intimidation, or other actions or communications by one or more noncitizen aimed at coercing or pressuring another noncitizen to engage in a sexual act.

Staff-on-Noncitizen Sexual Abuse and/or Assault: Sexual abuse of a noncitizen by a staff member or contractor includes any of the following acts, if engaged in by one or more staff members or contract personnel who, with or without the consent of the noncitizen, engages in or attempts to engage in:

- contact between the penis and the vagina or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- contact between the mouth and the penis, vagina or anus;
- penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- threats, intimidation, harassment, indecent, profane or abusive language, or other actions or communications aimed at coercing or pressuring a noncitizen to engage in a sexual act;
- repeated verbal statements or comments of a sexual nature to a noncitizen;
- any display of his or her uncovered genitalia, buttocks, or breast in the presence of a noncitizen or;
- voyeurism, which is defined as the inappropriate visual surveillance of a noncitizen for reasons unrelated to official duties. Where not conducted for reasons relating to official duties, the following are examples of voyeurism: staring at a noncitizen who is using a toilet to perform bodily functions; requiring a noncitizen to expose his or her buttocks, genitals, or breasts;

or taking images of all or part of a noncitizen's naked body or of a noncitizen performing bodily functions.

ICE/contractor staff shall comply with the requirements of ICE Directive 11062.2, *Sexual Abuse and Assault Prevention and Intervention* (May 22, 2014), in addition to the detailed requirements below. ICE Directive 11062.2 incorporates the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115 (DHS PREA) requirements applicable to ICE and extends SAAPI protections to all individuals in ICE custody, regardless of whether they are in a confinement facility at the time.

A. Training:

ICE/contractor staff shall be trained on their responsibilities under SAAPI pursuant to section 5.2.2 of ICE Directive 11062.2.

B. Reporting:

Staff shall comply with established Agency reporting procedures and staff reporting duties:

- 1) ICE/contractor staff will immediately report to their direct supervisor, the FOD, and JFMD any knowledge, suspicion, or information regarding an incident of sexual abuse or assault of an individual in ICE custody, retaliation against noncitizens or staff who reported or participated in an investigation about such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- 2) ICE/contractor staff shall accept reports made verbally, in writing, anonymously, and from third parties, and promptly document any verbal reports.
- 3) Apart from such reporting, ICE/contractor staff shall not reveal any information related to a sexual abuse or assault allegation to anyone other than to the extent necessary to help protect the safety of the victim or prevent further victimization of other noncitizens or staff, or to make medical treatment, investigation, law enforcement, or other security and management decisions.
- 4) If the alleged victim is under the age of 18 or determined, after consultation with the relevant Office of the Principal Legal Advisor (OPLA) Office of the Chief Counsel (OCC), to be a vulnerable adult under a state or local vulnerable persons statute, report the allegation to the designated state or local services agency as necessary under applicable mandatory reporting laws.

C. First responder duties:

- 1) Staff shall take immediate action to separate any noncitizen who alleges that he/she has been sexually abused or assaulted from the alleged assailant.
- 2) The first security staff member to respond to a report of sexual abuse, shall preserve and protect, to the greatest extent possible, any crime scene until appropriate steps can be taken to collect any evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, the responder shall request the alleged victim not to take any actions and shall ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- 3) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then immediately notify ICE ERO.

D. Emergency Medical and Mental Health Services:

ICE/contractor staff must ensure access to emergency medical and mental health services consistent with the Medical Care section within these Standards.

E. Community Resources:

ICE/contractor staff shall utilize available community resources to provide victim services and other appropriate support to the fullest extent possible following allegations of sexual abuse.

F. Separation of Alleged ICE/Contractor Staff Perpetrator(s):

ICE/Contractor staff suspected of perpetrating sexual abuse shall be removed from all duties requiring noncitizen contact pending the outcome of an investigation.

G. Sanctions for ICE/Contractor Staff:

Disciplinary sanctions for ICE personnel, and corrective action for contractor staff involved in any substantiated acts of sexual abuse or assault:

- 1) Staff shall be subject to disciplinary or adverse action, up to and including removal from their position, for substantiated allegations of



sexual abuse or for violating ICE or facility sexual abuse rules, policies, or standards. Removal from their position is the presumptive disciplinary sanction for staff who engaged in, attempted, or threatened to engage in sexual abuse, as defined under the definition of staff-on-noncitizen sexual abuse.

