



Guide to Monitoring Immigration Detention Facilities

A guide for NGOs interested in monitoring
detention facilities under ICE's 2011 Access Directive

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Introduction

Why monitor?

The importance of monitoring U.S. immigration detention facilities cannot be overstated. Monitoring helps hold U.S. immigration authorities accountable to ensure that detained individuals are not mistreated or punished, and it is a critical tool to protect the civil rights and civil liberties of detainees and ensure that any violations come to light. In addition to assessing compliance with U.S. and international laws and detention standards, monitoring is also an important mechanism to identify how immigration authorities are making custody determinations that result in detention for so many thousands of immigrants, as well as how those in detention are able to access justice and due process. Seeing a facility directly, being able to interview local officials and, most importantly, interviewing detained individuals directly, allows organizations to advocate on behalf of immigrants in a more informed, robust way and is critical in changing the policies and practices that affect them.

While U.S. Immigration and Customs Enforcement (ICE) has some monitoring mechanisms in place, such as its Detention Service Manager in some facilities, as well as its own inspection process, it has been well documented that there is a much-needed additional layer of oversight and accountability through independent monitoring. ICE's national reform and enforcement priority efforts are often not implemented at the local level, creating major gaps between what is said by ICE headquarters and what actually happens on the ground. Through visits to detention facilities, civil society can identify problems that may have easy-to-implement solutions in addition to flagging issues that may require more intensive reform efforts by facilities or at the national level. Monitoring also allows NGOs to recognize best practices by facilities that could be used as a model for other detention centers in addition to being incorporated into new ICE detention standards. Finally, monitoring translates into real improvement for those who are detained. Independent monitoring is essential to protect the dignity and rights of detained individuals.

Who is this guide for?

This guide is intended for use by NGOs interested in monitoring detention facilities under the ICE's 2011 [Access Directive](#).¹ After years of being denied access or the ability to interview detained individuals without a prior appointment, the Directive has made it possible for any NGO to request and receive access to tour a detention facility and interview individuals detained there. It is crucial for NGOs to collaborate with each other when making field visits so that all U.S. immigration detention facilities can be actively monitored.

ICE's Directive does not allow announced visits, and sets out a clear procedure on requesting access. Although unannounced visits are one element of effective external monitoring, use of the current directive remains impactful both in short-term improvements and long-term changes that should result from a tour.

Who is not impacted by this guide?

These procedures and this policy are primarily intended for organizations wishing to access a facility for monitoring at ICE facilities, including family detention facilities. Legal service providers

¹ <https://www.ice.gov/doclib/publicadvocate/pdf/access-directive-stakeholder.pdf>

who have existing partnerships for Know Your Rights presentations or Legal Orientation Programs, or media and reporters, should not be impacted by this policy.

Monitoring Customs and Border Protection (CBP) and Office of Refugee Resettlement (ORR) facilities is another crucial form of monitoring the detention of immigrants, and much of the contents of this guide is also applicable to those facilities. This guide includes some guidance specific to interviewing children, applicable to ORR settings, or certain ICE/CBP settings where you may encounter a child. However, as of publication, neither CBP nor ORR had formal access procedures for external, NGO monitoring of their facilities. The ICE Access Directive described here does not apply to those facilities.

What experience does the Women’s Refugee Commission have with monitoring?

For over a decade, the [Migrants Right and Justice Program](#)² at the Women’s Refugee Commission (WRC) has worked to reduce the detention of immigrants, ensure access to justice for women and children seeking protection in the United States, and ensure that the U.S. Department of Homeland Security (DHS) institutionalize and enforce meaningful protections and review for those in detention. As an established fact-finding research organization, WRC was one of the few organizations ICE permitted to enter their facilities to monitor the treatment of detained immigrants and identify gaps. Based on our advocacy and demonstration of the positive impact of monitoring, ICE worked with WRC to issue the Visitation Directive. Many of the administrative and legislative solutions we have proposed have come from WRC’s monitoring of facilities and directly from interviews with detainees and local ICE officials.

For more on our work, visit <https://womensrefugeecommission.org/rights-justice/detention>.

The Process of Monitoring & Applicable Standards

The purpose of monitoring is to ensure that detained immigrants are treated with dignity and respect in a manner that complies with national and international standards. To that end, four steps of monitoring are:³

- 1. Documenting the conditions of detention in an objective manner**
 - To be objective, give the staff full opportunity to answer questions you have, as well as to explain any issues you detect. Also speak with detained individuals about the issues, as they will be able to confirm or deny the responses from the staff, or raise additional issues you may not have learned about.
- 2. Analyzing the conditions under national and international standards**
 - *ICE National Standards*
 1. ICE currently has four sets of detention standards, found [here](#).⁴ In 2008, ICE promulgated standards for detention known as the Performance-Based National Detention Standards (PBNDS). The [current PBNDS](#) are from 2011.⁵ ICE also continues to use the [2000 National Detention](#)

² Formerly known as the Detention and Asylum Program (DAP).

³ Monitoring Places of Detention: A Practical Guide, The Association for the Prevention of Torture (April 2004) 65.

⁴ <https://www.ice.gov/detention-management>

⁵ In February 2013, ICE issued a list of corrections and clarifications to the 2011 PBNDS. However, the standards are still referred to as the 2011 PBNDS. See <http://www.ice.gov/detention-standards/2011/>.

- [Standards](#).⁶ Although all facilities should eventually comply with the 2011 PBNDS, it is important to note which set of standards the facility is required to comply with at the time of your visit.
2. For detention facilities that house families, such as Berks, ICE has the [Family Residential Standards](#).⁷
 - *Regulations*
 1. Prison Rape Elimination Act (PREA)
 - *National Law*
 - *International Law*
 1. The Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Convention Against Torture and its optional protocols, the Convention on the Rights of the Child, Vienna Convention
 2. For an overview on international standards, as well as a guide on monitoring detention centers through an international lens, see the Association for the Prevention of Torture's [Monitoring Places of Detention: A Practical Guide](#).⁸
 - *Ethical Guidelines*
3. **Making recommendations to the detention facility if there is non-compliance with the standards**
 4. **Following up with the detention facility and, wherever possible, detained individuals, on your assessment and implementation of the recommendations**

Setting up a Monitoring Visit in an ICE Facility

There are three types of requests that can be made when visiting a detention center:

1. A tour of the facility
2. A visitation with detainees
3. Both a tour and a visitation with detainees

According to the [ICE Access Directive](#),⁹ to visit a detention center, submit the following at least 14 days in advance of your visit to the [Enforcement Removal Operations-designated Field Liaison](#)¹⁰:

A written request (see Appendix A for a sample), sent by email or post, on organizational letterhead that describes:

- the type of visit you wish to make (a tour, visitation with detainees, or both)
- a brief description of the purpose of your visit
- three options of dates and times that would work for your tour/visit
- background information for each visitor as required by the facility (e.g., Name, Date of Birth, Driver's License Number, etc.)

