

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ENFORCEMENT AND REMOVAL OPERATIONS  
STANDARD OPERATING PROCEDURES**

**Legal Access and Legal Visitation Standard Operating Procedures for ICE  
Family Residential Centers**

**Directive Number:** 11302

**Issue Date:** 10/30/2015

**Superseded:** None.

**Federal Enterprise Architecture Number:** 301-112-002b

1. **Purpose/Background.** These Standard Operating Procedures establish minimum legal access and legal visitation standards applicable to all Immigration and Customs Enforcement (ICE) Family Residential Centers (FRC) that are active and operational as of the above effective date.
2. **Policy.** ICE will promote access and visitation for residents by legal representatives as set forth in these standard operationg procedures. In the event of an emergency that threatens the safety or security of FRC residents and/or staff, the facility administrator may temporarily suspend these procedures, in whole or in part. Any violation of the legal access and visitation rules by a visitor may result in corrective action, including suspension of access to the facility. Any criminal violations may lead to criminal arrest and prosecution. ICE will review these procedures on an annual basis or more frequently if operationally required.
3. **Definitions.** The following definitions apply for purposes of this SOP only.
  - 1) **Attorney.** Any person who is eligible to practice law in, and is a member in good standing of the bar, of the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him/her in the practice of law. 8 C.F.R. § 1.2.
  - 2) **Interpreter.** A person who provides an oral interpretation or written translation, from one language and converts to another language while retaining the same meaning.
  - 3) **Legal Assistant.** An individual (other than an interpreter) who, working under the direction and supervision of an attorney or legal Representative, assists with group presentations and in representing individual residents. Legal assistants may interview residents, assist residents in completing forms, and deliver papers to residents without the Attorney or Legal Representative being present.
  - 4) **Independent Medical Expert.** An individual who is licensed or otherwise authorized by a state to provide medical or mental health care services, including but not limited to physicians, registered professional nurses, and licensed social workers. Such individuals are not permitted under this SOP to provide medical or mental health care services to residents, but may be permitted to evaluate individual residents for purposes of preparing expert reports.

- 
- 5) **Legal Representative.** Any person who is legally authorized to represent another, including accredited law school students under the direct supervision of a faculty member, licensed attorney, or accredited representative, and accredited law school graduates not yet admitted to a bar; "reputable individuals"; accredited representatives; accredited officials; and attorneys outside the United States. *See* 8 C.F.R. § 292.1.
4. **Responsibilities.**
- 1) **The FRCs and Legal Visitors** are responsible for following the procedures in Section 5 of this directive.
- 2) **Legal Representatives** are responsible for completing and submitting a Form G-28 to ICE/ERO if an attorney-client relationship has been established. This requirement applies to both visitation with individual residents and to attorney-client group legal meetings. Such forms will be available in the legal visitation reception area. Each completed Form G-28 becomes a permanent part of the resident's administrative file, and it remains valid until ICE/ERO receives written notice of the relationship's termination from the resident or the legal representative. Attorneys representing residents on legal matters unrelated to immigration are not required to complete a Form G-28. In addition, Form G-28 is not required for pre-representation sessions provided by attorneys or legal representative.
5. **Procedures.**
- 5.1. **Notification of Visitation Rules and Hours.** Every FRC will complete the following actions to promote access and availability of visitation rules and procedures:
- 1) Provide existing and newly admitted residents with a resident handbook (or equivalent) upon admission, which shall include information regarding FRC visitation rules and hours in Spanish and English.
- 2) Conspicuously post visitation rules and hours in Spanish and English in common resident areas and housing units.
- 3) Promote public access to visitation Rules and hours in both Spanish and English through conspicuous postings in the visitor waiting areas, in writing upon request, and telephonically via live voice or recorded message.
- 5.2. **Visitor Logs.**
- 1) The PERC/LESC will complete a records check of the subject, including but not limited to, National Crime Information Center (NCIC) active wants and/or warrants, criminal history, immigration status, and docket location.
- 5.3. **Access to Communication Devices.**
- 1) FRCs will maintain a land-line telephone in each legal visitation room for use by attorneys and residents for legal visitation purposes relevant only to the specific visit.
- 2) Use of personal electronic devices (e.g., cell phones/ smart phones, and other Wi-Fi/cellular enabled devices) is generally prohibited. The use of laptops, Wi-Fi and hot spot devices, and tablets are, however, permitted in the visitation area. At the discretion of the ICE Facility Administrator, limited cell phones/smart phones may be permitted if functioning land-line telephones become unavailable.