- 2) Any contractor who has engaged in sexual abuse or assault shall be prohibited from contact with noncitizens. Appropriate remedial measures shall be taken and prohibition of further contact with noncitizens by contractors or volunteers who have not engaged in sexual abuse or assault but have violated other sexual abuse policies shall be considered.
- 3) Incidents of substantiated sexual abuse by a contractor, and all removals of staff, or resignations in lieu of removal for violations of sexual abuse policies, shall be reported to appropriate law enforcement agencies, unless the activity was clearly not criminal. The contractor will report all instances above to the Field Office Director regardless of whether the activity was criminal and shall make reasonable efforts to report such incidents to any relevant licensing bodies, to the extent known.

H. Sanctions for Noncitizens:

Disciplinary sanctions for noncitizens involved in any substantiated acts of sexual abuse or assault shall be consistent with Section 5 Supervision, B. Behavioral Issues housed within this standard.

I. Investigations:

ICE/contract staff shall cooperate with external investigations as well as any ICE investigations into sexual abuse, which will follow established procedures for agency sexual abuse investigations.

J. Informing Receiving Staff:

If the noncitizen is victimized during transport, through coordination with ICE ERO, staff shall ensure the receiving detention facility, holding facility, or non-ICE facility is informed of the incident and the victim's potential need for medical or mental health care or victim services as permitted by law (unless, in the case of transfer to a non-ICE facility, the victim requests otherwise).



access to the housing sites must be coordinated through the Custody Management Division, *JFMD*, and the local Field Office.

## 28. Release or Removal

If noncitizens are released, the time, point, and manner of release shall be consistent with safety considerations and shall take into account any vulnerabilities. As appropriate and necessary, noncitizens shall be transported to local public transportation stations at a time when such public transportation is running. If public transportation is within walking distance, noncitizens shall be provided with an information sheet that gives directions to and describes the types of transportation services available. Noncitizens shall be provided with the following informational sheets available on the [ICE.GOV Attorney Information and Resources](#) page (additional languages available on ICE.GOV):

- [National Social Services Resources / Recursos Nacionales de Servicios Sociales](#) (English/ Spanish)
- [Legal and Other Resources / Recursos Jurídicos y de Otro Tipo](#) (English/Spanish)
- [Information on Change of Address / Información sobre Cambio de Dirección](#) (English/Spanish)

All releases must be documented and coordinated with ICE/ERO.

Upon release or removal, ICE/contractor staff shall return any medications and personal property that noncitizens arrived with.

In the event of an interruption of the scheduled removal due to unforeseen delays, ICE/contractor staff shall notify the Field Office or *JFMD* for appropriate coordination.

If a noncitizen is to be removed via a charter flight, they shall also have access to the following flyers, where appropriate:

- [Your Return to Ecuador \(English/Spanish\)](#)
- [Your Return to El Salvador \(English/Spanish\)](#)
- [Your Return to Guatemala \(English/Spanish\)](#)
- [Your Return to Haiti \(English/Haitian Creole\)](#)
- [Your Return to Haiti \(English/Spanish\)](#)
- [Your Return to Honduras \(English/Spanish\)](#)

If noncitizens are being removed from a temporary stay site, ICE/contractor staff shall coordinate with the Field Office *and JFMD* and ensure that the individual is

prepared to travel. *If children are present, there must be safe transport available to include age-appropriate items, such as car seats.*

## Appendix A: Definitions

**Accompanied Child:** A noncitizen child under the age of eighteen with no legal immigration status with a parent or legal guardian available to provide care and physical custody.

**Ambulatory Restraints:** “Soft” or “hard” equipment used to restrict a noncitizen’s movement but leaving the individual able to eat, drink, or attend to basic bodily functions without staff intervention.

**Calculated Use of Force:** Calculated use of force is feasible and preferred to immediate use of force in most cases and is appropriate when the noncitizen is in a location where the noncitizen poses no immediate threat of harm, even if the noncitizen is verbalizing threats or brandishing a weapon, provided staff sees no immediate danger of the noncitizen causing harm to themselves or others. Calculated use of force affords staff time to strategize and resolve situations in the least confrontational manner and assist to de-escalate the situation.

**Contraband:** Contraband includes anything individuals are not authorized to have in their possession.

**Contract Staff:** Staff that provide services on a recurring basis pursuant to a contractual agreement with ICE. May include transportation contractor staff.

**Disability:** A physical or mental impairment that substantially limits one or more of an individual’s major life activities, or a record of such a physical or mental impairment.