The following completed forms:

⁶ <https://www.ice.gov/detention-standards/2000>

⁷ <http://www.ice.gov/detention-standards/family-residential/>

⁸ <http://www.apt.ch/en/resources/monitoring-places-of-detention-a-practical-guide/?cat=17>

⁹ <http://www.ice.gov/doclib/publicadvocate/pdf/access-directive-stakeholder.pdf>

¹⁰ <https://www.ice.gov/contact/ero#wcm-survey-target-id>

- [Tour/Visit Notification Flyer¹¹](#) (includes sign-up sheet – see p. 8 for more information)
 - Note: You can identify the languages spoken by your group on this sheet.
- Signed [ICE Visitor Code of Conduct form¹²](#) for each stakeholder participant
- Copy of the consent form
- **NOTE:** Any reports or materials that you would like to distribute to detainees should be submitted ahead of the tour and pre-approved for distribution.

In preparing for your visit, your research or conversations with local legal service providers may lead you to identify certain individuals with whom it would be beneficial to meet at the detention center. You do not have to pre-identify a detained individual ahead of time in order to interview them, but if you want to ensure your ability to meet with someone you have pre-identified, and if you confirm their consent to do so, you are allowed to submit to ICE ahead of time the following:

1. the detainee's full name
2. the last three digits of his or her A-number (when available)

Note: If you wish to use the ICE Visitation Directive to start a Community Visitation Program, consult CIVIC's [Guide to Touring U.S. Detention Facilities and Building Alliance](#).¹³

Media Visits—*Media visits must go through ICE's media relations office. Photography and journalist visits require a separate procedure. In all cases, it is critical that you be honest with ICE regarding your intentions with a monitoring visit so as not to jeopardize access generally.*

Preparation before the Visit

The most important aspect of preparing for a visit is knowing its purpose and what you will do with the information you learn. This is particularly important if you interview detained individuals, so as not to unnecessarily have someone share their story if it is for no particular impact. If it is a first-time visit, your interests may be different from a subsequent visit, which may focus on a particular area of concern. There are several things you should always do before any visit:

- **Think through the logistics of the tour**
 - *Who should go?*
 - A team should consist of at least two people. Tours can be overwhelming and intimidating, so it is important to have support. In addition, more people on your team means more eyes and ears to observe and ask questions. It is also important to debrief after the visit, since you may have learned different or contradictory information.
 - Given the legal, social service and health-related issues that can arise in detention, having people with legal, social work and health backgrounds on the monitoring team is always useful.
 - If you are visiting multiple facilities as part of an assessment, monitoring teams should be consistent from visit to visit so that you can notice any trends or patterns that may arise from going to multiple facilities or any improvements or lack thereof from multiple visits to the same facility.

¹¹ <http://www.ice.gov/doclib/publicadvocate/pdf/71-031.pdf>

¹² <http://www.ice.gov/doclib/publicadvocate/pdf/71-032.pdf>

¹³ http://www.endisolation.org/wp-content/uploads/2013/03/CIVIC_Visitation_Directive_Final.pdf

- You will also need interpreters on your team. Depending on the demographics of the population, some languages may be more useful than others. If you recruit an interpreter, ensure that you discuss with them ahead of time what to expect, what your and ICE's understanding of the tour is and the importance of confidentiality of interviews with detained individuals. Think through whether interpreters will be considered part of your organization or independent.
 - *Where should you go?*
 - When choosing a location, check to see if any groups have visited that facility before and if they did, the last time they visited. Because there are over 200 detention centers in the United States, it is ideal to visit as many as possible and not duplicate efforts of other NGOs. Also, keep in mind the particular objective of your visit and whether the facility will have the characteristics you seek to assess.
 - *How long should the visit be?*
 - The visit should be long enough for the team to observe the facility and its conditions and to speak to the detention staff and at least some of those detained who signed up to speak with the team. This can be done in one long day or over the course of several days depending on the size of the facility and the purpose of the visit. Keep in mind that you may be offered only a few hours for your whole visit and may want to negotiate for more time.
 - Note that many immigration detention facilities are located in rural areas that are not easily accessible. If you are going to a remote area, leave plenty of time to get to the facility. If possible, consider booking a hotel in a nearby city to spend the night.
 - *What to bring on the visit?*
 - Snacks. There may not be time for lunch on your visit.
 - Pens and notepads. You should be documenting what you hear and see.
 - Your organization's previous reports or advocacy materials. When interviewing those detainees, you can show them examples of your work and how the interview will assist you in advocating for better policies. Note that you should let ICE know you'll be doing this, or otherwise may not be allowed to bring them per the ICE Directive.
 - Consent forms (see below, and Appendix B)
 - Business cards. You should give them to the detention facility staff as well as any of the detainees you interview.
 - *What to wear?*
 - Detention facilities are often cold. Business casual is appropriate, and ideally dress in layers.
- **Familiarize yourself and your team with the detention facility's background.**
- Use the [Facility Locator](#)¹⁴ on the ICE website to gather basic information about the facility, such as its leadership, location and local procedures.

¹⁴ <http://www.ice.gov/detention-facilities/>

- Research the facility's history through news articles, NGO reports and other forms of press and media.
- Well ahead of your visit, reach out to local groups that work on detention issues or provide legal/social services to learn more about this particular facility. They may be more attuned to key issues of concern or may be able to identify detainees who would be useful to speak with. Because individuals are often detained in local and regional facilities that hold criminal populations as well, be mindful that the local groups you reach out do not necessarily have to work on immigration issues to be familiar with the facility you intend to visit.
- Research and familiarize yourself with the relevant detention standards as well as [DHS's enforcement priorities](#).¹⁵ If you are focusing on a particular population (women, children, asylum seekers, etc.), be sensitive to issues that might disproportionately affect that population. Even if your facility is bound by earlier detention standards, it is important to note where its conditions differ from the most recent and also strictest standards.

