

# Immigration Detention and Custody Standards

Source: National Immigration Forum @ ForumTogether.org



# Introduction

- Detention and custody for duration of immigration proceedings
- Various agencies
  - Immigration and Customs Enforcement (ICE)
  - Office of Refugee and Resettlement (ORR)
  - U.S. Customs and Border Protection (CBP) (short-term intention)
  - Private prisons and local jails under ICE contracts
- Constitutional 8<sup>th</sup> Amendment
  - “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”
  - Interpretations require “basic human needs” to people in custody – (immigrants included)
  - These needs include “food, clothing, shelter, medical care, and reasonable safety.”
- Immigration and Nationality Act (INA)
  - Officials must establish “acceptable conditions of confinement.”



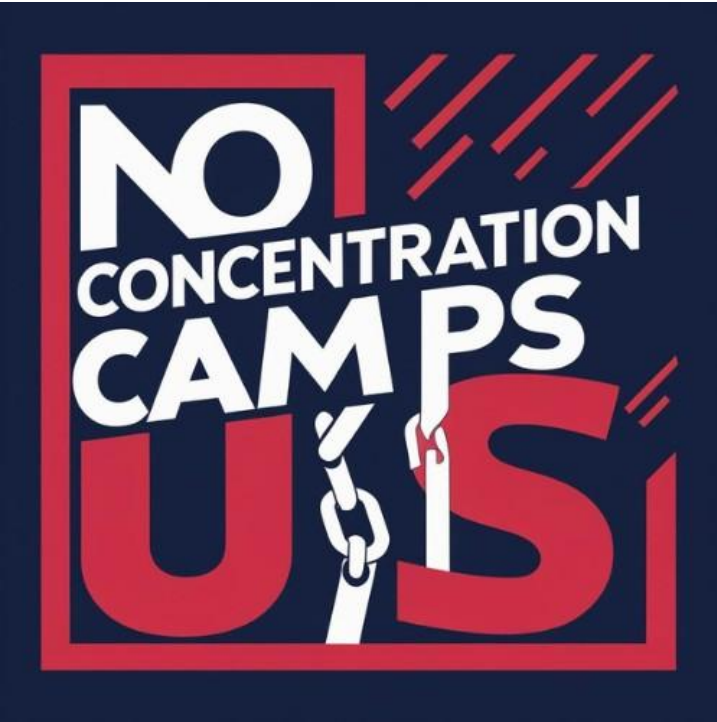
# Agency Standards

- National Detention Standards (NDS)
  - Non-dedicated facilities that are also used for other purposes (inmates)
- Performance Based National Detention Standards (PBNDS)
  - Immigrant detention facilities of ICE detainees
  - Least preferred standard for ICE since it expands some services (more cost?)
- Categorized as **civil detention – not correctional**
  - Safety
  - Security
  - Order
  - Care
  - Activities
  - Justice
  - Administrative and Management
- Neither is codified into law – they are agency guidelines
  - Not legally binding
  - Failure to meet standards are not apparently consequential



# Agency Standards (con't)

- ICE contracts with private prisons or jails
  - Not uniformly applied with each contract individually negotiated
  - Still must meet minimum constitutional standards – “basic human needs”
- Family detention (Dilly appears to be the only facility)
  - Family Residential Standards (separate standard)
  - Adds access to education for children
- US Customs and Border Protection
  - National Standards on Transport, Escort, Detention and Search (TEDS)
  - Meals/snacks/water, personal hygiene items, restroom, Legal contact info
  - Should be less than 72 hours
- Although inspections are required, results are questionable
  - March 2025, administration closed 3 offices that assist immigrants
  - After lawsuits, they were reopened with skeletal crews
- Forum’s Conclusion: Expanded detention requires closer scrutiny

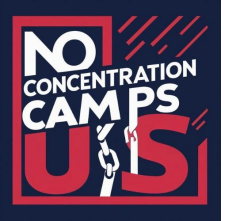


# 2025 National Detention Standards \*

(Added sex vs gender, language access)

