



# Improving Conditions at ICE Enforcement and Removal Operations Field Offices and Sub-Offices

*September 3, 2021*

Fiscal Year 2020 Report to Congress



**Homeland  
Security**

*U.S. Immigration and Customs Enforcement*

# Message from the Acting Director

September 3, 2021

I am pleased to present the following report, "Improving Conditions at ICE Enforcement and Removal Operations Field Offices and Sub-Offices," which has been prepared by U.S. Immigration and Customs Enforcement.

This report was compiled pursuant to direction in House Report 116-180, which accompanies the Fiscal Year 2020 Department of Homeland Security Appropriations Act (P.L. 116-93).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard  
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy  
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000.

Sincerely,



Tae D. Johnson  
Acting Director  
U.S. Immigration and Customs Enforcement





# Improving Conditions at ICE Enforcement and Removal Operations Field Offices and Sub-Offices

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# I. Legislative Language

This report was compiled pursuant to direction in House Report 116-180 accompanying the Fiscal Year (FY) 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93).

House Report 116-180 states:

The Committee is concerned about the conditions and lack of adequate infrastructure at ICE's Enforcement and Removal Operations field offices and sub-offices that service migrants. The Committee understands that visitors who appear at these facilities for an appointment or processing may be required to wait inordinate amounts of time, without shelter or shade. Further, there may be insufficient restroom or drinking water infrastructure. The Committee has also been made aware that visitors who appear at these facilities for appointments may experience difficulty while attempting to confirm their appointment letters via phone due to insufficient capacity, and many visitors have had trouble contacting an ICE employee who can speak their native language, including Spanish. To address these conditions, the Committee directs ICE to work with the General Services Administration (GSA) to determine what steps must be taken and what additional infrastructure is necessary at these facilities in order to improve conditions and processing times, as well as to determine how to improve planning and design for future ICE ERO facilities. ICE is directed to provide a report on its findings to the Committee within 180 days of the date of enactment of this Act. ICE is also directed to ensure that proper oversight of conditions at its ERO field offices, sub-offices, and contractor facilities is conducted by its quality assurance teams. Finally, the Committee encourages ICE to permit the distribution of food and water by outside individuals or advocates to visitors who are waiting to be seen.

## II. Background

In early 2018, U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) received significant congressional interest in the Miami area of responsibility, including facility infrastructure concerns involving the ERO sub-office in Miramar, Florida. On May 31, 2018, ERO provided a briefing to Congress and a delegation from the City of Miramar. As a result of this meeting, ERO Miami, along with ICE Headquarters, GSA, and the lessor, worked together to add additional parking, shade structures, and outside drinking fountains.

ICE works closely with federal, state, and local agencies to keep the public, media, and other individuals visiting any ICE facility safe and secure. All ICE ERO offices communicate regularly with the local GSA offices to maximize the space they have and attempt to facilitate improvements in those facilities as necessary.

### A. General Improvements at the Miramar Sub-office

Since ERO Miami leadership last met with congressional staff in May 2018, several upgrades that were proposed have been implemented and completed, including:

- A permanent shade structure, which runs parallel to both sides of the facility and provides protection from the elements;
- Several permanent benches near the shade structure;
- A 162-space parking lot that was opened to visitors on August 30, 2019; and
- Water fountains near the shade structure that were operational as of August 30, 2019<sup>1</sup>.

### B. Improvements Related to the Coronavirus Disease 2019 (COVID-19) Pandemic

ICE medical and operational personnel monitor and review the Centers for Disease Control and Prevention's (CDC) guidance daily, continue to incorporate CDC guidance into ICE's existing infectious disease monitoring and management protocols, and issue guidance to ICE Health Service Corps staff and ICE contractors.

