

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS**

11071.1: Assessment and Accommodations for Detainees with Disabilities

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1. **Purpose/Background.** This Directive establishes policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) to oversee and communicate with detention facilities on the identification, assessment, and accommodation of detainees with disabilities. While Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended (Section 504), also applies to non-custodial interactions, this Directive specifically addresses ICE ERO's interactions with individuals in immigration detention facilities and family residential centers. ICE ERO is committed to ensuring that detainees with disabilities receive all necessary accommodations or modifications to policies, practices, or procedures to allow them an equal opportunity to access, participate in, or benefit from detention programs, services, and activities. Further, ICE ERO will take appropriate steps, and/or work with detention facility staff to assist them in taking such steps, to allow for effective communication with detainees with disabilities, including through the provision of accommodations and services as necessary.

This Directive is intended to implement and complement the requirements of Section 504; the implementing U.S. Department of Homeland Security (DHS) regulations, *Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities*, 6 C.F.R. Part 15, et seq.; DHS Directive 065-01, *Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment)* (Sept. 25, 2013); and DHS Instruction 065-01-001, *Instruction on Nondiscrimination for Individuals with Disabilities in DHS Conducted Programs and Activities (Non-Employment)* (Mar. 13, 2015).

2. **Policy.** It is ERO policy that detainees with disabilities will be provided an equal opportunity to access, participate in, or benefit from in-custody programs, services, and activities, and that detainees with disabilities will be provided with auxiliary aids and services as necessary to allow for effective communication. Detainees with disabilities may request and receive appropriate auxiliary aids and services, reasonable accommodations, and modifications to policies, practices, and procedures (collectively "accommodations" for the remainder of this Directive) pursuant to ICE ERO and individual detention facility policy. However, ICE ERO and detention facilities are not required to provide the requested accommodations if they would create a fundamental alteration or an undue financial and administrative burden. All approved accommodations and modifications shall be provided in a manner that is consistent with ICE's detention standards and relevant provisions of law.

3. Definitions. The following definitions apply for purposes of this Directive and the associated processes and procedures:

3.1. Accommodations include the following:

- 1) Any change or adjustment in detention facility operations or any modification to detention facility policy, practice, or procedure that permits a detainee with a disability to participate in the facility's programs, services, activities, or requirements, or to enjoy the benefits and privileges of detention programs equally to those enjoyed by detainees without disabilities. Examples include, but are not limited to, proper medication and medical treatment; accessible housing, toilet, and shower facilities; devices like bed transfer, accessible beds or shower chairs; wheelchairs, walkers or canes; and assistance with toileting and hygiene.
- 2) Auxiliary Aids and Services that allow for effective communication by affording detainees with impaired sensory, manual, or speaking skills an equal opportunity to participate in, and enjoy the benefits of, programs and activities. Such aids or services include interpreters, written materials, note-takers, video remote interpreting services, or other effective methods of making aurally delivered materials (i.e. perceived through hearing) available to detainees with hearing impairments; readers, taped texts, materials or displays in Braille, secondary auditory programs, or other effective methods of making visually delivered materials available to detainees with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions.

3.2. Communication and Mobility Impairments. For purposes of this Directive, detainees with "communication impairments" include detainees with physical, hearing, visual, and speech impairments (e.g., detainees who are deaf or hard of hearing, blind, or nonverbal). Detainees with "mobility impairments" include detainees with physical impairments who require a wheelchair, crutches, prosthesis, cane, other mobility device, or other assistance.

3.3. Denial. A decision to deny a detainee's request for an accommodation, unless the detainee is provided an equally effective alternative accommodation.

Permissible reasons for a facility to deny an accommodation to a detainee who has been determined to have a disability include: (1) the detainee is not denied access to the facility's programs or activities because of a disability; (2) there is not a nexus between the disability and the requested accommodation; (3) the requested accommodation would fundamentally alter the nature of the program, service, or activity; (4) the requested accommodation would result in an undue financial and administrative burden; or (5) the detainee poses a direct threat to staff or other detainees.

