

South Texas Family Residential Center  
300 El Rancho Way Dilley, Texas 78017  
(830) 378-6500

## LEGAL VISITATION RULES AND REGULATIONS

In visits referred to as "legal visitation," each resident may meet privately with current or prospective legal representatives and their legal assistants.

### Hours

The facility shall permit legal visitation seven (7) days a week, including holidays, for a minimum of eight (8) hours per day on regular business days, and a minimum of four (4) hours per day on weekends and holidays.

**Monday-Friday 7:00 AM – 8:00 PM**

**Weekends and Holidays 7:00 AM – 8:00 PM**

On regular business days, legal visitations may proceed through a scheduled meal period, and the resident shall receive a meal tray after the visit.

### Persons Allowed to Visit

Subject to the restrictions stated below, individuals in the following categories may visit residents to discuss legal matters:

- a. **Attorneys:** Any person who is eligible to practice law in, and is a member in good standing of the bar, of the highest court of any state, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring or otherwise restricting him or her in the practice of law.
- b. **Legal Representatives:** Any person who is legally authorized to represent another, including accredited law school students under the direct supervision of a faculty member, licensed attorney, or accredited representative, and accredited law school graduates not yet admitted to a bar, "reputable individuals"; accredited representatives; accredited officials; and attorneys outside the United States.
- c. **Legal Assistants:** An individual (other than an interpreter) who is working under the direction and supervision of an attorney or legal representative, assists with group presentations and in representing individual residents. Legal assistants may interview residents, assist residents in completing forms and deliver papers to residents without the attorney or legal representative being present. Upon presentation of a letter of authorization from the legal representative under whose supervision he/she is working, an unaccompanied legal assistant may meet with a resident during legal visitation hours. The letter shall state that the named legal assistant is working on behalf of the supervising legal representative for purposes of meeting with the ICE resident(s).
- c. **Interpreters:** A person who provides an oral interpretation or written translation, from one language and converts to another language while retaining the same meaning. The facility shall permit interpreters to accompany legal representatives and legal assistants on legal visits, subject to visitor identification and search procedures.
- d. **Messengers:** The facility shall permit messengers (who are not legal representatives or legal assistants) to deliver documents to and from the facility, but not to visit residents.
- e. **Independent Medical Expert:** An individual who is licensed or otherwise authorized by a state to provide medical or mental health care services, including but not limited to physicians, registered professional nurses and licensed social workers. Such individuals are not permitted to provide medical or mental health care services to residents, but may be permitted to evaluate individual residents for purposes of preparing expert reports.

### Identification of Legal Representatives and Assistants

Prior to each visit, all legal service providers and assistants shall be required to provide identification. State bar cards are the preferred forms of identification and attorneys who are members of state bars that do not provide a bar card are required to present other documentation that verifies bar membership. If such documentation is not readily available to attorneys licensed in a particular state, the person shall be required to indicate where he or she is licensed as an attorney and how that fact may be verified.

Legal visitors serving in the capacity as Legal Representatives, Legal Assistants, Interpreters and Independent Medical Experts are subject to a 72 hour pre-clearance screening and records check requirement prior to their initial visit. Licensed attorneys may satisfy the pre-clearance/records check requirement with proof of identity and proof of admission and good standing in any state bar. Licensed attorneys satisfying these requirements will not be required to undergo the broader screening referenced above. The ERO San Antonio Field Office Director (FOD) is the approving official for applications for legal visitor designation.

Legal representative and legal assistant may not be asked to state the legal subject matter of the meeting.

Legal representatives and assistants are subject to a search at any time of his or her person and belongings for the purpose of ascertaining the presence of contraband.

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- c. Slits in skirts and dresses shall rise no higher than mid-thigh when the wearer is seated.
- d. Sheer (see-through) clothing is prohibited.
- e. The top of shirts and dresses (excluding straps) shall be no lower than the underarm in the front and back. Bare Midriffs and strapless tops, tube tops and swimsuits are prohibited.
- f. Shoes shall be worn at all times.
- g. Gang "colors" and other gang displays are prohibited.

2. Male Visitors

- a. Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. "Short shorts", jogging shorts, cut-offs and other obviously inappropriate short garments are prohibited.
- b. Shirts shall be worn at all times. Muscle shirts, bare midriff shirts and sleeveless shirts are prohibited.
- c. Shoes shall be worn at all times
- d. Gang "colors" and other gang displays are prohibited.

**Legal Visitors' Food and Drink**

Legal visitors will be permitted to bring water and an appropriate amount of snacks for personal consumption inside the visitation area. Food and beverages may not be shared with or otherwise provided to the residents.

All food, beverages and any other possessions will be required to pass through the metal detector. Any items that do not clear or cannot be visually inspected will be unwrapped and presented to the lobby resident staff for inspection. Only plastic utensils will be permitted. It is recommended these items be packaged in clear containers or bags.

Beverage and snack vending machines are available in the lobby for convenience. Food purchases from these machines may be taken into the visitation area. All leftover food items or beverages left behind in the visitation area after 8:00 pm will be disposed of by facility staff.

**Permissible Items**

- a. A small, clear plastic bag (Ziploc type) or clear change purse
- b. \$20 in coins or currency
- c. Hats and coats during inclement weather
- d. Legal materials/documents

Legal Visitors are prohibited from bringing in any other items.

Legal visitors are authorized the use of the following electronic equipment upon completion of STFRC "Electronic Device Request and Authorization" form prior to the visit.