On April 10, 2020, ICE ERO released the COVID-19 Pandemic Response Requirements<sup>2</sup> (PRR), a guidance document developed in consultation with the CDC that builds upon previously issued guidance. Specifically, the PRR sets forth specific mandatory requirements expected to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are housed appropriately and that available mitigation

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<sup>1</sup> Water fountains temporarily have been shut off due to the COVID-19 pandemic but will resume normal operations when pandemic restrictions are lifted.

<sup>2</sup> <https://www.ice.gov/coronavirus/prr>

measures are implemented during this unprecedented public health crisis. The PRR since has been updated several times, most recently on March 16, 2021.

## C. Examples

In response to a recent inquiry from ERO headquarters, most sub-offices described prompt compliance with local guidelines related to the COVID-19 pandemic. Such guidelines include, but are not limited to, an increased frequency of cleaning and sanitization at ERO offices, implementation of temperature checks for facility visitors, coordinating telephonic check-ins for nondetained individuals, mandatory usage of personal protective equipment as well as physical enhancements such as plexiglass barriers, and expanded waiting areas or reduced seating to facilitate social distancing better.

- ERO Atlanta converted a conference room into an additional waiting area. This waiting area has a drinking fountain and bathrooms in close proximity for the comfort of the reporting noncitizens. Several other offices acquired additional space for use as waiting rooms.
- ERO Miami Miramar Sub-Office installed a two-way window/partition intercom system, which provided a contact barrier and created more privacy in the lobby waiting area by reducing the noise level of the interaction.
- Certain ERO locations have begun to transition to Compliance Assistance Reporting Terminals, which automates nondetained reporting processes, decreases the number of persons in waiting and lobby areas, and enhances social distancing.

Many field offices have streamlined their in-person reporting process by assigning employees to triage visitors at or before entry, by setting up staggered reporting time to minimize traffic and congestion in common areas, and by incorporating the use of telephonic reporting to minimize in-person interactions with reporting noncitizens, their families, and attorneys whenever practical.

ICE ERO field offices understand the gravity of the global health situation and are making the necessary efforts to accommodate the fast-growing population of nondetained individuals and their specific reporting requirements.

### III. Language Services

ICE ERO adheres to the requirements set forth in Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (August 16, 2000), including the requirement to ensure that limited English-proficient (LEP) stakeholders have meaningful access to our programs and activities by providing accurate and effective communication in a timely manner.

Through contracts with language assistance vendors (i.e., language lines), ERO uses professional oral interpretation and translation services that cover more than 200 languages. Further, many ERO staff have sufficient proficiency in one or more languages other than English and communicate with LEP persons in their native language when appropriate.

ERO has been, and continues to be, committed to undertaking several activities aimed at providing LEP persons with meaningful access to programs and services, including translating vital documents. In the last year, ERO has focused specifically on identifying and translating forms that are signed by detainees. ERO conducted an inventory of forms to discern those used in the detention setting that require a detainee’s signature. This endeavor necessitated coordination across several ICE Offices, including ERO Custody Management, Field Operations, and the ICE Office of the Principal Legal Advisor. Ultimately, Field Operations designated 39 forms requiring the signature of a detained person.

The overwhelming majority of LEP detainees come from Spanish-speaking countries. Hence, over the last year, ERO has coordinated with available language assistance vendors to translate the identified forms referenced above, in batches, into Spanish. In general, existing contracts allow the vendors several days to complete a translation; this timeframe may shift depending on the volume of pending requests and linguist availability. Once complete, ERO submitted each Spanish translation to the ICE Forms Management Unit to ensure that the form conformed to applicable laws, executive orders, circulars, regulations, policies, and directives.

In the meantime, ERO has been coordinating with several other offices to determine any incidental changes in procedure and/or electronic systems related to the form. Once these determinations are made for all the forms and they become accessible via the internal ERO webpage, ERO can notify Field Office staff about the availability of the translated forms via a national broadcast.