The Visit

Etiquette

Detention staff should always be treated with respect and professionalism. Be prepared that some facility employees may distrust outside visitors, especially monitors. A lack of respect will reflect poorly on the NGO and may jeopardize your relationship with the facility, impact your ability to reach and advocate for those detained there and jeopardize the ability of other NGOs to monitor that facility in the future. Finally, by establishing a positive working relationship, detention facilities will be more likely to respond positively to any suggestions for improvement.

Arrival

Upon arrival at the detention facility, you should meet with the head of the facility, his or her deputy, or the staff members in charge of your visit. At this meeting, you can introduce your team and your organization, explain the purpose of the visit, and set your expectations for the visit. You can also learn important basic facts about the facility, the demographics of those detained there, and facility operations. While it is good to keep the dynamic informal to establish a positive working relationship with the facility, it is important to be professional at all times during the visit.

If you will be interviewing detained individuals on your visit, you should be clear that the interviews must be done in private without any detention facility staff observation. Because detained individuals may be hesitant or uncomfortable to share information if they are being observed by the staff, you should insist on privacy if the staff pushes back on this request. Remind the staff that you have come from far to speak with individuals in an open, honest manner and it will not be possible without privacy during the interviews. It is also important to ensure that detained individuals will not have to miss any mealtimes or important appointments as a result of wanting to interview with you.

¹⁵ https://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf

Depending on the type of visit you requested (tour and/or interview), the detention facility may already have an established schedule or procedure for NGO monitoring. We recommend that if you are doing both a tour and interviews, you should begin the day with a tour of the facility followed by interviews with the detainees so that you can check the information acquired during the tour with the detainees. There may or may not be a lunch break depending on the facility. You should be deferential to the schedule of the facility and bring snacks with you in case there is no time allotted for lunch.

The Tour

The tour of the detention facility is an excellent opportunity to engage in a dialogue with the staff, observe the architecture, infrastructure and spatial arrangement of the center, as well as the interactions between the staff and the detainees. Because you will be walking and talking, using a checklist may be easier than jotting down notes, but do not be concerned about writing down everything you wish to record. The dialogue will be fast paced and you will be receiving a great deal of information so think about the best way you can process and store information.

Request to see as much of the facility as possible, including all areas that are used by or for the detained individuals (such as recreational spaces, dormitories or cells, kitchen, etc.). In addition to observing the physical arrangements of the facility, you should question the staff regarding the training of the detention officers, treatment of the detainees, grievance procedures, material conditions, communication and activities, and medical services. **See Appendix C for a checklist of what to consider for as you tour these spaces.**

Interviews

Interviews with detainees are typically the most important part of any detention monitoring trip. Speaking with a detained individual will provide the most accurate picture of what life in the detention center is like, and will be able to speak to what you've learned about the detention center either through a tour or by other means. The key elements of an interview are sensitivity, informed consent and confidentiality.

Interviews can be an emotionally exhausting experience for everyone involved. It is important to be sensitive with your questioning, especially as it relates to the individual's circumstances entering the United States and any violence, abuse or trauma he or she may have suffered along the way or at the detention center.

A note on interpreters:

If working with an interpreter, discuss ahead of time your plan for the interview. The interpreter should always translate whatever is said back to you, regardless of whether the interviewee has answered your question. It is helpful to ask an interpreter to always interpret in the first person so as not to confuse pronouns of the actors that an individual is talking about.

More clear: *Interpreting back "I was walking with my sister when Border Patrol arrested us and then they detained her in McAllen."*

Unclear: *"She was walking with her sister when Border Patrol arrested us and then they detained her in McAllen."*

Before Your Visit

Before your visit, the detention facility should have placed a sign-up sheet in a communal area for detained individuals to see. It is always a good idea to check a few days ahead of time, as you are confirming your tour, whether this has occurred, and whether anyone has already signed up. Anyone interested in meeting with your organization should have written their name and the last three digits of their A number on the sheet. Those in detention have not had a chance to speak with anyone in a long time, so you may find many people signing up to speak with you. Many will be most interested in legal advice rather than an interview for monitoring purposes. Be prepared to spend the bulk of your time speaking with people. If your team is large enough, conducting simultaneous interviews may be appropriate. Also, if those who signed up are comfortable, you can explore the option of interviewing in small groups.

Confidentiality

Before conducting the interview, make sure you are in a private space with no detention center staff able to hear your conversation; this should be negotiated if necessary. You must obtain informed consent from the interviewee before asking any questions. Once you finish the interview, thank the individual and provide a card with your contact information should the individual have any further questions or concerns. Also double check that the individual's consent has not changed or if it has, in what ways.

Obtaining Informed Consent

Note: the consent process can be detailed and lengthy, and it may be helpful to preface the interview by explaining that before you go into details, you'd like to explain a few things about yourself, the purpose of the interview, and to make sure that the interview would like to speak with you.

- **Introduction:** Whenever possible, obtain consent in writing. (See **Appendix B** for an example that can be modified for different purposes.) Introduce yourself and your organization. Be sure to explain that you are not a government official and that you do not work for anyone in the detention facility or immigration. If applicable, also specify that you are not a legal service provider and are unable to provide service. Explain the purpose of your visit. Use simplified language that is easily translated and tailored to the specific group you are speaking to:

BAD: WRC advocates for legislation and policy that would ensure the safety and well-being of migrant women, families and unaccompanied children. We work with the Obama administration, the U.S. Congress and the Department of Homeland Security, including its various agencies to institutionalize these important safeguards.

GOOD: We speak to migrants, people in immigration detention, women in detention and their families to learn about your experiences, concerns and need. We work with the affected populations and experts to come up with solutions to these problems and then work with the government, ICE, or other people who have authority to change the law or policies to address the concerns we identify and implement solutions.