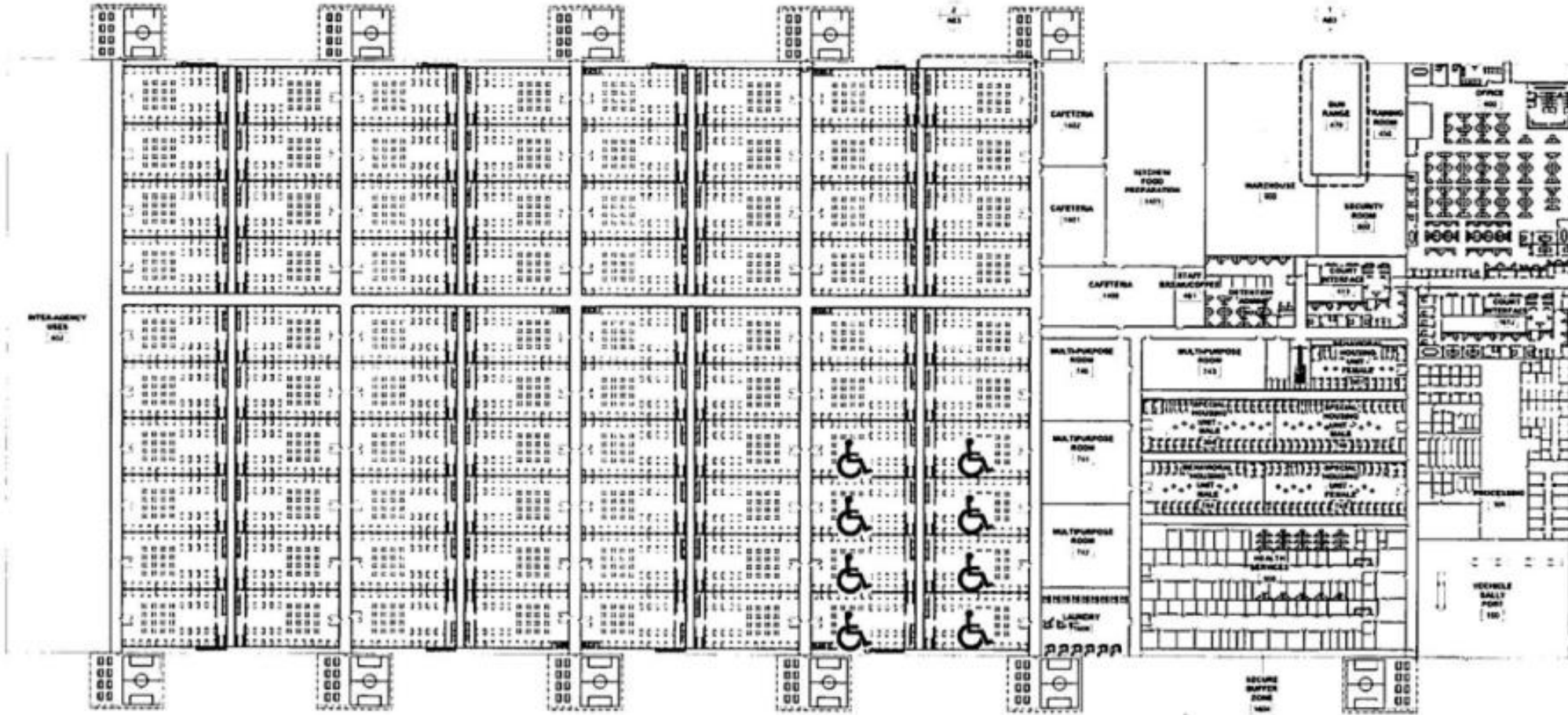
PWS referenced 2019 NDS...

<https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>



# Social Circle 1<sup>st</sup> Floor

SOCIAL CIRCLE, GA, ICE DETENTION CENTER – First Floor [Mezzanine not shown]



Source: DHS, provided to City of Social Circle, which published it online 2/18/2026



# 1. Safety

## 1.1 Environmental Health and Safety

- A. Hazardous substances – documenting, storage, use, disposal
- B. Emergency Response procedures to include detainees with disabilities
- C. Significant Event Notification to ICE Officials
- D. Fire Prevention/Control: Comply with NFPA, EPA, OSHA, National, State, **Local** Fire Codes
- E. Pests and Vermin controlled or eliminated
- F. Facility Water Supply - **State** testing of water/wastewater if not on certified local source
- G. Emergency Electrical Power Generator – testing as well as emergency equipment
- H. Specific guidelines for barber operations and medical operations
- I. General Environmental Health Guidelines
  - Facility - temperatures, air and water quality, ventilation, lighting, noise levels, and detainee living space, in accordance with any applicable **state and local jail/prison standards**. Emergency capacity (spacing/triple bunk) only with ICE approval and no more than 90 days. Must stay within **local fire capacity limits**