“Major life activities” are basic activities that an individual without a disability can perform with little or no difficulty, including but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity can also include the operation of major bodily functions, like the immune, endocrine, and neurological systems; normal cell growth; digestion, respiration, and circulation; and the operations of the bowel, bladder, and brain.

**Family Unit (FAMU):** A family consisting of a non-U.S. citizen parent(s) or legal guardian(s) with no legal immigration status, accompanied by his/her/their noncitizen child or children under the age of eighteen with no legal immigration status.

**ICE/Contractor Staff:** Umbrella term used throughout these Standards to refer to ICE and contract staff who are staffing the temporary stay.

**ICE Juvenile Coordinator:** Court-appointed HQ ERO designee.

**ICE Staff:** A person providing services on a recurring basis pursuant to their employment with ICE.

**Immediate Use of Force Situation:** A situation created when a noncitizen's behavior constitutes a serious and immediate threat to self, staff, another noncitizen, property, or a member of the public. In such a situation, ICE/contractor staff may respond without a supervisor's direction or presence.

**Legal Assistant:** An individual (other than an interpreter) who, working under the direction and supervision of an attorney or other legal representative, assists with group presentations and in representing individual noncitizens. Legal assistants may interview noncitizens, assist them in completing forms, and deliver papers to them without the supervisory attorney being present.

**Legal Representatives:** An attorney or other person representing another in a matter of law, including law students, law graduates not yet admitted to the bar; "reputable individuals;" accredited representatives; accredited officials; and attorneys outside the United States (see 8 C.F.R. § 292.1, "Representation and Appearances").

**Progressive Restraints:** The act of using restraints that control the noncitizen in the least restrictive manner required, until and unless the noncitizen's behavior warrants stronger and more secure means of inhibiting movement.

**Qualified Representatives (QR):** A licensed attorney, accredited representative, or supervised law student/graduate who is an individual's appointed representative in immigration court following an Immigration Judge's determination that an individual is incompetent and requires representation via the National Qualified Representative Program. A Qualified Representative (QR) must have a Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative, on file with the immigration court and have noted their appearance as a QR.

**Special Vulnerabilities:** For the purposes of these standards, noncitizens with special vulnerabilities include individuals with serious mental disorders or conditions (including but not limited to noncitizens determined by an Immigration Judge to be incompetent for purposes of immigration proceedings); individuals with serious health conditions; individuals with physical and mental disabilities; individuals who are pregnant, postpartum, or nursing; individuals who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex (LGBTQI+) or gender nonconforming; elderly individuals with physical frailty or infirmity associated with the noncitizen's age; individuals 18-21 years of age; individuals who are victims of crime/abuse with resulting adverse trauma;

and individuals with a condition or characteristic which may cause them to be particularly susceptible to harm while in detention or custody.

**Tender Age or Tender Years:** Age of ten and under.

**Travel Delays:** Such circumstances include delays in procuring travel documents, delays in departure due to weather or other unforeseen circumstances, and potential quarantine due to a physical illness.

**Unaccompanied Child:** A child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom there is no parent or legal guardian in the United States; or no parent or legal guardian in the United States is available to provide care and physical custody.

## **Appendix B: Required Postings**

Note: Required posting will change or be updated. ICE Field Office or JFMD will provide updates to contractor personnel.

1. Detention Reporting and Information Line (DRIL)
2. Temporary Housing Sexual Abuse and Assault Awareness Pamphlet
3. DHS OIG Hotline
4. I Speak... (Language Identification Guide)
5. I Speak... (Indigenous Language Identification Guide)
6. Online Detainee Locator System (ODLS)
7. Parents and Legal Guardian Posters
8. ICE COVID-19 Flyer
9. Noncitizen Notice of Language Services Flyer
10. Blue Campaign Posting on Human Trafficking Indicators



## **Appendix C: Contact Information Handout**

A handout containing the following information will be provided to noncitizens:

- Phone numbers for:
  - ICE ERO Field Office point of contact / How to contact ICE ERO Field Offices
  - DHS Office of Inspector General
  - ICE Detention Reporting and Information Line
  - The Blue Campaign
  - ICE Legal Resource and Information Flyer (Non-detained)
  - Joint Intake Center
- Mailing address for:
  - DHS Office for Civil Rights and Civil Liberties

## **Appendix D: Materials Required**

The following materials will be made available:

