

## STANDARD 7.2

### DETAINEE TRANSFERS

#### I. POLICY

U.S. Immigration and Customs Enforcement (ICE) often transfers detainees from one facility to another for a variety of reasons. This standard prescribes the procedures and notification requirements to be followed when transferring a detainee.

ICE/ERO will make all necessary notifications when a detainee(s) is transferred. Transfers will not be retaliatory. In deciding whether to transfer a detainee, ICE/ERO will take into account whether the detainee is represented before the immigration court. In such cases, ICE/ERO will consider alternatives to transfer, especially where the attorney is located within reasonable driving distance of the detention facility and where immigration court proceedings are ongoing.

#### II. STANDARDS AND PROCEDURES

##### A. Notification Procedure

##### 1. Detainee

For security purposes, specific plans and time schedules shall never be discussed with the detainee involved. The detainee shall not be notified of the transfer until immediately prior to leaving the facility. At that time, the detainee shall be notified that he or she is being moved to a new facility within the United States, and not being deported. This information shall be communicated to the detainee in a language or manner he or she understands. Following transfer notification, the detainee shall normally not be permitted to make or receive any telephone calls or have contact with other detainees in the general population until the detainee reaches the destination facility. At the time of the transfer, ICE/ERO will provide the detainee, in writing, with the name, address and telephone number of the facility he or she is being transferred to and contact the attorney of record.

##### 2. Medical Procedures and Information Required for Transfer

##### a. Notification of Transfers, Releases, and Removals

The facility health care provider will be given advance notice prior to the release, transfer, or removal of a detainee, so that medical staff may determine and provide for any medical needs in accordance with Standard 4.3, “Medical Care,” associated with the transfer or release of a detainee.

b. Transfer of Health Records

The facility will send the detainee with full medical records or a detailed medical transfer summary.

c. Transfer Summary

The sending facility's medical staff shall prepare a Medical Transfer Summary that must accompany the detainee and shall include, at a minimum:

1. Patient identification;
2. Tuberculosis (TB) screening results (including results date) and current TB status if TB disease is suspected or confirmed;
3. Current mental, dental, and physical health status, including all significant health issues, and highlighting any potential unstable issues or conditions which require urgent follow-up;
4. Current medications, with instructions for dose, frequency, etc., with specific instructions for medications that must be administered en route;
5. Any past hospitalizations or major surgical procedures;
6. Known allergies; and
7. The name and contact information of the transferring medical official.

The transfer summary sheet is essential for detainee safety while in transit and must be in the escorting officer's possession during that time. The detainee cannot be moved without the required information from the releasing institution. The transferring officer will review the information for completeness and to ensure he or she has the supplies required to provide care as indicated during the transfer process.

Any officer who reviews the transfer summary shall protect the privacy of the detainee's medical information. Such information shall not be shared with other detainees and shall not be shared with other officers unless appropriate to fulfill responsibilities. See Standard 4.3 "Medical Care," part J. "Confidentiality and Release of Medical Records." The transferring officer is responsible for delivering the transfer summary materials to medical personnel at the receiving facility.

d. Medical/Psychiatric Alert

When the medical staff determines that a detainee's medical or psychiatric condition requires either clearance by the medical staff prior to release or transfer,

or requires medical escort during deportation or transfer, ICE/ERO will be notified in writing.

e. Medications

Prior to transfer, medical personnel will provide the transporting officers with instructions and, if applicable, medication(s) for the detainee's care in transit in accordance with Standard 4.3 "Medical Care." Medications will be placed in a property envelope with the detainee's name and A-number on it. Medications will accompany the transfer and be turned over to an officer at the receiving field office.

**3. Other Transfer Paperwork**

A properly executed I-203/I-203A and I-216 by ICE/ERO will accompany the transfer.

**B. Property**

**1. Checkout of Funds and Small Valuables**

The following items shall always accompany a detainee to the receiving facility: cash, all legal material, and small valuables such as jewelry, address books, phone lists, correspondence, dentures, prescription glasses, small religious items, pictures, etc.

The detainee should ordinarily have these items in his or her possession during transport. Items that might present a security risk or that are particularly bulky shall be separated from the detainee during transport.

Before the detainee is transferred, the sending facility shall return all funds and small valuables to the detainee. All funds and valuable receipts shall be closed in accordance with Standard 2.4 "Funds and Personal Property." The receiving facility shall create a new funds and valuables receipt during in processing according to procedures established in Standard 2.4 "Funds and Personal Property."

**2. Large Valuables, Excess Luggage, and Other Bulky Items**

All items stored at the sending facility will accompany the transferee. If the receiving facility will not accept detainees' excess, oversized, or bulky belongings (including, but not limited to, suitcases, cartons, televisions, etc.), the sending facility will retain them, arrange to store them elsewhere, or may follow the procedures for disposing of excess property.

If the detainee refuses to cooperate by providing an appropriate mailing address or is financially able but unwilling to pay for shipping, the facility will coordinate with ICE/ERO to dispose of the property after providing the detainee with written notice. If, however, the detainee's failure to specify a shipping address is because an appropriate mailing address does not exist, the facility will coordinate with ICE/ERO for disposition of the property.

### **3. Checkout of Luggage, Large Valuables, and Other Bulky Items**

If the property accompanies the detainee, the sending facility shall close out the existing G-589, or local funds and valuable receipts, in accordance with Standard 2.4 “Funds and Personal Property.” The receiving facility shall create a new I-77 or local funds and valuable receipts during in processing.

#### **C. Food During Transfer**

During transfers, food shall be provided to detainees in accordance with the “Meals” section of Standard 1.2 “Transportation by Land.”