For UACs/Children: We speak to youth, like you, about their experiences with immigration—with immigration at the border and in detention. We want to hear about your concerns and how you have been treated. (Show a report). We use this information

to talk to the government and help make things better so that in the future, youth have a better experience.

- **Qualification:** Explain that you cannot represent them in their immigration proceeding. If they need legal advice or have questions specific to their immigration case, they will need to ask their lawyer. If they do not have a lawyer, provide them with a [list of local legal NGOs](#).¹⁶ If you have been in touch with a local NGO ahead of your visit, you can information of individuals you interviewed who seek legal representation only if they have given consent to share that information.
- **Interpreters (if applicable):** If you are working with an interpreter, explain the role of the interpreter, and reiterate that the interpreter will also keep everything confidential. Also ask the interviewee to speak in shorter sentences whenever possible to help with interpretation.
- **Mandatory Reporting:** If you are obligated under state law to report certain types of information (i.e. child abuse or certain criminal activity), explain your obligation to the interviewee as well as how the procedure works and that their identity will be protected.
- **Purpose & Use:** Explain the purpose of the interview and the use of the information. If you have a previously published report, show the interviewee a copy of it, highlight information that was shared as an example, and provide a copy if you are able. Explain that you will likely not be able to address their individual concerns or advocate for them personally. The information they provide will help you identify problems in the system and to help change those to benefit a broader population of people in their similar situation. Sometime, this can happen quickly enough to benefit them directly but usually it takes time. Do not promise anything.
- **Confidentiality:** Explain that all interviews are confidential, and their names will never be used, unless they give explicit permission to share information.
 - **For unaccompanied children:** You may want to test their understanding of this. For instance ask them, “If your caseworker asks me what you told me can I tell her? What about an Immigration Judge?”
- **Consent Form:** Walk through the consent form line by line, reading it out loud. Check that individuals are able to read and understand it. Also explain that they can change their mind about the consent given at any time.
 - **For unaccompanied children:** They may have additional difficulty in understanding the form. If they do not understand the consent questions, stop the interview and thank them for their time. Be sure to ask them questions or ask them to repeat information to make sure they understand. Never ask them to consent to use of their name unless they want to file a complaint with DHS.
 - **For accompanied children:** Be sure to get the parent’s consent in writing as well as the child’s.
- **Terminating the Interview:** Explain that they can end the interview at any time.

¹⁶ <http://www.justice.gov/eoir/probono/states.htm>

- **Post-Interview Review of Consent:** At the end, ask once more whether the individual feels comfortable with the consent they gave. Depending on what the individual shared, it may also make sense to ask specific permission for a limited purpose. For instance, you may ask the person to change their mind on sharing information with DHS if they want to file a complaint.
- **Provide Your Business Card Post-Interview:** Explain they can contact you if they have any questions or concerns following this conversation.
- **Mandatory Reporting:** If the interviewee discloses information that falls under mandatory reporting laws, inform them of this immediately. Then inform the supervisor and follow legal protocols.

Conducting an Interview

As you conduct the interview, there are several things you should keep in mind:

1. **Respect the survivor.** Because detained individuals have often been through traumatic experiences in their home country, during the journey and upon arrival and being detained, be sensitive to their needs and concerns. This may mean that you will not get answers to all of your questions. Do not force an individual to speak about an experience that he or she does not want to speak about. This may retraumatize the individual and irreparably damage your relationship.
2. **Be aware of barriers.** Language, sociocultural or psychological barriers often exist in interviews. A sense of empathy and understanding will go a long way in breaking down these barriers.
 1. *Language:*
 1. Interpreters familiar with the dialect and culture of the interviewee can make the interviewee more comfortable.
 2. They can also assist the interviewer by explaining colloquialisms and clarifying country-specific statements made by the interviewee.
 3. Use discretion in choosing an interpreter. Keep in mind the gender, political opinion, class, ethnicity and religion of the interpreter as these characteristics may affect the openness of the interviewee.
 2. *Sociocultural:*
 1. Interpreters can also assist with appropriate cultural cues and societal norms of an interviewee.
 2. Be aware that certain cultures look down on talking about certain issues like sexual abuse. Interviewees may be hesitant to speak about their experiences or show emotion when they do so. Be patient. Remind the interviewee that it is okay to take breaks during the interview.
 3. For interviewees, it may be inappropriate or uncomfortable to talk to an interviewer about certain topics. Women may prefer to have a female interviewer if talking about sexual abuse, and men may prefer to have a male interviewer.
 3. *Psychological:*

1. Be mindful of retraumatization and the effects your questioning may have on the interviewee's psychological well-being.
2. You may need to rethink or recalibrate your questions based on the responses and reactions you get from the interviewee so as to not endanger his or her psychological well-being.
3. **Empower the interviewee.** Those who are detained feel disempowered because of their loss of liberty. As much as possible, allow interviewees to control the interview, including choosing where to sit in the room to what they want to talk about. This builds trust with the interviewee which may allow for a more fruitful interview.
4. **Listen and be mindful.** Especially when an interviewee is sharing a story of trauma or violence for the first time, allow the interviewee to speak freely without much questioning. Afterwards, ask clarifying questions or focus the interview on certain topics. Be an active and attentive listener during the interview. Be aware of the emotional and physical responses the interviewee has and adjust your questions, tone, and comments accordingly. Ask the interviewee if he or she wants to pause for water or to take a walk if the interviewee appears to be overwhelmed.

Interview Topics & Length of Interview

In general, the purpose of the interview is to ascertain the treatment of the detained individuals and the conditions of the detention center. However, it is advisable to start by getting basic information from the individuals such as where they are from, where they entered into the United States, and how they ended up in detention. This will provide a more complete picture to the interviewer and also may be the first time the individual has been given the opportunity to share his or her story. While this can take up some of your interviewing time, do not interrupt or rush the individual as it takes courage to share these experiences. Gently move on once you believe that the individual is ready to do so.

However, one of the most challenging aspects of an interview is when the monitoring group has limited time, and several detained individuals wish to be interviewed. It is helpful in this situation to explain at the start of an interview that you have limited time, that you want to make sure you have a chance to interview as many individuals as possible, and to explain what topics may be most important for you to hear about in the work that you are trying to accomplish. You can explain that individuals do not need to go into lengthy detail on some aspects of their stories.