Both "fundamental alteration" and "undue financial and administrative burden" are generally high standards that are difficult to meet. Further, if a particular accommodation

would result in an undue financial and administrative burden or fundamental alteration, the facility must take any other action that would not result in such an undue burden or fundamental alteration but would nevertheless ensure that, to the maximum extent possible, detainees with a disability receive the benefits and services of the program or activity. Similarly, determinations that detainees pose a “direct threat” are generally very rare, and require a careful, individualized assessment as described below.

- 3.4. Detainee with a Disability.** A detainee with a physical or mental impairment that substantially limits one or more major life activities (an “actual disability”) or who has a record of a physical or mental impairment that substantially limits a major life activity (“record of”).
- 3.5. Direct Threat.** ICE ERO and its detention facilities may deny an accommodation to a detainee with a disability who poses a direct threat to staff or other detainees only if providing the accommodation would unavoidably exacerbate the threat. The determination that a detainee with a disability poses a direct threat to staff or other detainees must be reached through an individualized assessment. The assessment should rely on reasonable judgment and current medical evidence, or the best available objective evidence, to determine the nature, duration, and severity of the risk, and whether any modifications of policies, practices, or procedures can mitigate or eliminate the risk. Detainees with disabilities who are found to pose a direct threat are nevertheless entitled to auxiliary aids and services or other appropriate steps to allow for effective communication.
- 3.6. Fundamental Alterations:** A “fundamental alteration” to a facility’s programs, services, or activities is a change that is so significant that it alters the essential nature of the program, service, or activity offered. Whether a change constitutes a fundamental alteration is a determination that must be made on a case-by-case basis, and that must consider the unique characteristics of each facility and each detainee with a disability.
- 3.7. Interactive Process.** The process by which a detention facility engages with a detainee with a disability who is requesting an accommodation to address the disability-related request, the process for determining whether an accommodation can be provided and through which the detention facility determines whether the request is granted, and identification of alternative accommodations.
- 3.8. Major Life Activities.** Basic activities that a detainee without a disability in the general population 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 a major bodily function.
- 3.9. Physical or Mental Impairments.** Physical or mental impairments include: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting

one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; and (2) any mental or psychological disorder such as a developmental delay, organic brain syndrome, emotional or mental illness, and conditions that cause learning impairments.

- 3.10. Programs, Services, and Activities.** The “programs,” “services,” “benefits,” and/or “activities” of a detention facility include all aspects of the facility’s operations that involve detainees. These include, but are not limited to, housing placements, medical care, safety and security protocols, food services, correspondence, visitation, grievance systems, transfers, and detainee programming and scheduled activities such as law and leisure libraries, religious services, educational or vocational classes, work programs, and recreation.
- 3.11. Section 504.** Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended. Section 504 prohibits discrimination based on disability in federally assisted and federally conducted programs or activities in the United States. As used in this Directive, Section 504 applies only to programs or activities conducted by ICE ERO, including through its contractors.
- 3.12. Undue Financial and Administrative Burden.** An “undue financial and administrative burden” is a significant difficulty or expense related to a facility’s operations, programs, or activities. In evaluating whether a particular accommodation would result in an undue financial and administrative burden, the facility must consider all resources available for use in the funding and operation of the conducted program or activity as a whole.
- 4. Responsibilities.**
- 4.1. The Custody Management Division (CMD)** has responsibilities under:
- 1) Section 5.7 (ICE Headquarters Oversight and Reporting); and
 - 2) Section 6 (Training).
- 4.2. The ERO Disability Access Coordinator (EDAC)** has responsibilities under:
- 1) Section 5.1 (ERO Disability Access Coordinator);
 - 2) Section 5.4 (FOD Review and Oversight);
 - 3) Section 5.5 (ERO HQ Coordinated Review and Response);
 - 4) Section 5.6 (ICE Determinations on the Provision of Accommodations); and
 - 5) Section 6 (Training).

4.3. The ERO Executive Associate Director (EAD) has responsibilities under:

- 1) Section 5.1 (ERO Disability Access Coordinator);
- 2) Section 5.5 (ERO HQ Coordinated Review and Response); and
- 3) Section 5.6 (ICE Determinations on the Provision of Accommodations).

