

ICE/DRO RESIDENTIAL STANDARD

RELIGIOUS PRACTICES

I. PURPOSE AND SCOPE. Residents of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, constrained only by concerns about safety, security, the orderly operation of the facility.

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

1. Residents will have opportunities to participate in practices of their religious faith that are deemed essential by the faith's judicatory, limited only by a documented threat to the safety of persons involved in an activity or to the order of the facility.
2. All religions represented in a resident population will have equal status without discrimination based on race, religion, national origin, gender, sexual orientation, or disability.
3. Each facility's religious program will be planned, administered, and coordinated in an organized and orderly manner.
4. Adequate space, equipment and staff (including security and clerical) will be provided for conducting and administering religious programs.
5. Residents of faiths not directly represented by chaplaincy staff will be assisted in contacting external representatives.
6. Each facility's religious program will be augmented and enhanced by community clergy, contractors, volunteers and groups that provide individual and group religious services and counseling.
7. Special diets will be provided for residents whose religious beliefs require the adherence to religious dietary laws.
8. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
9. 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-5C-17, 5C-18, 5C-19, 5C-20, 5C-21, 5C-22, 5C-23, 5C-24, 2A-66, 4A-10, 6B-02, 6B-05, 7B-03, 7F-04.

V. EXPECTED PRACTICES

1. Religious Opportunities and Limitations

Residents shall have opportunities to engage in practices of their religious faith that are deemed essential by the faith's judicatory, consistent with safety, security, and the orderly operation of the facility. Attendance at religious activities is voluntary.

Religious activities shall be open to the entire resident population, without discrimination based on race, religion, national origin, gender, sexual orientation, or disability. When necessary for the security or good order of the facility, however, the facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of residents, or to members of a particular religious group.

The facility chaplain should endeavor to provide opportunities for religious practice in major languages spoken by the residents. Accommodations will be provided to residents who are deaf or hard of hearing to provide them with access to the service should they wish to participate.

Ordinarily, when the nature of the activity or practice (fasts, ceremonial meals, headwear requirements, work proscriptions, etc.) indicates a need for such limitation, only those residents whose files reflect the pertinent religious preference will be included.

2. Religious Preferences

Each resident may designate any or no religious preference during intake. Staff, contractors, and volunteers may not disparage the religious beliefs of a resident, nor coerce, harass, or attempt to proselytize a resident to change religious affiliation.

A resident may request to change his or her religious preference at any time by notifying the chaplain or other designated individual, in writing, and the change shall be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by residents of religious practice or observance, the chaplain shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a resident to participate in specific religious activities, staff may refer to the initial religious preference information and any subsequent changes in the resident's religious designation. Residents showing "No Preference" may be restricted from participation in those activities deemed appropriate only for those who have expressed a preference for that particular religion.

3. Chaplains or Other Religious Coordinators

The facility administrator shall make every attempt to recruit and hire a full-time chaplain. The chaplain shall manage and coordinate religious activities for residents. The facility chaplain shall plan, direct, and supervise all aspects of the religious program, including approval and training of clergy and lay volunteers from faiths represented in the resident population. The facility administrator shall provide non-resident clerical staff support for confidential materials.

A chaplain shall have the minimum qualifications of clinical pastoral education or equivalent specialized training, and the endorsement of the appropriate religious certifying body.

The chaplain, regardless of his or her specific religious affiliation, shall ensure equal status and protection for all religions.

The chaplain or other religious coordinator shall have physical access to all areas of the facility to minister to residents and staff.

He or she shall be available to provide pastoral care and counseling to residents who request it, through group programs and individual services. Residents who belong to a religious faith different from that of the chaplain may, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers

The term "individual services" includes counseling services provided to individual residents and/or members of their families in personal crisis and family emergency situations.

When efforts to recruit a chaplain are unsuccessful, the facility administrator shall designate a staff member to oversee this program.

4. Schedules and Facilities

All facilities shall designate space for religious activities.

This designated space must be sufficient to accommodate the needs of all religious groups in the resident population fairly and equitably. The general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups.

The chaplain shall schedule and direct the facility's religious activities, and current program schedules shall be posted on all unit and resident bulletin boards.

When scheduling approved religious activities, chaplains must consider both the availability of staff supervision and the need to allot time and space equitably among different groups.

The Chaplain shall ensure the religious needs of minors are considered when determining what religious programming shall be made available for residents and their minor children.

5. Contractors and Volunteers

All facilities shall have procedures so that clergy, contractors, volunteers, and community groups may provide individual and group assembly religious services, and counseling that augments and enhances the religious program. When recruiting citizen volunteers, the chaplain and other staff shall be cognizant of the need for representation from all cultural and socio-economic parts of the community. Each facility shall provide security, including staff escorts, to allow such individuals and groups facility access for religious programs and activities.

The Residential Standard on "**Visitation**" details requirements that must be met for a volunteer to be approved to visit with or to provide religious activities for residents, including advance notice, identification, background check, orientation to the facility, and a written agreement to comply with applicable rules and procedures.

The chaplain may contract with representatives of faith groups in the community to provide specific religious services that he or she cannot personally deliver, and may secure the assistance and services of volunteers.