---

**5.4. Visiting Room Conditions.**

- 1) Visiting areas will be appropriately furnished and arranged, and as comfortable and pleasant as practicable, including safe and appropriate accommodations for children.
- 2) Monitored care of children is available upon request as explained in the section below entitled "Legal Visitation Privacy."
- 3) As practicable space should be provided outside of the immediate visiting areas for the secure storage of visitors' coats, handbags, and other personal items.
- 4) The facility administrator will provide adequate supervision of all visiting areas. The visiting area staff will ensure that all visits are conducted in a quiet, orderly, and dignified manner.

**5.5. Visitors' Food and Drink.**

- 1) Visitors will be permitted to bring water and an appropriate amount of snacks for personal consumption.
- 2) FRCs will designate specific areas of the facility in which food and beverages may be consumed, generally inside the visitation area.
- 3) Food and beverages may not be shared with or otherwise provided to the residents.
- 4) All food and beverages will be subject to search upon entering the FRC.
- 5) FRC staff will ensure that food and beverage vending machines are stocked appropriately.

**5.6. Pre-Screening Requirement For Designation of Legal Visitors and Independent Medical Experts.**

- 1) For the safety and security of FRC residents and staff, FRCs will require all prospective Legal Visitors to pass pre-clearance/ record checks seventy-two (72) hours prior to the initial visit. The pre-clearance/records checks will include, but is not limited to, identity verification, current employment or educational status, arrest and criminal history, and verification of training, certification, and/ or skills underlying the applicant's request for legal/medical visitor designation.
- 2) Licensed attorneys may satisfy the pre-clearance/records check requirement with proof of identity and proof of admission and good standing in any state bar. Licensed attorneys satisfying these requirements will not be required to undergo the broader screening referenced above.
- 3) The ERO Field Office Director (FOD) for the area of responsibility (AOR) containing the respective FRC is the approving official for applications for Legal Visitor designation.

---

**5.7. Visits by Legal Representatives and Legal Assistants.**

- 1) Subject to the restrictions herein, individuals in the following categories are considered Legal Visitors:
  - a. Attorneys and Legal Representatives
  - b. Legal Assistants
    - i. Upon presentation of a letter of authorization from the legal representative under whose supervision the legal assistant is working, an unaccompanied legal assistant may meet with a resident during legal visitation hours. The letter must state that the named legal assistant is working on behalf of the supervising legal representative for the purpose of meeting with the FRC resident(s).
  - b. Interpreters
    - i. Interpreters will be permitted to accompany legal representatives and legal assistants on legal visits, subject to visitor identification and search procedures detailed in the sections titled "Pre-Screening Requirement For Designation of Legal Visitors" and "Necessary Documentation to Prove Legal Representative and Legal Assistant Status."
  - c. Independent Medical Experts
    - i. Upon presentation of a written request by a legal representative under whose supervision the medical expert is working, and approval by the ERO Juvenile and Family Residential Management Unit, a medical or mental health professional will be permitted to conduct an independent medical or mental health examination of a specified resident. (Note: Such individuals are not permitted under this SOP to provide medical or mental health care services to residents.). The written request must identify the individual resident to be examined and the purpose of such examination. Neither ICE nor the facility may assume any cost for the examination.
- 2) Messengers who are not legal representatives or legal assistants will be permitted to deliver documents to and from the facility, but not visit residents.
- 3) Prior to each visit, all legal representatives and assistants will be required to provide identification. State bar cards are preferred. Attorneys who are members of a state bar that does not provide bar cards are required to present other documentation that verifies bar membership. If such documentation is not readily available, the attorney will be required to report where he or she is licensed as an attorney and how this information may be verified.
- 4) Law students must have a government-issued identification card and a memorandum on letterhead from the supervising attorney who is a bar member in good standing acknowledging that the law student is a representative of the supervising attorney.