Due to time limitations, it may be difficult to cover all aspects of detention conditions during the interview. Prioritize the topics you would like to cover.

Appendix C has questions relating to:

- health-related services
- material conditions and the detention environment
- treatment of detainees
- protection mechanisms
- regime and access
- vulnerable populations

During the interview, the individual may reveal information about past or current exploitation or abuse, inquire about forms of legal relief or express concern about other family members in the U.S. or outside the country. Since this is a monitoring trip and you cannot act as a lawyer (and

some monitors may not be lawyers), you should have materials and references on hand to assist the individual:

- Legal Relief
 - Determine if the individual has met with a legal services provider.
 - If not, ask whether the individual would like you to refer him or her to one, and whether you have consent to do so.
 - If possible, provide the individual with a list of local providers and immigration attorneys.
 - Visit the website of the Department of Justice's Executive Office for Immigration Review for a [list of free legal service providers](#).¹⁷
 - Visit the American Bar Association's website for a [guide on immigration attorneys](#)¹⁸ in your state.
- Abuse and/or Exploitation at the Detention Center
 - Ask if the individual has filed a complaint and gone through the facility's grievance system.
 - Ask if the individual has filed a complaint with the Office of Civil Rights and Civil Liberties (OCRCL), or the Office of the Inspector General (OIG).
 - If the individual has not received any results from that procedure or has not initiated it, ask if he or she would like you to speak to the staff about case.
 - Note: Be sure to get written consent in this case. You do not want the individual to fear retaliation by sharing information.
- Human Trafficking
 - If you have reason to believe the individual has been trafficked to the United States, then in addition to the above, notify the individual about DHS's [Blue Campaign](#).¹⁹ Help the individual contact DHS and/or a legal services provider.
 - DHS Toll-free Hotline: 1.866.347.24223
 - National Human Trafficking Resources Center: 1.888.3737.888
- Parental Rights
 - For a sample request for appointed counsel in family court along with information for various state child welfare agencies, visit [WRC's Resource Page on Parental Rights](#).²⁰ Many facilities should have copies of the WRC Parental Rights Toolkit.
 - If the individual is a parent and has expressed concern about the well-being of his or her children in the U.S., refer to the National Immigrant Women's Advocacy Project's [toolkit](#)²¹ for more information on appointing a temporary guardian as well as opposing the termination of parental rights.

After the Visit

In some cases, the detention facility staff that welcomed you at the beginning of the day will have left or returned to their offices by the time you have completed your interviews. If you are able, be sure to thank them for their time and assistance during the monitoring visit. If there are

¹⁷ <http://www.justice.gov/eoir/probono/states.htm>

¹⁸ <http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm>

¹⁹ <http://www.dhs.gov/topic/human-trafficking>

²⁰ <https://womensrefugeecommission.org/programs/migrant-rights/research-and-resources/1022-detained-or-deported-parental-toolkit-english-interactivepage>

²¹ <http://niwaplibrary.wcl.american.edu/>

any immediate concerns as a result of the interviews, address the staff at this time. Finally, let them know that you will be following up with them about the day.

A visit can be physically taxing as well as emotionally exhausting. It is advisable to debrief and share your impressions, feelings and stories you heard with your team, either on the drive home or in the office soon after the visit. Because you have seen and heard many difficult things, it is important to debrief and share in order to minimize the potential for vicarious trauma. The impact of the trip may not hit you right away but can manifest itself in the coming days or weeks or after several monitoring trips. Be aware of the possibility of vicarious trauma and do not hesitate to seek help in dealing with it.

Shortly after your visit, you should send a letter to the detention facility summarizing your monitoring trip findings. Begin your letter by expressing thanks to the staff for assisting with the visit. Then recap the trip by including:

- an explanation of the purpose of the visit, including any particular focus for the trip
- descriptions of what was good or exemplary about the facility and the staff
 - If certain things were above and beyond the PBNDS, identify it as a best practice
- descriptions of what fell below standard at the facility
- a list of improvements that should be implemented by the facility
- any concerns raised by specific individuals interviewed and a request for follow up on their cases

When giving feedback, it is important that your criticism be constructive in order for your suggestions to be taken into account and to maintain a positive relationship with the facility for future monitoring visits by your or other organizations. If you are using information from your trip to publish a report, it is advisable to send the report to the staff before it becomes public to give them a chance to review for any inaccuracies. While staff may not agree with its findings, they will appreciate the opportunity to see it before the public and to respond accordingly.

Appendix A: Sample Letter to ICE to Request a Tour or Visitation

<Organization Letterhead>

<Organization Address>

<Date>

<Field Office Director or Contact Name>

<Field Office Address>

Dear *[Field Office Director]*:

[Name of organization] would like to conduct a visit to the *[name of facility]* on *[insert three potential dates]*. During this visit, we would like both to tour the facility and to interview detainees.

During the tour we would like to visit the housing units (both male and female), special housing units, medical unit, library, dining areas, and recreation spaces. We would like to opportunity to speak with any detainee interested and willing to meet with us. [Optional]: *We may also arrange interviews with specific detainees ahead of our visit and will notify you as soon as we have this information.*

We would be available from *[insert number of hours, for example: all day; from 9 am to 2 pm; etc.]* on the proposed dates. The visit will be conducted by *[insert number of individuals conducting visit]* staff members/visitors whose information is as follows:

Individual 1 Full Name

Individual 1 Affiliation [e.g., your organization]

Individual 1 Date of Birth

Individual 1 Driver's License State and Number

Individual 2 Full Name

Individual 2 Affiliation

Individual 2 Date of Birth

Individual 2 Driver's License State and Number

Enclosed, please find completed copies of the ICE Stakeholder Tour/Visit Notification Flyer and Sign Up Sheet; a signed copy of the ICE Stakeholder Code of Conduct for each participant; and our detainee consent form for your review. [Optional]: *We have also enclosed a copy of our most recent publication, XXXXX, that we would like to be able to distribute to detainees, for your review.*

Please let me know at your earliest convenience which dates would work best for you and your staff. If you need any additional information or have questions about this request, please contact *[name]* at *[phone]* or *[email]*.