# 1. Safety... (Con't)

## 1.1 Environmental Health and Safety...

### I. General Environmental Health Guidelines...

2. Housekeeping - Cleanliness and sanitation
3. Blood and Body Fluid Clean-up – cleaned and decontaminated using suitable kits
4. Hazardous and Infectious Waste Disposal
5. Universal precautions
6. Garbage/refuse – collected, stored, and removed from common areas daily for proper handling/disposal

## 1.2 Transportation by Land

A–X Planning, documentation, (DOT) regulations, safely/humanely, vehicle safety, checklists, movement procedures and the like. Of note:

- M. **Water, meals and snacks for trips over 6 hours** including dietary needs
- R. Transfer for Funds, Valuables, and Property
- U. Restraints – properly fitting without attachment to immovable objects (vehicle)
  - Restraints for minors may be modified
  - **Do not restrain pregnant women without credible, reasonable grounds** (even in facility or medical facility)



## 2. Security

### 2.1 Admission and Release

- A. New Arrivals – undergo medical screening and language assessment
- B/C Search and inventory of funds, valuables, and other personal property
- D-I Issued clothing, bedding, no cost hygiene items, admission documents, handbook, orientation
- J. Release – return personal property, release shall be consistent with safety considerations, transport to local public transportation, free phone call to facilitate release arrangements

### 2.2 Custody Classification (other sources show three ratings)

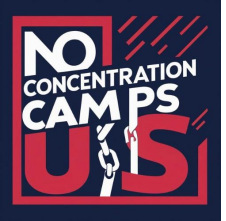
- A-H Allows for separations, safety, work assignments, recreational/meals/religious service mgt

### 2.3 Facility Security and Control

- A. Ensure/maintain sufficient supervision
- B. Inspect for contraband, safety, security, good order, escapes, and fire hazards
- C-J Perimeter/key/lock/tool control, population counts, canines for contraband search – not control

### 2.4 Funds and Personal Property

- A-H Provide control and safeguarding of detainee's property to include regular inventories



## 2. Security... (Con't)

### 2.5 Hold Rooms in Detention Facilities (awaiting movement)

- A. 37 sq ft for 1<sup>st</sup> person + 7 sq ft for each additional, enough seating, potable water, toilet
- B. Time Limits – <12 hours, segregated by sex, minors and pregnant women less restricted
- C. Detainee search
- D. Basic operations – meals if over 6 hours, supervision, surveillance for stressed situations

### 2.6 Post Orders

A-D Written orders specifying duties/instructions/procedures for each assigned post

### 2.7 Searches of Detainees

A-F Security via control of contraband, Training required, medical personnel involved if intrusive

### 2.8 Use of Force and Restraints

A-L Physical action to overcome resistance, contain, or restrain



## 2. Security... (Con't)

### 2.9 Special Management Units

A-W Segregation for overall safety and good order – facility, accesses, recreation

### 2.10 Staff-Detainee Communication

A-D **Professional/respectful**, requests/concerns process, marriage requests case-by-case

### 2.11 Sexual Abuse and Assault Prevention and Intervention

A-P Must act affirmatively to prevent sexual abuse and provide prompt intervention

H. Facility to utilize available **community-based** outside victim resources for **any** victim

I. Prevention - Construction/modification effect on protection from sexual abuse/assault

J. Intervention - Sexual Abuse and Assault Response Team – supportive environment

K. Protection from retaliation

M. ICE and other investigative agencies

N. Medical and Mental Health Care – emergency and ongoing



# 3. Order

## 3.1 Disciplinary System

A-M System with progressive levels of reviews/appeals with clearly defined detainee right

Staff may not impose or allow imposition of the following sanctions: corporal punishment; deviations from food services or availability of water; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; deprivation of legal visitation, legal mail, access to the law library, and the removal of legal papers; or deprivation of physical exercise unless such activity creates an unsafe

- I. Time in segregation or withholding of privileges shall not generally exceed 30 days
- M. Handbook shall provide notice of rules, sanction and detainee protections and rights



# 4. Care

## 4.1 Food Service

- A-J Nutritious, attractively presented meals, prepared/served in a sanitary/hygienic manner
- C. 3 meals/day (2-3 hot) with no more than 14 hours between evening and morning meals
- F-G Religious/Special/Medical Diets

## 4.2 Hunger Strikes

- A-F Monitoring, counseling, and providing appropriate treatment during a hunger strike