- 
- 5) FRCs will ensure that local rules allow each resident to meet privately with current or prospective legal representatives and their legal assistants. The FRC and ICE staff may not inquire into the subject matter of visits with legal representatives and assistants.
  - 6) A legal visitation request, using the appropriate facility form, should be completed and submitted to the facility at least twenty-four (24) hours prior to the requested visit time to ensure proper scheduling of a private meeting room.
    - a. The legal visitation request form must identify the resident to be visited.
    - b. Legal representatives and assistants are not required to provide, and FRC staff shall not inquire into a resident's A-number as a condition of visiting; FRC staff will make a good-faith effort to locate a resident if provided with sufficient information about the resident.
  - 7) Legal representatives and assistants may call the facility in advance of a visit, to determine the custody status of a particular individual. These calls may be answered by facility staff or forwarded to a designated ERO officer within the facility or to the ERO field office within the respective AOR.
  - 8) The FRCs will not reject qualified attorneys or pre-cleared legal visitors who fail to provide notice 24 hours in advance, but failure to provide such notice may result in the following:
    - a. Notification to such legal visitors that their visit may be accommodated subject to space limitations, and only following the facilitation of legal visits of those who provided notice 24 hours in advance;
    - b. Placement of such legal visitors in queue or an on-call list to replace no-shows or cancellations from legal visitors who provided advanced notice; and/ or
    - c. The FRC's inability to identify or locate residents in a timely manner.
  - 9) Legal representatives and assistants are subject to a search, at any time, of his/her person and belongings, pursuant to a reasonable and articulable basis, for the purpose of ascertaining the presence of contraband.
  - 10) The FRCs will designate a Legal Access Communications Liaison Officer to administer legal access policies and procedures discussed in this SOP and facilitate legal access related communication between residents and the public, including legal visitors.
  - 11) The FRC personnel will be required to complete Legal Access detention standards training and refamiliarize themselves with the provisions of this SOP at least once each fiscal year to ensure consistent and fair application of legal visitation rules.

---

**5.8. Legal Visitation Hours.**

- 1) The FRCs will permit legal visitation seven (7) days a week, including holidays, for a minimum of eight (8) hours per day on regular business days, and a minimum of four (4) hours per day on weekends and holidays.
- 2) Notwithstanding the regular visitation hours, the FRC and ICE staff maintains discretion to extend or terminate legal visits at the end of the allotted time.
- 3) On regular business days, legal visitations may proceed through a scheduled meal period. If residents miss their scheduled meal as a result of a legal visit, the FRC staff will ensure that a meal is provided upon conclusion of the conflicting legal visit.

**5.9. Pre-Representation Meetings.** During regular legal visitation hours each FRC will permit residents to meet with prospective legal representatives. Each FRC will document pre-representation meetings in the logbook for legal visitation. For meetings that are pre-representational and no attorney-client relationship exists, legal service providers do not need to complete a Form G-28.

**5.10. Legal Visitation Privacy.**

- 1) The substance of conversations during legal visits between legal representatives or assistants and a resident are confidential and will not be subject to auditory supervision by FRC or ICE staff.
- 2) FRC and ICE staff will not be present in the legal visitation room unless the legal representative or assistant requests the presence of staff; however, staff may observe the visit through a window or camera, and only to the extent necessary to maintain security.
- 3) If the legal representative requests to meet with a resident in a general visitor or other alternate visiting room, the request should be accommodated if practicable. Such meetings will be afforded privacy but only to the extent practical under the circumstances.
- 4) Due to the presence of children and the requirement to provide for attorney-client visitation, visitation areas will be constructed in a manner that allows for parents to view the activities of their children within the visitation area. Furthermore, monitored care for children is available by staff at all FRCs should parents opt to use this amenity.
- 5) Legal visitors may occupy a meeting room for successive resident client visits but only if any other attorney is not waiting. When there are attorneys waiting, the initial attorney may return to the queue and wait for an attorney client space to become available so as to meet with more clients.
- 6) FRC staff are generally prohibited from holding a room for a legal representative who leaves the FRC premises. Exceptions will be considered and decided by the Legal Access Communications Liaison Officer. Legal representatives who leave the facility and return at a later time may be placed back in queue should all rooms be filled with other attorneys and residents.

---

**5.11. Dedicated Workspace.**

- 1) Recognizing the unique nature of FRCs, the vulnerability of the resident population, families and juveniles, and other unique qualities of families awaiting immigration case processing, the FRCs will reasonably provide registered pro-bono legal representatives with a dedicated workspace for use by the attorneys and legal representatives, and their legal assistants and interpreters, in the representation of the FRC residents. Prior to using this workspace and equipment, the legal representative will be required to sign specific user agreements, which may permit, in the discretion of the FRC, for limited pre-cleared personal office equipment in the workspace.
- 2) Provisions for copy services for legal representatives will be instituted providing there is no cost to the government.