4.4. Field Operations has responsibilities under:

- 1) Section 5.7 (ICE Headquarters Oversight and Reporting); and
- 2) Section 6 (Training).

4.5. Field Office Directors (FODs) have responsibilities under:

- 1) Section 5.2 (Supporting Disability Access Coordinator (SDAC));
- 2) Section 5.3 (Facility Obligations and Notifications);
- 3) Section 5.4 (FOD Review and Oversight);
- 4) Section 5.5 (ERO HQ Coordinated Review and Response);
- 5) Section 5.6 (ICE Determinations on the Provision of Accommodations); and
- 6) Section 6 (Training).

4.6. ICE Health Service Corps (IHSC) has responsibilities under:

- 1) Section 5.4 (FOD Review and Oversight);
- 2) Section 5.5 (ERO HQ Coordinated Review and Response);
- 3) Section 5.6 (ICE Determinations on the Provision of Accommodations);
- 4) Section 5.7 (ICE Headquarters Oversight and Reporting); and
- 5) Section 6 (Training).

5. Procedures/Requirements.

5.1. ERO Disability Access Coordinator.

- 1) The ERO Executive Associate Director (EAD) shall designate an ERO Disability Access Coordinator (EDAC) who shall serve as the primary point of contact and subject matter expert for ERO Headquarters (HQ) and the field regarding the accommodation of, and communication with, detainees with disabilities in ERO custody. The EDAC shall have the following duties:
 - a) Work with other ERO HQ personnel to review information submitted by Field Office Directors (FODs) regarding denials of accommodations, as well the identification of detainees with mobility and communication impairments;
 - b) Work with other ERO HQ personnel to review recommendations by Service Processing Centers (SPCs) to deny a detainee's request for an accommodation;
 - c) Work with other ERO HQ personnel to review information submitted by the ICE Health Service Corps (IHSC) regarding recommendations to deny a request for an accommodation, as well as delays reported by IHSC in its review of accommodation requests or in its provision of accommodations that have been approved;
 - d) Maintain a list of disability-related resources and equipment available to ERO and ICE detention facilities, and where appropriate, assist Field Offices in the provision of requested accommodations;
 - e) Evaluate information collected from (b)(7)(E) (b)(7)(E) (b)(7)(E) and other relevant ICE information technology systems regarding the identification, care, approved accommodations, and custody of detainees with disabilities;
 - f) As appropriate, maintain records of detainees with communication and mobility impairments and records of denials of (and/or recommendations to deny) detainee requests for accommodations by facilities;
 - g) Assist FODs, ERO HQ, and IHSC in compliance with the provisions of this Directive;
 - h) Develop and deliver training on the provisions of this Directive; and
 - i) Assist in addressing inquiries related to the care and custody of detainees with disabilities.
- 2) On a quarterly basis, the EDAC shall report to the Detention Monitoring Council (DMC) on trends and areas of concern related to detainees with disabilities.

5.2. Supporting Disability Access Coordinators (SDAC). Each FOD shall designate at least one supervisory-level representative from his or her Field Office to serve as the SDAC for that area of responsibility (AOR). These individuals shall serve as the main point of contact at the Field Office level regarding compliance with Section 504 and associated DHS, ICE, and ERO regulations, detention standards, policies, and procedures related to detainees with disabilities. The SDACs shall also assist the FOD and other Field Office supervisory-level personnel in performing the following duties with respect to their AORs:

- 1) Ensuring that any relevant notifications regarding disability access and accommodations, as required in Section 5.3 below, are posted and disseminated in facilities located within the Field Office's AOR;
- 2) Ensuring that ERO officers are aware of the need to provide accommodations to detainees with disabilities while they are in ERO custody;
- 3) Collaborating and communicating with the EDAC as well as Field Office and detention facility personnel within the AOR to monitor the care and treatment of detainees with disabilities; and
- 4) Coordinating with IHSC to review requests for accommodations requiring IHSC engagement or assistance.

