



Office for Civil Rights and Civil Liberties

Summary of CRCL's Recommendations and ICE's Response *Notification of Hospitalization*

On July 11, 2023, U.S. Immigration and Customs Enforcement (ICE) responded to a *Recommendation Memorandum* issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) about the withholding of detained noncitizens' hospitalization information from family and legal counsel. ICE partially concurred with one of CRCL's recommendations and non-concurred with two.

Background

In July 2020, CRCL opened a complaint based on two newspaper articles from the *Miami Herald* alleging that ICE withheld information about the hospitalizations of noncitizens previously detained at the Glades County Detention Center (Glades). The complaint alleged that ICE withheld information for several weeks about the hospitalization of two noncitizens from their families and legal counsel when they were receiving treatment for COVID-19.

Investigation

CRCL reviewed records of the two noncitizens. CRCL also reviewed the 2019 National Detention Standards (NDS 2019), as well as other detention standards for comparison. CRCL also reviewed ICE policies and procedures related to the transfer of detained noncitizens. CRCL also reviewed the DHS System of Records Notices for the DHS/ICE-013 Alien Health Records System, covering when ICE may provide medical information regarding a detainee to immediate family members and attorneys. CRCL found that ICE violated the NDS 2019 when it did not inform counsel for the noncitizens that their clients had been transferred to the hospital as soon as practicable, and no later than 24 hours after the noncitizen was transferred. CRCL also found that ICE has an obligation to ensure the protection of a noncitizen's right to legal counsel by notifying legal counsel when a detained noncitizen is hospitalized for 24 hours or more.

Recommendations

On September 22, 2022, CRCL sent ICE a *Recommendation Memorandum* with three recommendations regarding notification to family and legal counsel when noncitizens are transferred from an ICE facility to hospital. On July 11, 2023, ICE partially concurred with one recommendation and non-concurred with two. ICE agreed that noncitizens should have access to a telephone when hospitalized and be able to notify family members and/or legal representatives. ICE did not agree to issue new policy and training on transfers to hospitals.

CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.

March 4, 2024