

ICE/DRO RESIDENTIAL STANDARD

CORRESPONDENCE AND OTHER MAIL

I. PURPOSE AND SCOPE. Residents will be able to maintain ties with their families, the community, legal representatives, and consular officials through correspondence.

II. EXPECTED OUTCOMES. The expected outcomes of this Residential Standard are:

1. Residents will be able to maintain ties with their families, the community, legal representatives, and consular officials through correspondence.
2. Residents will become aware of the facility's rules on Correspondence and Other Mail through information contained in the Resident Handbook or another form of communication that is provided to each resident upon admittance in English, Spanish, and other languages most widely spoken among residents. Translation or interpretation services will be provided to residents who are not proficient in English.
3. The amount and content of correspondence residents send at their own expense will not be limited except if needed for order and security.
4. Indigent residents will receive a specified postage allowance to maintain community ties and the necessary postage for privileged correspondence.
5. Residents will have access to publications.
6. Incoming and outgoing mail will be opened to inspect for contraband and to intercept cash, checks, and money orders.
7. General correspondence will not be read or rejected, except if needed for order and security, and residents will be notified in writing when correspondence is withheld in part or in full.
8. Residents will be permitted to send and receive Special Correspondence to persons and organizations as identified in this standard. Outgoing and incoming correspondence from persons and organizations as identified in this standard will be opened to inspect for contraband only in the presence of the resident, unless waived by the resident or unless contamination of the correspondence is suspected.
9. Incoming and outgoing letters will be held for no more than 24 hours and packages no more than 48 hours, excluding weekends, holidays, and emergency situations.
10. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
11. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

III. DIRECTIVES AFFECTED. None

IV. REFERENCES

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner.

There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association 4th Edition, Standards for Adult Detention Facilities: 4-ALDF-5B-05, 5B-06, 5B-07, 5B-08, 5B-09, 5B-10, 2A-27, 2A-60, 6A-02, 6A-04, 6A-06, 6A-09.

V. EXPECTED PRACTICES

1. General

Each facility shall have written policy and procedures relating to resident correspondence and other mail.

The amount of correspondence a resident may receive or send at his or her own expense shall not be limited; however, for reasons of safety, security, and the orderly operation of the facility, non-correspondence mail (such as packages and publications) shall be subject to certain restrictions.

2. Indigent Residents

Indigent residents may mail correspondence and packages at government expense, in accordance with the following guidelines:

- a. Reasonable correspondence relating to a legal matter. OCC shall be consulted prior to any determination that the amount of legal mail is not “reasonable.”
- b. Three one-ounce letters per week
- c. Packages deemed necessary by ICE/DRO such as clothing, personal items, items needed for return to country of origin, etc.

3. Resident Notification

The facility shall notify residents of its rules on correspondence and other mail through a resident handbook, or equivalent, provided to each resident upon admittance.

At a minimum, the notification shall include the following:

- a. That a resident may receive mail.

- b. The mailing address of the facility and instructions on how envelopes should be addressed.
- c. That a resident may send mail, the procedure for sending mail, and instructions on how outgoing mail must be addressed.
- d. That general correspondence and other mail addressed to residents will be opened and inspected in the resident's presence, unless waived by the resident or unless the facility administrator authorizes inspection without the resident being present, for security reasons.
- e. The definition of Special Correspondence, including instructions on the proper labeling of mail as "Special Correspondence." If not properly labeled, correspondence will not be treated as "Special Correspondence." The notification shall clearly state that it is the resident's responsibility to inform those outside the facility of this labeling requirement who wish to send "Special Correspondence" to the resident.
- f. That Special Correspondence may only be opened in the resident's presence, and may be inspected for contraband, but not read.
- g. That a package may neither be sent nor received without advance arrangements approved by the facility administrator, as well as the mechanism for obtaining such approval.
- h. A description of the type of mail that may be rejected by the facility or the type mail that the facility will not allow a resident to keep in his or her possession at the facility.
- i. That identity documents (passports, birth certificates, etc.) mailed to the resident will be turned over to ICE/DRO for placement in the resident's Alien file. Upon request, the resident will be provided a copy of each document, certified by an ICE/DRO staff to be a true and correct copy.
- j. The procedure for obtaining writing instruments, paper, and envelopes.
- k. The procedure for purchasing postage, and the rules for providing indigent and certain other residents free postage.