5.3. Facility Obligations and Notifications.

- 1) It is the responsibility of the FOD and his or her supervisory-level designees to notify facilities in his or her AOR of their existing obligations under federal law related to the accommodation of detainees with disabilities, and in particular that they are obligated to maintain an interactive process that includes:
 - a) Identification of detainees with disabilities or potential disabilities through observation, assessments, screenings, and detainee or third party requests;
 - b) Notification to detainees of their right to request accommodations;
 - c) An individualized and interactive assessment of a detainee's disability-related needs to access the facility and its programs, in which primary consideration is given to the preferences of the detainee (the facility may consider and provide equally effective alternatives);
 - d) Consideration of 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) A process to inform a detainee of the final decision on his or her request for accommodations, including whether the facility will provide the detainee with alternative accommodations that are equally effective as those that the detainee requested; and
 - f) The required notifications to the FOD as detailed below.
- 2) The FOD shall take steps to ensure that he or she is notified in writing by the facility administrator of the following:
- a) Any facility denial of a request for an accommodation beyond the provision of medication or medical or mental health care. This facility notification must be provided to the FOD as soon as practicable, but no later than 72 hours after the facility's decision or recommendation. The notification must include at a minimum:
 - i) The nature of the detainee's disability;
 - ii) The accommodation requested by the detainee;
 - iii) The reason for denial; and
 - iv) Any steps the facility has taken to address the detainee's needs.
 - b) Any detainee identified as having a communication or mobility impairment. This notification must be provided to the FOD as soon as practicable, but no later than 72 hours after the facility's completed assessment of any such detainee. The notification must include at a minimum:
 - i) The nature of the detainee's impairment;
 - ii) The accommodation requested by the detainee; and
 - iii) The facility's plan to accommodate the detainee.
 - c) Excluding IHSC authorization and funding, any need for additional resources to assist with the facilities' obligations to provide detainees with disability-related services and accommodations, which may include information, equipment, or other assistance.
- 3) As appropriate, and in coordination with ERO HQ and IHSC personnel, the FOD or his or her designee will provide guidance, expertise, and technical assistance to facilities in his or her AOR as the facilities develop processes to allow for effective communication and to consider appropriate accommodations for detainees with disabilities.

5.4. FOD Review and Oversight. Upon receipt of any facility notification related to the identification or accommodation of a detainee with a communication or mobility impairment, or to the denial of a requested accommodation, the FOD or his or her supervisory-level designee will review the information provided by the facility, and take appropriate action as outlined below.

- 1) Ensure relevant ERO Field Office staff is aware of the detainee with an impairment or disability and the need for any accommodations necessary for ERO's interactions with the detainee, including in verbal and written communications, transfer, release, and removal.
- 2) Within 48 hours of the notification from the facility, the FOD will notify ERO HQ and the EDAC.
- 3) Within 14 calendar days of the notification from the facility, the FOD will inform the EDAC of any discretionary action he or she has taken in response to the notification. Such discretionary action may include, but is not limited to:
 - a) Consulting with the EDAC for a coordinated response and review of the information provided, including the sufficiency of accommodations;
 - b) Consulting with the facility administrator on the need for any additional accommodations;
 - c) Consulting with the IHSC Health Services Administrator (HSA) at IHSC staffed facilities, and with the IHSC Field Medical Coordinator (FMC) at non-IHSC staffed facilities, as needed;
 - d) Engaging with the detainee, and observing the efficacy of accommodations that have been provided;
 - e) Determining whether a transfer to another facility is a preferable option, following the procedures and guidelines included in ICE Policy No. 11022.1: *Detainee Transfers* (Jan. 4, 2012); and
 - f) Consistent with requirements of mandatory detention, public safety, and other immigration enforcement considerations, considering release from custody.

5.5. ERO HQ Coordinated Review and Response. The EDAC and other ERO HQ personnel designated by the EAD will review all notifications received from FODs or their supervisory-level designees regarding facility decisions to deny requests for accommodations, detainees identified as having mobility or communication impairments, and any requests from facilities, IHSC, or FODs for additional assistance.