While the vast majority of LEP individuals in ICE custody speak Spanish, ERO does encounter several other languages in detention. To determine languages spoken by significant segments of the detained population with limited English proficiency, ERO reviewed FY 2020 country of citizenship and primary language data for individuals in ICE custody. ERO determined Portuguese and Punjabi to be the most significant languages, outside of Spanish, for this time period. All other languages spoken represented only 1 percent or less of the population group.

ERO already has started coordinating with available language assistance vendors to translate the designated 39 forms, in batches, into Portuguese and Punjabi, and will submit them again to the

ICE Forms Management Unit for formatting. ERO plans to review country of citizenship and primary language data regularly for individuals in ICE custody and to explore the need to translate designated forms into other languages. In the meantime, ERO also will remind staff that oral interpretation must be provided when a detainee speaks another language into which the forms have not been translated and to ensure that staff have the resources needed to fulfill professional interpretation needs.

With regard to facility-specific (i.e., local) forms requiring a detainee's signature, various ICE National Detention Standards establish guidelines of care and expected practices and outcomes for detention facilities when staff communicate with LEP detainees. Similar to obligations under Executive Order 13166, these standards require information to be provided to LEP detainees in a language that they can understand throughout the detention process.

Under ICE standards, all written materials provided to detainees generally should be translated into Spanish and, where practicable, into other significant languages of the population. Oral interpretation or assistance must be provided to any detainee who speaks another language into which written material has not been translated. ERO will continue to rely on Field Office staff/leadership and on internal and external compliance entities and their auditing processes to identify instances where facility partners are not abiding by these guidelines.



## IV. Ongoing Oversight

As required by Directive 11087.1: *Operations of ERO Holding Facilities* (September 22, 2014), ERO is required to conduct an annual Holding Facilities Self-Assessment Tool (HFSAT) compliance assessment at “all facilities operated by ERO, located in ERO field offices, or jointly operated by ERO and Homeland Security Investigations in shared offices.” Detention facilities with holding rooms and ICE Air Operations staging areas are excluded from this exercise, as they are assessed separately via the detention standards. The Directive also incorporates requirements for holding facilities contained in the DHS regulation, titled, *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities*, 79 Fed. Reg. 13100 (Mar. 7, 2014), codified at 6 C.F.R. Part 115, and supplements other ICE policies and procedures for responding to sexual abuse and assault incidents contained in ICE Directive 11062.2, *Sexual Abuse and Assault Prevention and Intervention* (May 22, 2014).

Field Office Directors are required annually to review the application of the Holding Facilities Directive at each holding facility within their area of responsibility to ensure ongoing compliance. The annual HFSAT compliance assessment includes checks/verification that the facility is meeting requirements regarding detainee supervision and monitoring, holding room conditions (i.e., safety, cleanliness, access to food and water, and regular access to restroom facilities), placement of detainees with specialized needs (i.e., families, pregnant or nursing females, unaccompanied minors, elderly detainees, detainees with disabilities, and detainees who are LEP), detainee searches, property, and maintenance of a detention log for every detainee brought into custody.

## V. Conclusion

One of ICE's highest priorities is ensuring the health and safety of its employees, detainees, and individuals attending check-ins at ERO field offices and sub-offices. ICE is mindful of the threat from COVID-19 and works closely with federal, state, and local agencies to keep the public, media, and other individuals visiting any ICE facility safe and secure. Those with scheduled check-ins should review the COVID-19 guidance posted at <https://www.ice.gov/coronavirus#faqs> or contact the office for any updates prior to their appointment.

## VI. Appendix: List of Abbreviations

<b>Abbreviations</b>	<b>Definitions</b>
CDC	Centers for Disease Control and Prevention
COVID-19	Coronavirus Disease 2019
DHS	Department of Homeland Security
ERO	Enforcement and Removal Operations
FY	Fiscal Year
GSA	General Services Administration
HFSAT	Holding Facilities Self-Assessment Tool
ICE	U.S. Immigration and Customs Enforcement
LEP	Limited English-Proficient
PRR	Pandemic Response Requirements