The facility shall make all reasonable effort to provide key information, in writing, to residents in languages spoken by any significant portion of the facility's resident population. All residents will receive this information through an oral orientation as described in the Residential Standard for "**Admission and Release.**"

4. Mail Processing

Resident correspondence and other mail shall be delivered to the resident and to the postal service on regular schedules.

- a. Incoming correspondence shall be distributed to residents on the day it is received.
- b. Outgoing correspondence shall be delivered to the postal service no later than the day after it is received by facility staff, or placed by the resident in a designated mail depository, excluding weekends and holidays. An exception may be made for

correspondence or other mail that requires special handling for security purposes. Under exceptional circumstances, Special Correspondence may be held for 48 hours, to verify the status of the addressee or recipient.

- c. Incoming priority, overnight, certified mail, and deliveries from a private package delivery service, etc. shall be recorded in a logbook maintained by the facility.

5. Packages

Each facility shall implement policies and procedures concerning resident packages.

6. Inspection of Incoming Correspondence and Other Mail

a. General Correspondence and Other Mail

Staff shall open and inspect incoming general correspondence and other mail (including packages and publications) in the presence of the resident. Incoming general correspondence may be read to the extent necessary to maintain security, as authorized by the facility administrator.

Inspection is generally for the purpose of detecting contraband. The reading of mail, which requires approval of the facility administrator, may be conducted at random. Mail may also be read when a specific documented security concern arises with respect to an individual resident, to reveal such information as: escape plots, plans to commit illegal acts, plans to violate institution rules, etc.

b. Special Correspondence

“Special Correspondence” is the term for residents’ written communications to or from private attorneys and other legal representatives; government attorneys; judges; courts; embassies and consulates; the President and Vice President of the United States; members of Congress; the Department of Justice; the Department of Homeland Security; the U.S. Public Health Service; and representatives of the news media.

Correspondence shall only be treated as Special Correspondence if the title and office of the sender (for incoming correspondence) or addressee (for outgoing correspondence) are unambiguously identified on the envelope, and the envelope is labeled as “Special Correspondence.”

All facilities shall implement procedures for inspecting Special Correspondence for contraband in the presence of the resident.

Staff shall neither read nor copy Special Correspondence. The inspection shall be limited to the purposes of detecting physical contraband and confirming that any enclosures qualify as Special Correspondence.

7. Inspection of Outgoing Correspondence and Other Mail

a. General Correspondence and Other Mail

Outgoing general correspondence and other mail may be inspected and read if:

- 1) The addressee is another resident, or an alien detained in a detention or other

facility operated by or on behalf of a law enforcement agency.

- 2) There is reason to believe the item might present a threat to the facility's secure and orderly operation, endanger the recipient or the public, or facilitate criminal activity.

b. Special Correspondence

Outgoing Special Correspondence shall not be opened, inspected, or read.

Staff shall treat outgoing correspondence as Special Correspondence only if the name, title, and office of the recipient are clearly identified on the envelope, and the envelope is labeled as "Special Correspondence."

8. Rejection of Incoming and Outgoing Mail

All facilities shall implement policies and procedures addressing mail that will be accepted and mail that will be rejected by the facility.

Incoming and outgoing general correspondence and other mail may be rejected to protect the security, good order, or discipline of the institution; to protect the public; or to deter criminal activity.

When incoming or outgoing mail is confiscated or withheld (in whole or in part), the resident shall be notified and be given a receipt.