## 4.3 Medical Care

- A-U Appropriate medical, dental, and mental health care, including emergency services
- B. Privacy in examination, treatment, and records – secured and climate-controlled pharmaceuticals
- D-I Screening, comprehensive health assessment, substance dependence/detox, dental, sick call
- J. Plan for 24-hour emergencies, initial response time less than 4 minutes
- R. No medical/pharmaceutical/cosmetic experiments or research
- S-U Mental Health, Referrals for Sexual Assault Victims, Women's Health

## 4.4 Personal Hygiene

- A-F Issuance and exchange of clothing, bedding, linen, blanket, towel, uniforms, hygiene items
- G. Reasonably private bathing and toileting environment



## 4. Care

### 4.5 Significant Self-Harm and Suicide Prevention and Intervention

A-N Trained to recognize signs, symptoms, and situations for potential self-harm/ suicide risk

C-G Procedures to ID, refer, treat, house and monitor, hospitalize

### 4.6 Terminal Illness and Death

A. Medical officer determines when hospital is required and hospital determines care

B. Family notification, disposition of remains, ICE arranges autopsy

### 4.7 Disability, Assessment, and Accommodation

A-I Detainees with a disability have an equal opportunity to programs, services, and activities.

- Such participation will be in the least restrictive and most integrated setting
- Reasonable accommodations, modifications, and/or auxiliary aids and services



# 5. Activities

## 5.1 Correspondence and Other Mail

- A-K May receive/send letters at own expense without limit, but packages may be restricted
- E. Inspection of incoming (contraband), outgoing may be inspected/read if security concern
- H. Postage allowance if indigent (<\$15)
- I. Writing paper, implements, and envelopes supplied at no cost

## 5.2 Recreation

- A-E Outdoor - 1 hour @ 5 days or 6 hours across 4 days – Indoors only, access to natural light
- C. Exercise areas with fixed/movable equipment, Dayrooms with TV, games, reading

## 5.3 Religious Practices

- A-M Provide reasonable/equitable opportunities to participate in the practices of their faith
- D. Facility chaplain coordinates activities and aids in religious practice accommodation
- H. Religious group activities can be limited by documented threats to safety, security, order



# 5. Activities

## 5.4 Telephone Access

A-L Provide detainees with reasonable and equitable access to telephones (1 per 25)

E. Permit free direct calls to legal services/immigration processes

J-K Privacy for Legal phone calls - Monitoring of other phone calls possible with notices

## 5.5 Visitation

A-M Visits within security and operational constraints.

F. Encourages visits by friends or family (Sat, Sun, or holidays) limits of 30 minutes or more

G. Legal representatives in private settings without auditory supervision

H. Consultations during Expedited Removal: legal reps and friends/family

I-K Consular Protection, NGOs, **Community Service Organizations**

L. Supports non-classified and non-confidential information

## 5.6 Voluntary Work Program

A-L Facility work program and **possible voluntary special details beyond the wire**

F-H No more than 8 hrs/day and 40 hrs/week – wage is at least \$1.00/day



# 6. Justice

## 6.1 Detainee Handbook

A-F Overview/guide to rules, procedures, services, programs, and resources

B. Written in English with translations to Spanish and other prevalent languages

## 6.2 Grievance System

A-H Involves informal, formal, emergency process with appeals and anti-retaliation

## 6.3 Law Library and Legal Materials

A-P Provide law library, legal materials, copying privileges, for legal processing

D. Materials from outside organization may be included if reviewed/approved

F. Up to 5 hours per week access without impacting recreational time

## 6.4 Legal Rights Group Presentations

A-I Permit **authorized persons to present information** on immigration law and procedures



# 7. Administration and Management

## 7.1 Detention Files

A-G Create, store and update a detention file for each detainee (purged after 6 years)