Best regards,

[Name]

[Position]

[Affiliation]

Appendix B: Sample Consent Form

[name of organization] Authorization and Release

Print name: _____ A# _____

___ I grant the [name of organization] permission to speak with me.

___ I grant [name of organization] and ICE permission to share information about my case.

___ I grant the [name of organization] permission to publish the information I provided in an interview.

___ Yes, my name may be used.

___ No, my name may not be used – information should be adjusted to protect my identity.

___ I grant the [name of organization] permission to publish the photographs taken of me at:

___ I grant the [name of organization] permission to broadcast the audio or video recorded of me at:

Location: _____ Date: _____

I understand that, by signing this release, [name of organization] may use part or all of my interview/photographs/audio/video in its advocacy materials and I have seen examples of such.

X _____
Signature _____ Date _____

X _____
Signature of parent or guardian if applicable Date _____

.....

[nombre de organización] Autorización y Permiso

Nombre: _____ A# _____

___ Yo le doy permiso a [nombre de la organización] para hablar conmigo

___ Yo le doy permiso a [nombre de la organización] y migración (ICE) de compartir informaciones sobre mi caso

___ Yo le doy permiso a [nombre de la organización] para publicar la información que le doy en la entrevista.

___ Si, [nombre de la organización] puede usar mi nombre.

___ No, no le doy permiso para usar mi nombre correcto, - toda la información debe ser cambiado para que nadie no me reconozca.

___ Le doy permiso a [nombre de la organización] para publicar fotos de mi sacados en:

___ Le doy permiso a [nombre de la organización] de publicar grabaciones (video y audio) de mi en:

Localización: _____ Fecha: _____

Yo entiendo, al firmar esta autorización, [nombre de la organización] puede usar algunos o todo de: la entrevista/ las fotos/ el audio/ el video en las materiales de abogacia y he visto ejemplos de estos.

X _____
Firma _____ Fecha _____

X _____
Firma de un padre o un guardián si aplicable Fecha _____

Appendix C. Questions during the Tour

Note: These questions are not meant to be comprehensive. Use them as a guide. For instance, if your monitoring trip is focusing on a particular area of concern, your questions may be more specific or targeted.

Upon arrival: Ask how many women have signed up to speak with your group. If the number is low, ask if you can solicit individuals to speak to during your tour. Anyone touring under the ICE Access Directive has the right to ask this, though do coordinate with ICE on what to tell detained individuals regarding logistics, e.g., time and place of the interviews.

Handbook: Ask for a copy of the facility's orientation materials. You may not be allowed to keep a copy, but may be able to review the handbook and take key notes. This will be useful as you ask ICE and detained individuals questions about facilities procedures and their understanding of their rights and responsibilities per the handbook.

Q&A with ICE and Facility Officials

- How many people are detained? How does ICE determine which individuals are placed into detention, as compared to placement on an alternative to detention or release?
- What is the bond policy? What is the average bond amount? How does it compare to others detained in ICE custody in that area of responsibility?
- What countries are represented and in what percentages?
- What is the average length of stay?
- Is the risk classification assessment (RCA) tool used for those who are detained at this facility?
- How many people have received credible fear interviews (CFIs)? What is the grant rate for CFIs? How many people who passed their CFIs have been released on parole, bond or alternatives to detention?
- How many people have received reasonable fear interviews (RFIs)? What is the grant rate for RFIs? Has anyone who has passed an RFI been released?
- Are all women age 12 and up tested for pregnancy during the initial intake and medical screening?
- Can family members be found using ICE's Online Detainee Locator System (ODLS)?

Issue Areas during the Tour

LEGAL PROCESS & KNOW YOUR RIGHTS INFORMATION:

- If attorneys are present at the facility and willing and able to speak with you, feel free to reach out to ask them for their impressions of conditions and access to the legal process at the family detention facility. Attorneys can often provide insight on systematic problems with the facility and legal access.
- Look for what signs are posted, and note which signs are posted where. Are they easily located and readable? Signs to look for include a legal services providers list, Prison Rape Elimination Act (PREA) standards, the ICE Detainee Hotline, the DHS Office of

Inspector General, and the ABA and UNHCR phone numbers – all of these should be posted, per ICE detention standards. They should be easily visible, ideally in English and Spanish, and easy to find in all housing units.

- Ask what forms individuals must or may sign, and whether these forms are also available in Spanish or other languages. Often, detained individuals do not understand the forms they were signing, which were all in English, including a negative determination of credible fear.
- Test the phone numbers using the cell phones used by detained individuals to make sure the numbers work (see below for more information about the phones).
- Ask how much notice is provided to respondents in advance of a credible fear interview or a hearing, and how the facility ensures that attorneys receive sufficient notice of interview and hearing dates and times. Ask if and how an individual may request a postponement of a CFI or court date in order to obtain legal services.

PHONES:

- As stated above, ask to use the phones (if possible, try using multiple phones) and check whether key hotlines outlined above (OIG, CRCL, ICE Helpline, etc.) work.
- Ask about access to phones, the ratio of phones to detained individuals, ask and observe whether private phone calls are possible (e.g., are there, at minimum, privacy walls), and ask what the rates for using the phones are and how detained individuals can access funds. In addition, ask whether phone access would ever be restricted as a disciplinary measure.

LAW LIBRARY

- Note what materials individuals can access, whether these are electronic or hard copies, and in what languages they are available. If only electronic versions are available, ask whether individuals receive training in computer proficiency if needed. Note what forms are available, and whether there is any kind of know your rights information (in English or Spanish) in the law library.

MEALS & FOOD:

- Ask ICE officials about the type of menu offered, meal times and how much time per meal is offered, whether accommodations are made for particular diets, and whether they have noticed any complaints or concerns regarding food available at the facility. Are individuals allowed to have food outside the dining area? What is the policy if an individual has to miss a meal due to a court proceeding or other conflict.
- For family detention, ask mothers whether they have noticed changes in their children's appetite since being detained. Ask them about the facility's policies regarding missed meals. Do they receive boxed lunches if they miss a meal due to a court hearing?

DISCIPLINE, GRIEVANCE AND SEGREGATION:

- **Discipline:** Ask how individuals are disciplined. (In family detention, ask to what extent a parent is able to be involved in disciplining a child.) Are privileges ever restricted as a

punitive measure? Also ask if there have been any disciplinary incidents since the facility has been operating, and what happened in each of these incidents.