Correspondence and publications that may be rejected include, but are not limited to:

- a. Material that depicts, describes, or encourages activities that could lead to physical violence or group disruption, for example, material dealing with the subjects of self-defense, survival, weaponry, armaments, explosives, and incendiary devices.
- b. Information regarding escape plots, plans to commit illegal activities, or to violate ICE/DRO rules or facility guidelines.
- c. Information regarding the production of drugs or alcohol.
- d. Sexually explicit material.
- e. Threats, extortion, obscenity, or gratuitous profanity.
- f. A code, cipher, or other form of encryption.
- g. Other contraband. A package received without the facility administrator's prior authorization is considered contraband.

Rejected mail shall be considered contraband and handled as detailed below.

Both sender and addressee shall be provided written notice, signed by the authorizing official, with an explanation, when the facility rejects incoming or outgoing mail. The facility administrator shall ordinarily consult a religious authority before the confiscation of a religious article that is considered "soft contraband."

9. Contraband Recording and Handling

When staff finds an item that must be removed from a resident's mail, he, or she shall

make a written record including the following:

- a. The resident's name and A-number
- b. The name of the sender and recipient
- c. A description of the mail in question
- d. A description of the action taken and the reason for it (including significant dates)
- e. The disposition of the item and the date of disposition
- f. The staff's signature
- g. Prohibited items discovered in the mail shall be handled as follows:
 - 1) A receipt shall be issued to the resident for all cash, which shall be safeguarded and credited to the resident's account in accordance with the Residential Standard on "**Funds and Personal Property.**"
 - 2) Identity documents (passports, birth certificates, etc.) shall be placed in the resident's A-file. Upon request, the resident shall be provided with a copy of the document, certified by an ICE/DRO staff to be a true and correct copy.
 - 3) Other prohibited items found in the mail shall be handled in accordance with the Residential Standard on "**Contraband**"; however, at the discretion of the facility administrator, soft contraband may be returned to the sender.
 - 4) The facility administrator shall ensure that facility records of the discovery and disposition of contraband are accurate and current.

10. Postage Costs

The facility shall generally not limit the amount of correspondence residents may send at their own expense, except to protect public safety, or facility security and order.

The facility shall provide a postage allowance at government expense under two circumstances:

- a. The resident is indigent.
- b. The facility does not have a system for residents to purchase stamps, so all residents receive a postage allowance.

Free postage is generally limited to letters weighing one ounce or less, with exceptions allowed for Special Correspondence; however, in compelling circumstances, the facility may also provide free postage for general correspondence and other mail.

Residents who qualify for a postage allowance, as defined above, shall be permitted to mail at government expense:

- a. A reasonable amount of mail each week, including at least five pieces of Special Correspondence and five pieces of general correspondence.
- b. All correspondence related to a legal matter, including correspondence to a legal representative, potential legal representative, and any court.

- c. Packages containing personal property, when the facility administrator determines that storage space is limited and that mailing the property is in the government's best interest. See the Residential Standard on "**Funds and Personal Property**" for detailed information.

11. Writing Instruments, Paper, and Envelopes

The facility shall provide writing paper, writing implements, and envelopes at no cost to residents.

12. Correspondence with Representative of the News Media

A resident may use Special Correspondence to communicate with the news media.

A resident may not receive compensation or anything of value for correspondence with the news media. A resident may not act as a reporter or publish under a byline.

Representatives of the news media may initiate correspondence with a resident; however, it shall be treated as Special Correspondence only if the envelope is properly addressed with the name, title, and office of the media representative, and clearly labeled as "Special Correspondence."

13. Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters

If a resident without legal representation requests certain services in connection with a legal matter (notary public, certified mail, etc.), and has no family member, friend, or community organization able to provide assistance, the facility shall assist the resident.

If it is unclear whether the requested service is necessary in pursuit of a legal matter, the respective Chief Counsel should be consulted.

Standard Approved:

John P. Torres
Director
Office of Detention and Removal

Date