G. Detainee can consent to have file released to self or attorney of record

## 7.2 Detainee Transfers

A-C Transfers occur for a variety of reasons

- Transfer will not be retaliatory

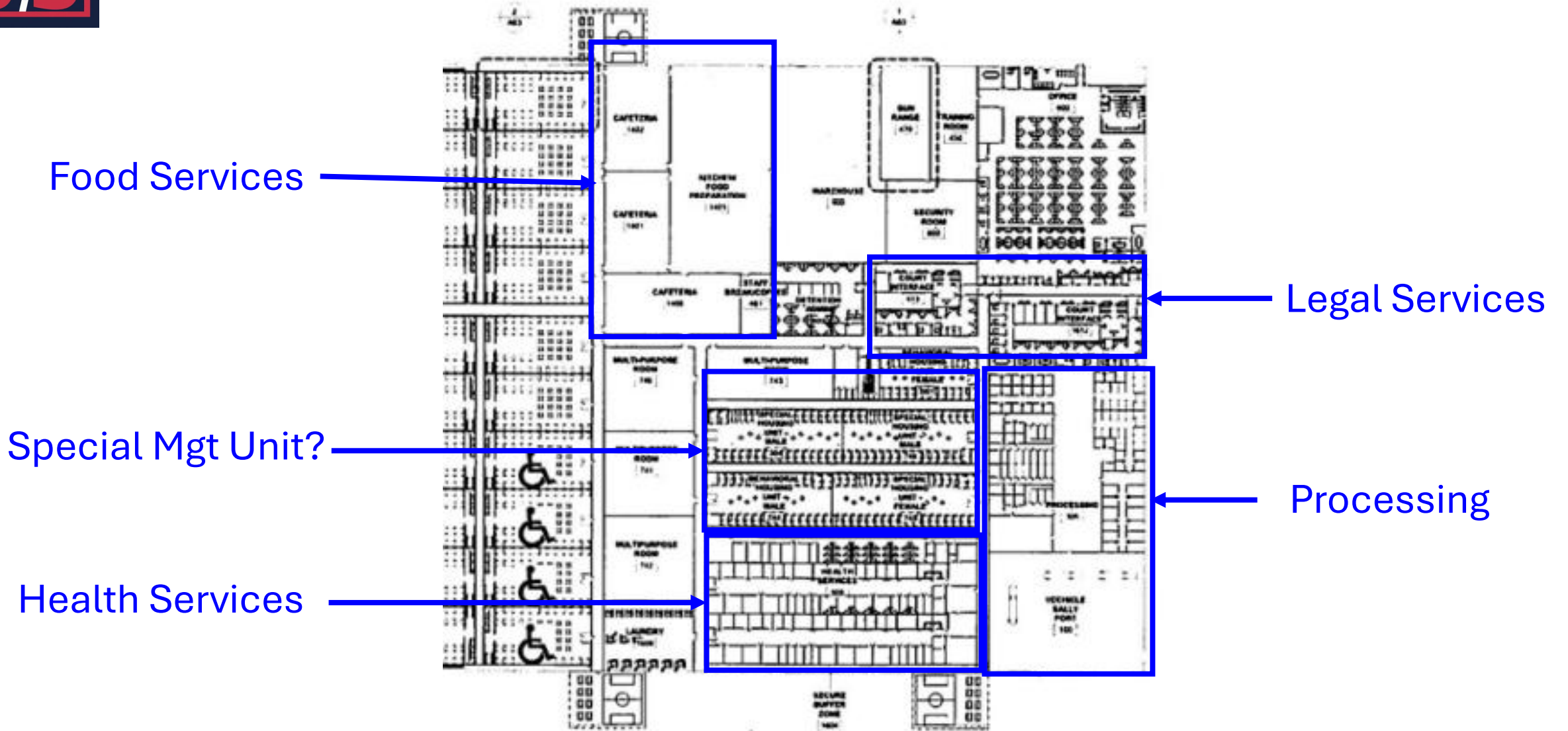
- ICE will consider whether the detainee is represented before the immigration

A. No **advance notification, no contact with others until arrival**, medical info transfer

B. Property transferred with detainee



# Social Circle 1<sup>st</sup> Floor Workspace





# Local Links During Operations... Maybe?

## **Community based contact (visits/brochures)**

- Clergy visits, legal visits
- Assist with family and friend visits
- Sexual Assault counselors, medical contacts

DOCUMENT and TRACK!

## **Community based reception (considering 1 in 6 are released – old stat)**

- Collect testimonies, messages from others, overall treatment (an out-brief)
- Phone cards, coats, hats, lodging, food, coffee, an ear
- Casa de Paz (Aurora CO) and other similar organizations

## **Health and Safety Enforcement via Public Health authorities**

- Sanitation, communicable disease protocols, pollution (these issues spread beyond the fence!)

## **Code Enforcement and Inspections**

- Fire safety, occupancy limits, emergency mgt

## **Facility health guidelines vs State/Local incarceration standards**

- Temperature, ventilation, water quality, noise levels, lighting, living space, etc
- Treatment should not be worse than what incarcerated serial rapists experience

## **Keep press engaged/involved**

## **Get oversight agencies involved (Congress, Governor?)**