- 1) If, upon the initial review of these notifications, the EDAC and other ERO HQ personnel designated by the EAD identifies significant concerns with a denial or an accommodation, has questions about the information received, or believes early coordination with the Field Office may be beneficial, the EDAC may consult immediately with the FOD or his or her supervisory-level designee, and/or IHSC personnel.
- 2) Following the 14 day notification from the FOD, the EDAC and other ERO HQ personnel designated by the EAD shall review facility determinations and take any necessary steps, including but not limited to requesting additional information, engaging with the detainee with a disability in coordination with the FOD or his or her supervisory-level designee, and working with the FOD, SDAC, or IHSC on any necessary follow-up.
- 3) If the EDAC and other ERO HQ personnel designated by the EAD have concerns regarding a facility's denial of an accommodation, the nature of an accommodation provided by the facility, or a facility's delay in providing an accommodation, the EDAC shall discuss the detainee's request with the FOD, IHSC, and Field Operations personnel at ERO HQ. The FOD, IHSC, and Field Operations shall then, in coordination with the EDAC and other ERO HQ personnel designated by the EAD, take any necessary action, which may include:
 - a) Working with the facility to ensure that an accommodation is provided to the detainee;
 - b) Pursuing transfer to another detention facility where the detainee would be provided an accommodation; or
 - c) Consistent with requirements of mandatory detention, public safety, and other immigration enforcement considerations, releasing the detainee from custody.
- 4) After completing the actions described in this subsection, the EDAC, in coordination with other ERO HQ personnel designated by the EAD, shall report to the EAD all instances in which requests for accommodations were denied based on a facility's determination that providing the accommodation would cause an undue financial and administrative burden or fundamental alteration, including relevant information about the facility review, and any actions taken by the Field Office and ERO HQ personnel.

5.6. ICE Determinations on the Provision of Accommodations

- 1) IHSC, Field Office, or contract personnel at SPCs may not issue a final decision to deny a request for an accommodation for a detainee with a disability on the basis that a requested accommodation is an undue financial and administrative burden or fundamental alteration. Recommendations to deny a request on the basis that a requested accommodation is an undue financial and administrative burden or

fundamental alteration must be submitted to the EAD to ensure a final decision is issued pursuant to relevant law and regulation.

2) IHSC Decisions on Covered Medical Services

- a) IHSC shall expeditiously review any facility requests for accommodations that are dependent on authorization as an IHSC covered medical service, to include non-formulary medications, treatment requiring additional authorizations, and durable medical equipment.
- b) IHSC HQ will notify the EDAC of any recommendation by IHSC to deny a request for an accommodation based on undue financial and administrative burden or fundamental alteration within 5 working days of the date of the decision. The notification must include at a minimum:
 - i) The nature of the detainee's disability;
 - ii) The accommodation requested;
 - iii) The reason for the recommended denial; and
 - iv) Any alternative accommodation(s) being provided pending the agency's final decision on the request.
- c) IHSC personnel will notify the EDAC of delays in the consideration of requests for accommodations or in the provision of approved accommodations. In such cases, IHSC will coordinate with the EDAC, other ERO HQ personnel designated by the EAD, and Field Office staff in the review of interim accommodations provided to detainees.

3) Service Processing Centers (SPCs)

- a) For accommodations dependent on external IHSC authorization of covered medical services, Section 2 above will apply.
- b) Supervisory-level Field Office and/or contract personnel responsible for administering SPCs shall review all requests for accommodations, and all referrals of detainees with potential disabilities, beyond the provision of medication or medical care, within 5 working days of receipt or identification.
- c) Supervisory-level Field Office and/or contract personnel responsible for administering SPCs shall comply with the notification requirements outlined in Section 5.3.2 with respect to detainees with a communication or mobility impairment.

- d) Any final recommendation by supervisory-level Field Office and/or contract personnel at an SPC to deny a request for an accommodation beyond the provision of medication or medical care must be reported to the EDAC within 72 hours of the conclusion of the review. The notification must include at a minimum:
 - i) The nature of the detainee's disability;
 - ii) The accommodation requested;
 - iii) The reason for the recommended denial; and
 - iv) Any alternative accommodation(s) being provided pending the agency's final decision on the request.
- 3) The EDAC in coordination with other ERO HQ personnel designated by the EAD shall report all SPC or IHSC recommended denials that are based on undue financial and administrative burden or fundamental alteration to the EAD. The EAD, in consultation with the ICE Office of the Principal Legal Adviser (OPLA) and the ICE Office of Diversity and Civil Rights (ODCR), as appropriate, will ensure that final decisions are issued consistent with relevant law and regulation.