**5.12. Materials Provided to Residents by Legal Representatives.**

- 1) The FRCs will allow residents and legal representatives to exchange documents that are relevant for legal representation purposes.
- 2) Legal representatives may provide one (1) business card per resident/client.
- 3) Written material provided by a legal representative to a resident during a legal visit may be inspected by an FRC staff, but not read.
- 4) Residents are entitled to retain legal material received for their personal use.
- 5) Quantities of blank forms or self-help legal material in excess of those required for personal use may be held for the resident with his or her stored property. The resident will be permitted access to these documents through the established avenues of communication.

**5.13. Resident Access to Personal Medical Records.**

- 1) Any FRC resident may, at any time, request access to his/ her medical records that are maintained at the FRC, by submitting a medical records request form and a signed HIPAA-compliant waiver to a designated FRC staff.
- 2) The medical request and HIPAA forms shall be available in common areas.
- 3) Upon receipt of the properly completed request, the FRC staff will generally produce the medical records within five (5) business days of the receipt of the request.
- 4) Legal representatives and former residents may use the FOIA process to request medical records.

**5.14. Request for Identity Documents.** A copy of the resident's identity documents will be provided to the resident upon request. The facility and/or ICE will maintain records of all documents provided to the requesting resident and/or their attorney of record.

---

**5.15. Communication with Residents.**

- 1) FRC and ICE staff will utilize contracted interpreters and translators, when necessary, to facilitate communication between staff and the residents.
- 2) ICE contracted interpreters and translators will be strictly prohibited from facilitating any legal communication between a legal representative and a resident. This strict prohibition protects all parties from potential conflicts of interest, impermissible disclosures, and any ethical issues that may arise pertaining to attorney-client privilege.

**5.16. Attorney-Client Group Legal Meetings.** Upon the request of a legal representative or assistant, the ICE facility administrator may permit a confidential meeting (with no staff present) involving the requester and two (2) or more residents. This may be for various purposes: pre-representational, representational, removal-related, etc. Such requests should be made to the Legal Access Communications Liaison. The FRCs should grant such requests to the greatest extent practicable. The ICE facility administrator will limit resident attendance according to the practical concerns of the facility, or the security concerns associated with the meeting in question. Attorney-client group legal meetings are distinct from legal rights group presentations, which are governed by ICE Family Residential Standard 6.3 (Legal Rights – Group Presentations).

**5.17. Pro Bono List and Resident Sign-Up.**


- 1) The U.S. Department of Justice (DOJ), Executive Office For Immigration Review (EOIR) produces and updates a list of local pro bono legal organizations. FRCs will promptly and prominently post the most current list in common areas.
- 2) Any legal organization or individual on the current list may contact the ICE facility administrator to request the posting and/or general circulation of a sign-up sheet to facilitate attorney-client meetings. Upon approval, the ICE facility administrator will notify residents of the sign-up sheet's availability and, according to established procedures, ensure coordination with the pro bono organization.

**5.18. Consequences for Violations of Visitation on Contraband Rules.** The following apply to FRC visitors:

- 1) Any visitor who violates any visitation rule, including adversely impacting the safety or security of the facility, may face corrective action, including visitation restrictions from all FRCs, immediate cancellation or termination of a visit, and/or suspension of future visitation privileges.
- 2) Any offense involving contraband or other criminal violations may lead to criminal arrest and referral for prosecution.
- 3) The ERO FOD, in the AOR of the relevant FRC, is designated as the deciding official on all corrective actions considered against legal visitors.
- 4) The FOD will confer with the AOR's Office of the Principal Legal Advisor Office of the Chief Counsel prior to taking corrective action taken against legal visitors.



- 
- 5) The FOD must notify the ERO Assistant Director for Field Operations within two hours of any terminated or refused legal visit. Barred visitors will receive prompt basis for such restriction.
  - 6) After five business days, visitors barred from the facility may submit a written request to the FOD requesting reinstatement of visitation privileges. The FOD, or designee, will provide a written response to each request.
  6. **Recordkeeping.** Records will be maintained as described in these Standard Operating Procedures.
  7. **Authorities/References.** Not applicable.
  8. **Attachments.** None.
  9. **No Private Right.** These guidelines, which may be modified, superseded, or rescinded at any time, are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.



---

**Thomas Homan**  
**Executive Associate Director**  
**Enforcement and Removal Operations**  
**U.S. Immigration and Customs Enforcement**