- **Grievances:** Ask both ICE officers and detainees to explain the procedure to file a grievance, including what orientation a detained individual may receive in the grievance process. Compare the explanation ICE relays with what the detained individuals understand the process to be. Ask individuals whether they might ever fear retaliation for complaining or stating concerns to an ICE officer.
- **Segregation:** Ask to see segregation areas, including medical, administrative and disciplinary. Ask under what circumstances an individual may be segregated, how frequently segregation is used in the facility and for what duration.

RECREATION, CHILD CARE AND FREEDOM OF MOVEMENT:

- Ask about the hours and type of recreation offered to individuals. Is there both indoor and outdoor recreation space, and if so, what does it look like? Are either available depending on preference? Are there physical fitness opportunities?
- Ask about count – how often does it occur, what is the process and how long does it take each time? Is there a population count at night?
- In facilities with both men and women, and/or with populations classified in different levels, is there a difference in freedom of movement for different populations?
- For family detention, are children allowed their own toys?
- For family detention, what would happen if a mother needed to be away from her child? What are the reasons for which this would be permitted, and who would watch the child?
- For family detention, ask about the availability of child care. Under what circumstances is it available, what is the scope of the care provided (e.g., would the staff change a diaper?), and is there a maximum time of child care?

MENTAL HEALTH & MEDICAL CARE:

- Ask what type of mental and medical health care is available to detained individuals. Are they contracted or government providers? What is their range of experience? What is the medical intake process? How can detained individuals access medical or mental health care? Are walk-ins an option?
- Ask to speak with the psychiatrist/psychologist/mental health care provider during the tour. Ask for his or her experiences with regard to the type of the issues they have seen and the systems in place to access health care. Does the system work well? Do they speak Spanish, and if not, do they use an interpreter line?
- Ask individuals if they are aware that they can seek medical assistance without charge and if they are satisfied with the responses they receive after reporting a medical concern. Ask for their experience with the mental health care.
- Ask ICE and health officials about pregnant women who have been detained at the facility, (or if hypothetically pregnant women arrived at the facility) at what stage of pregnancy they were while in detention, availability of ob/gyn care, and how long pregnant women are kept in ICE custody.

HOUSING UNITS:

- Are there any books, TVs or other recreation materials? Observe how detained individuals are spending their time.
- Are individuals allowed to have food in the housing areas? Are microwaves or refrigerators available?
- Look at the bathrooms and shower areas. Are there curtains or other privacy measures?
- In units with women, look for the presence of female officers.
- Look for walls or bulletin boards with information, including important phone numbers and legal information.

RELIGIOUS SERVICES:

- Speak with the chaplain and any other religious services providers. Be sure to ask directly if they have any concerns about the facility and what they are seeing and hearing from the detained families.
- Observe the space that is set aside for religious services. How big is it, and what is its availability?
- Ask the chaplain what his or her experience is in ministering to detained individuals or those who are survivors of trauma or torture.
- Ask about the availability of non-Catholic/Christian religious services.

EDUCATION:

- Ask officials about the education available, including adult classes or, for family detention, education for children, and observe the spaces used for education. Speak to teachers directly if possible. How many different classes are there, and how are they divided (e.g., grouped by age)? How much time is allotted for schooling?
- Is the educational programming licensed? By what standards?

Appendix D: Sample Interview Questions

Note: These questions are not meant to be comprehensive. Use them as a guide. For instance, if your monitoring trip is focusing on a particular area of concern, your questions may be more specific or targeted. Many of these questions overlap or are parallel to the above questions of what to look out for during your tour.

Background

- Where are you from?
- What is your date of birth?
- Where were you apprehended? By whom?
- What happened after you were apprehended?
- How long have you been at this facility?
- Have you been transferred here from any other detention facilities?
- Why did you come to the U.S.?

Facility Conditions

- **General**
 - How large is your room/cell?
 - Do you share it with anyone? If yes, how many people? Who are they?
 - Do you get along with your roommates?
 - Is it very hot or very cold here?
 - Has the facility given you clothing or can you wear your own clothes?
 - If you have been given clothing,
 - What items have they provided you with?
 - Do they fit you?
 - Are they warm enough when it is cold?
 - Are they comfortable in hot weather?
 - Has the facility given you sheets, towels and blankets?
 - How often do they change/clean these items?
 - Do you have access to laundry machines?
 - If the staff does laundry, how are clean clothes distributed?
 - Do you get the same inner and outer clothes back from the laundry?
 - Are you allowed to keep your personal belongings with you in the facility?
 - Do you have a secure location to store those items?
 - Are there any personal belongings you are not allowed to keep with you?
 - If the staff took any of your items, do you know what they did with them?
 - Are you allowed to receive and send uncensored mail?
 - Are you allowed to work in the detention center?
 - If yes, what types of jobs are available?
 - How much do you earn?
 - Are you able to have alone time?
 - If no, do you wish you did?
- **Food & Water**
 - Tell me about the food here.
 - How many meals are you given a day?
 - Can you access food outside of your meals?

- Are you given food that complies with any dietary or religious restrictions you may have?
- Do you have access to water at all times?
- Do you have access to a kitchen?
- Are you able to purchase food from a canteen or shop?
- Are visitors allowed to bring you food?
- **Hygiene & Sanitation**
 - Do you have privacy when using toilets and showers?
 - Are the bathrooms regularly cleaned?
 - Do you have access to a bathroom all hours of the day?
 - Are soap, tooth brushes and other personal hygiene materials provided to you?
 - What is the process for getting new items?
- **Medical & Counseling**
 - Did you receive medical and dental screening exams when you first arrived?
 - Did you receive any psychological screening exam when you first arrived?
 - Did a counselor talk with you?
 - Have you received any medical and dental checkups since you have arrived?
 - Does the facility make primary medical care available? Emergency care?
 - If yes, please explain the services that are available.
 - Have you required medical care outside the facility while you have been here?
 - If yes, have you received it? How long did you have to wait for it?
 - Are there any health services that you have asked for and not received?
- **Education**
 - Are you provided with any educational classes?
 - If yes, what subjects? What languages are they offered in?
 - Are any English as a Second Language (ESL) classes offered?
 - Have you taken any vocational classes?
 - How many hours a day do you have class? How many days per week?
 - Are you required to attend classes?
 - Who are your teachers?
- **Recreation**
 - How much time a day do you spend outside for recreational activities like playing sports?
 - How many times per week?
 - What is the procedure for going outside?
 - What activities do you do for recreation? For how long?
 - Is there any sport equipment available?
 - Do you have access to a library?
 - If so, what types of books are available? Are they in your language?
 - Do you have access to a television?
 - If so, how much recreational time is spent watching television?
 - Do you have access to the internet?
 - If so, are the limits on sites you can visit? How much time are you allowed to spend on the computer?
 - Is there anyone in charge of the facility's recreation program?