Religious groups and individuals may be compensated for assisting volunteer clergy or spiritual advisors with religious services and programs, and for providing religious publications and religiously symbolic items without charge to the residents.

"Representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of resident faith groups shall be afforded equal status and treatment to assist residents in observing their religious beliefs, unless the security and good order of the facility warrant otherwise.

The facility administrator or designee (ordinarily the chaplain) may require a recognized representative of a faith group to verify the religious credentials of contractors or volunteers

before approving their entry into the facility.

Residents who are members of faiths not represented by clergy may conduct their own services, provided they do not interfere with facility operations.

6. Pastoral Visits

If requested by a resident, the chaplain or designee shall facilitate arrangements for pastoral visits by a clergyperson or representative of the resident's faith.

The chaplain may request documentation of the person's religious credentials, as well as a criminal background check.

Pastoral visits ordinarily take place in the visiting room during regular visiting hours; however, if either party requests more privacy, accommodation may be made in the legal visitation area.

7. Introduction of New and Unfamiliar Religious Components

If a resident requests the introduction of a new or unfamiliar religious practice, the chaplain may ask the resident to provide additional information. No resident shall be prohibited from exercising their faith of choice, provided it meets the remaining requirements provided for in this standard, and does not jeopardize the safety and welfare of staff and residents.

Residents may make a request for the introduction of a new component to the religious services program (schedule, meeting time and space, religious items and attire) to the chaplain. The chaplain shall ask the resident to provide additional information to aid in the decision of whether to include the practice. Ordinarily, the practice will require up to 30 business days for completion.

The chaplain shall research the request and make recommendations to the facility administrator, who shall add his or her own recommendations and forward them to JFRMU for approval. Such decisions are subject to the facility's availability of staff for supervision.

JFRMU shall forward the final decision to the facility administrator and the chaplain shall communicate the decision to the resident.

There shall be no administrative appeal relief from any final decision rendered by JFRMU.

8. Religious Holy Days

Each facility shall have written policy and procedures to facilitate resident observance of important holy days, consistent with maintaining safety, security, and orderly operations; and the chaplain shall work with residents to accommodate proper observances.

The facility administrator shall endeavor to facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship, or work proscription. To verify the religious significance of the requested observance, the facility administrator may

direct the chaplain to consult with community representatives of the resident's faith group or other appropriate sources.

9. Religious Property

Each facility administrator shall allow residents access to personal religious property, as consistent with safety, security, and good order.

If necessary, the religious significance of such items shall be verified by the chaplain prior to facility administrator approval.

Resident religious property includes, but is not limited to, rosaries and prayer beads, oils, prayer rugs, phylacteries, medicine pouches, and religious medallions. Such items are part of a resident's personal property and are subject to normal considerations.

As consistent with safety considerations of the facility, the facility administrator:

- Shall ordinarily allow a resident to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel.
- May, upon request of a resident, allow a resident to wear or use certain religious items throughout the facility.

The facility administrator may direct the chaplain to obtain information and advice from representatives of the resident's faith group or other appropriate sources about the religious significance of the items.

Items of religious wearing apparel include, but are not limited to the following:

- Prayer shawls and robes
- Kurda or ribbon shirts
- Medals and pendants
- Beads
- Various types of headwear.

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for orthodox Muslim and Jewish women are permitted in all areas of the facility, subject to the normal considerations of safety, including inspection by staff.

A resident who wishes to have religious books, magazines, or periodicals must comply with the facility's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to residents of religious literature purchased by or donated to the ICE/DRO is contingent on approval from the chaplain.

10. Dietary Requirements

When a resident's religion requires special food services daily or during certain holy days

or fasting periods, restricted diets, etc., staff shall make all reasonable efforts to accommodate those requirements (for example, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.).

A resident who wants to participate in the religious diet (“Common Fare”) program may initiate the **Authorization for Common Fare Participation** Form that is attached to the Residential Standard on “**Food Service**.” That Residential Standard also details how a resident may be removed from a special religious diet when he or she has failed to observe those dietary restrictions.

When there is a question about whether a requested diet is nutritious or healthy, the chaplain shall consult with the medical department.

Standard Approved:

John P. Torres
Director
Office of Detention and Removal

Date

Questionnaire Regarding New or Unfamiliar Religious Practices

Residents requesting the introduction of a new component to a facility's religious services program (such as schedule, meeting time and space, religious items, and attire) shall provide to the chaplain a comprehensive response to each of the following questions, for consideration at the facility and the JFRMU. The process of necessary review may require up to 120 days for completion. The committee recommendation shall be forwarded to the facility administrator and copied to JFRMU. Committee recommendations shall be communicated to the resident by the chaplain.

- What is the official name of the faith group?
- Who is the head of the faith group in the United States?
- What is the address and telephone number of the faith group headquarters in the United States?
- What are the basic teachings of the faith group? Please provide titles or attach particular reference material that would be useful for researching this group.
- Does the faith group have ministers or teachers?
- Are ministers or teachers available to visit members of the faith group residing in family residential facilities?
- Are there religious holidays to be observed by members? If so, when are the holidays, and what religious practices are necessary for the observance?
- Are there any necessary religious items, and what is the religious significance of each item?
- Are there time and space requirements for the group?
- Are you aware of related faith groups or other groups with similar practices?
- Is the religion open to all residents?