5.7. ICE Headquarters Oversight and Reporting.

1) Custody Management Division (CMD).

- a) CMD shall develop and maintain a data system that will collect disability accommodation reports and notifications received from the FODs.
- b) CMD, with assistance from IHSC, shall compile and maintain a list of relevant facility resources and capabilities. The list shall contain information about detention facilities and third party entities known to have medical devices, equipment, assistive technology, and tools available that would allow ERO to efficiently accommodate detainees with disabilities.
- c) Using available resources and considering any applicable statutory requirements, CMD, in coordination with IHSC, other ERO components, and FODs, shall on an ongoing basis seek to enhance the availability of facility resources and capabilities described above.
- d) On an ongoing basis, CMD, in coordination with the EDAC, shall analyze data submitted by the field to identify trends, concerns, and areas for improvement, and shall assist the EDAC in compiling information for the EDAC's quarterly reports to the DMC.

- 2) **ERO Field Operations.** ERO Field Operations, in coordination with CMD and IHSC, shall assist FODs in carrying out their duties and responsibilities under this policy, including by providing guidance on available transfer and/or release options and other ERO resources.
- 3) **IHSC.** IHSC headquarters personnel shall coordinate with ERO Field Operations and the EDAC in ensuring that FODs receive guidance and assistance in meeting their responsibilities under this Directive.
 - a) IHSC HSAs and FMCs shall, as necessary, assist the FOD, Field Office staff, and detention facility staff with:
 - i) Providing assistance and information on the assessment and accommodation of detainees with a disability;
 - ii) Reviewing specific facility denials of requests for accommodations and the provision of accommodations as delineated in Section 5.5 above;
 - iii) Engaging detainees with disabilities regarding their ability to access facility programs and services; and
 - iv) Providing detention facility staff with technical assistance and information on disability accommodations and assessments.
 - b) FMCs and IHSC HSAs shall review facility disability accommodation practices and procedures during the course of their normal oversight processes. This review will address facility policy, procedure, and the provision of accommodations, alternative accommodations, and denials, including a finding that a detainee did not have a disability. This review will be supported by IHSC HQ and relevant findings will be provided to the FOD and EDAC.

6. **Training.**

- 1) The EDAC, in coordination with OPLA and relevant ERO HQ offices and personnel, shall develop training materials to assist FODs, SDACs, IHSC personnel, and others in the implementation of this Directive.
- 2) ERO staff designated as SDACs shall participate in annual training on the topic of disabilities and the provision of accommodations. Should the designated SDAC for a given AOR change at any time, FODs must notify the EDAC as soon as possible. Newly-designated SDACs must complete the training on disabilities and accommodations within 30 days of assuming their duties.
- 3) Training should include, but not be limited to, the following:

- a) Relevant law, policy, and standards;
- b) Identifying a detainee with a disability;
- c) Engaging in an individualized and interactive assessment;
- d) Allowing for effective communication during the interactive process (which may include the provision of accommodations, including sign language interpretation, to detainees with hearing, speech, manual, and sensory impairments, as well as language services for those detainees with limited English proficiency);
- e) Evaluating requests for accommodations or modifications to policy, practice, or procedure;
- f) Providing appropriate and effective accommodations or services for all types of disabilities;
- g) Utilizing DHS resources to promote Section 504 compliance; and
- h) Describing ERO reporting processes for tracking activities related to requests for accommodations.

7. Authorities/References.

- 1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended.
- 2) Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities, 6 C.F.R. Part 15, et seq.
- 3) DHS Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment) (Sept. 25, 2013).
- 4) DHS Instruction 065-01-001, Instruction on Nondiscrimination for Individuals with Disabilities in DHS Conducted Programs and Activities (Non-Employment) (Mar. 13, 2015).
- 5) ICE Policy 11022.1, “Detainee Transfers” (Jan. 4, 2012).

8. **No Private Right Statement.** This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create or diminish any rights, substantive or procedural, enforceable at law or equity by any party in any criminal, civil, or administrative matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.



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