- **Religion**
 - Are you a member of a religious or faith-based group?
 - Does the facility allow you to practice your religion?
 - Do you have any difficulty practicing your religious beliefs here?
 - Is attendance at any religious activities required by the facility?
 - Does the facility have chaplains affiliated with the center?
 - Has the facility given you access to outside religious leaders of your faith?
 - Have you been permitted to wear clothing required by your religion?
 - Do you have any religious dietary requirements/restrictions?
 - If so, has the facility given you foods you can eat?

- **Telephone Access**
 - Do you have access to telephones?
 - If yes, are you only allowed to use telephones at certain times? When?
 - Have you ever had to pay to make a phone call?
 - Have you been able to use the phone when you have requested to use it?
 - Is there anyone that you have need to call and not been permitted to do so?
 - Do you talk to your attorney on the phone?
 - Does the facility restrict how long you can talk to your attorney?
 - Does the facility restrict the number of calls you can make to your attorney?
 - Has anyone tried to call you here and not been permitted to leave a message?
 - Does the facility listen in on your phone calls?
 - If so, all of them? Only with your family? With your attorney?
 - Have you ever lost phone privileges? What happened?

- **Visitation Policies**
 - Are you allowed to have visitors?
 - If so, how often? How long are they allowed to stay for?
 - Can you meet with them in private?
 - Is there anyone that you are not permitted to see?
 - Has the facility explained its visitation policies to you?
 - If yes, how did it do that?
 - Are you allowed to have contact with the visitors? Or are you separated by Plexiglas or other barriers?
 - Do you have other family members in this facility?
 - If yes, are you allowed to see them?

- **Discipline Policy**
 - Have you ever been punished at this facility? If yes, how and for what were you punished?
 - Has any staff member ever hit you or deprived you of food, sleep or exercise?
 - If yes, please explain.
 - Have you ever been punished by being deprived of the right to contact your attorney or others?
 - If yes, please explain.
 - Please give examples of discipline that you thought was fair, or that you thought was unfair.

- **Segregation**
 - Have you ever been segregated from the rest of the residents in the facility?
 - If so, what happened?

- How long were you in segregation for?
- Were you allowed to go outside at least once a day?
- Were you provided with regular medical checkups while in segregation?
- Were you given access to any recreational/leisure activities?
- **Grievance Policy**
 - Is there another resident here that you are afraid of? Why? Has another resident threatened you or taken your belongings away from you?
 - Have you made a staff member aware of this? If yes, did they do anything about it?
 - Do you feel safe here?
 - Is there anyone you can complain to if you have any problems with the facility, for example, the medical treatment or the food or the beds or anything else we've talked about today? What is the process you have to go through to complain?
 - Have you complained about anything before? What was it? Did the problem get resolved?
 - If not, why have you not complained?
 - Did anyone ever retaliate against you for complaining?
 - Were you ever told about how to complain about the facility or the staff when you first arrived?

Closing

- Do you have an expectation as to when you will get out of detention?
- Is there anything else you would like to tell me or that I haven't asked about?

In addition to the questions above, you should ask additional questions when speaking with certain vulnerable populations, such as unaccompanied minors (in Office of Refugee Resettlement facilities) and women.

Unaccompanied Minors

- **Arrival**
 - How did you get to the U.S.? Where did you cross the border?
 - Did you come alone? If not, with who? Did you get separated? If so, do you know where they are now?
 - How did you get caught by the border patrol?
 - Do you know the location of the first facility you were taken to?
 - Can you describe the place where you were first taken after being caught crossing the border?
 - What was the place like? Clean? Dirty?
 - Who were you placed with? Men, women, other children?
 - Were there beds? Blankets?
 - Was there food? What did they give you for food and drink?
 - How long were you held there?
 - Have you been shackled or handcuffed? When?
 - Where were you taken after the first facility? Were you transferred straight here?
 - Have you ever been held with juvenile delinquents or criminals?
- **ORR Facility**
 - What happened when you arrived at this present facility? Did someone explain to you why you're here?

- Did someone talk to you about the rules of this facility? Were you given materials with the policies or rules?
- Were you provided with an orientation when you arrived at this facility? If so, was a translator provided (if necessary)?
- When you arrived, did they show you around the facility so you could see where things are? If yes, please describe that.
- Upon arrival, were you strip searched by facility officers? If yes, what items of clothing have they provided for you?
- Do you have any brothers or sisters here in the facility with you? If yes, are you housed together?

Women

- If you have been searched, was it conducted by female officers?
- Were you provided with an initial medical intake screening which could indicate the possibility of pregnancy, recent sexual assault or history of mental illness?
- Do you receive routine gynecological and obstetrical health care?
- Do you have access to preventative services such as breast examinations, pap smears, STD testing and mammograms?
- Have you requested birth control? If so, was it provided to you?
- Have you been provided with sanitary pads or tampons?
- What is the process for requesting additional sanitary items? Do you have to ask male officers?
- If requested, do you have access to counseling services to address issues of sexual or physical abuse?
- *For pregnant or recently pregnant individuals:*
 - Do you have access to pregnancy services such as prenatal care?
 - Are you provided with pregnancy counseling and assistance?
 - Have you ever been restrained by handcuffs or other means?
 - If you requested it, were you provided with abortion counseling and services?
 - Have you been provided with post-pregnancy services such as postpartum care and lactation services?
- Do you have children in the detention facility?
 - If yes, are they allowed to stay with you?
- Do you have children in the United States outside of the detention facility?
 - Do you know where they are?
 - Do you know who is taking care of them?



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