1. PPE as identified in ICE policy addressing response to infectious diseases, which may include surgical masks, N95 masks, gloves, hand sanitizers, disinfectant sprays (if available), and disinfectant wipes.
2. A binder (electronic or hard copy) with all required ICE postings (See Standard 26 ICE Postings and Appendix B: Required Postings).
3. First aid kit.
4. Passive recreational activities such as, but not limited to age-appropriate coloring books and crayons, crossword puzzles, board games, electronic games, card games, Legos, chess/checkers sets, dolls, etc.
5. Active recreation such as, but not limited to streaming of age-appropriate exercise, dance, and other recreation videos or classes.
6. If a tender aged child will be present, age-appropriate items such as: diapers, wipes, baby shampoo, bottles, sippy cups, age-appropriate food and snacks, infant formulas, a baby bath, baby gates, and a portable crib.
7. Grievance forms and written instructions for filing in English and Spanish.

## **Appendix E: List of Required Training**

ICE/contractor staff shall receive sufficient initial and recurrent training to be competent in their job duties.

The following list includes general training in these standards where ICE has a specific requirement related to content, duration, or frequency.

1. Staff shall be trained on responsibilities related to sexual abuse and assault prevention and intervention.

See Standard 23 Sexual Abuse and Assault Prevention and Intervention

2. ICE staff shall be trained on the latest versions of ICE's and DHS's use of force and use of restraints policies.
3. Contractor staff will have training as per contract requirements.

All ICE staff will be referred to the JFMD intranet page for resources and training materials focused on children.

## Appendix F: Required Notifications

1. In the event of an emergency, staff must notify the local Field Office and *the JFMD CMU Chief if children are in residence.*

See Standard 1 Procedures and Requirements

Environmental Health and Safety

2. In the case of any delays exceeding 72 hours, ICE/contractor staff are to notify the FOD *and JFMD.*

See Standard 2 Length of Stay

3. *ICE/contractor staff must notify JFMD if exceptional circumstances arise for children, such as, but not limited to:*
  - *extended travel delays,*
  - *pending medical exams, or*
  - *unexpected delays in filling prescriptions requiring the child(ren) to stay longer in temporary housing.*

*JFMD will arrange the appropriate notifications to the Department of Justice, the Flores Court, and/or the Flores Plaintiffs, where required.*

See Standard 2 Length of Stay

4. All uses of force and application of restraints must be immediately reported orally up the chain of command when it is safe to do so. Use of force incidents must also be reported in writing (when it is safe to do so) per ERO Use of Force policy. ICE staff shall consult with Field Office leadership *and JFMD* as appropriate.

See Standard 4 Security

5. If there is an issue with the individual contacting a legal representative, staff will notify *JFMD* or the FOD.

See Standard 19 Telephone

6. ICE/contractor staff will document and report to *JFMD* or the FOD all instances where a noncitizen is unable to make a requested call.

See Standard 19 Telephone

7. Positive infectious disease tests:
  - For single adults, if the test is positive, staff will notify the Field Office.

- *If a family member or child tests positive for an infectious disease while in residence and requires an extended stay, ICE and contractor staff will notify JFMD.*

*JFMD will arrange for the notification to the Department of Justice, the Flores Court, and/or the Flores Plaintiffs, where appropriate.*

See Standard 15 Procedures Specific to Infectious Diseases

8. Notify the FOD *and JFMD* in the event of a suicide or suicide attempt, placement of an individual on suicide precautions, or transfer of an individual to a local hospital or emergency room.

See Standard 16 Significant Self-Harm and Suicide Prevention and Intervention

9. ICE/contractor staff are required to notify the local ERO Field Office or *JFMD* in writing of the following as soon as possible if the contractor has identified and has any concerns or difficulties with accommodating a noncitizen with a disability or is unable to communicate effectively or provide the appropriate auxiliary aids or services for effective communication, or if the contractor intends to deny a request for an accommodation based on a disability.

The notification must include at a minimum:

- The nature of the noncitizen's disability;
- Concerns, assistance needed, or difficulties with accommodations;
- Concerns, assistance needed, or difficulties with effective communication;
- The modification requested by the noncitizen;
- The reason for denial (if applicable); and
- Any steps the staff have taken to address the noncitizen's disability.

See Standard 17 Disability

10. In the event of an interruption of the scheduled removal due to unforeseen delays, ICE staff shall notify the Field Office or *JFMD* for appropriate coordination.

See Standard 28 Release or Removal