Electronic equipment authorized to enter the facility:

- a. Laptops
- b. Tablets
- c. Wi-Fi/Hot spot devices

At the discretion of the ICE Facility Administrator, USB drives and compact printers may be authorized on a case by case basis. The ICE Facility Administrator is the approving official for all electronic device requests.

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### **Attorney/Client Meetings**

Once an attorney-client relationship has been established, the legal representative shall complete and submit a Form G-28, which shall be available in the legal visitation reception area.

Legal Representatives are responsible for completing and submitting a Form G-28 to ICE/ERO if an attorney-client relationship has been established. This requirement applies to both visitation with individual residents and to attorney-client group legal meetings.

Each completed Form G-28 becomes a permanent part of the resident's A-file and will remain valid until ICE receives written notice of the relationship's termination from the resident or the legal representative. Staff shall place such notices in the A-file on top of the Form G-28.

### **Private Meeting Room**

Visits between legal representatives or assistants and a resident are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.

Staff shall not be present in the confidential area during the meeting unless the legal representative or assistant requests the presence of staff; however, staff may observe such meetings visually through a window or camera to the extent necessary to maintain security, as long as staff cannot overhear the conversation.

When a situation arises where private conference rooms are in use and the attorney wishes to meet in a regular or alternate visiting room, the request should be accommodated to the extent practicable. Such meetings should be afforded the greatest degree of privacy possible under the circumstances.

Legal visitors may occupy a meeting room for successive resident client visits but only if any other attorney is not waiting. When there are attorneys waiting, the initial attorney may return to the queue and wait for an attorney client space to become available so as to meet with more clients.

Due to the presence of children and the requirement to provide attorney-client visitation, visitation areas shall be constructed in a manner that allows for parents to view the activities of their minor children within the visitation area. When necessary, each facility is required to provide a means where a parent can talk privately out of the hearing range of the children

### **Materials Provided to Residents by Legal Representatives**

Documents or other written material provided to a resident during a visit with a legal representative shall be inspected, but not read. Residents are entitled to retain legal material received for their personal use. Quantities of blank forms or self-help legal material in excess of that required for personal use may be held for the resident in their stored property. The resident will be permitted access to these documents through established avenues of communication.

Any resident may, at any time, request access to his/her medical records that are maintained at the STFRC, by submitting a medical records request form and a signed HIPAA compliant waiver to a designated medical staff member. The medical request and HIPAA forms shall be available in common areas. Upon receipt of the properly completed request, medical staff will generally produce the medical records within five (5) business days of the receipt of the request. Legal representatives and former residents may use the FOIA process to request medical records.

### **Group Legal Meetings**

Upon the request of a legal representative or assistant, the ICE Facility Administrator may permit a confidential meeting (with no other staff present) involving the requester and two (2) or more residents. This may be for various purposes: pre-representational, representational, removal-related, etc. The facility should grant such requests to the greatest extent practicable: that is, if it has the physical capacity and the meeting would not unduly interfere with security and good order. The ICE Facility Administrator shall limit resident attendance according to the practical concerns of the particular facility or the security concerns associated with the meeting in question.

### **Dress Codes for Legal Visitors**

The minimum dress code follows.

1. Female Visitors
  - a. Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. "Short shorts", jogging shorts, cut-offs and other obviously inappropriate short garments are prohibited.
  - b. Skirts and dresses shall extend no higher than mid-thigh when the wearer is seated.

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**Visitors are prohibited from Engaging in the Following Activities**

- a. Loitering in the parking lot
- b. Walking along the perimeter of the facility
- c. Photographing buildings, fences or other parts of the facility
- d. Acting in any way that threatens the safety, security or good order of the facility. Examples include but are not limited to: loud disruptive talking or noise, sleeping, horseplay, etc.

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### Dress Codes for Visitors

The minimum dress code follows.

1. Female Visitors Age 5 and Older
  - a. Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. "Short shorts", jogging shorts, cut-offs and other obviously inappropriate short garments are prohibited.
  - b. Skirts and dresses shall extend no higher than mid-thigh when the wearer is seated.
  - c. Slits in skirts and dresses shall rise no higher than mid-thigh when the wearer is seated.
  - d. Sheer (see-through) clothing is prohibited.
  - e. The top of shirts and dresses (excluding straps) shall be no lower than the underarm in the front and back. Bare midriffs and strapless tops, tube tops and swimsuits are prohibited.
  - f. Shoes shall be worn at all times.
  - g. Gang "colors" and other gang displays are prohibited.
2. Male Visitors Age 5 and Older
  - a. Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. "Short shorts", jogging shorts, cut-offs and other obviously inappropriate short garments are prohibited.
  - b. Shirts shall be worn at all times. Muscle shirts, bare midriff shirts and sleeveless shirts are prohibited.
  - c. Shoes shall be worn at all times
  - d. Gang "colors" and other gang displays are prohibited.

### Property and Funds

Visitors are prohibited from giving any kind of property to a resident.

Deposit of funds will be made through Western Union or on the Talton machines. Visitation staff are available to provide additional information on the depositing of funds.

### Visitors' Food and Drink

Visitors are permitted to bring in \$20 in coins or currency to purchase items from the vending machines. Items purchased from the vending machines may be given to residents but must be consumed in the visitation area. Residents are prohibited from removing these items from the visitation area. Visitors are prohibited from bringing food into the facility and providing it to residents.

### Permissible Items

- a. A small, clear plastic bag (Ziploc type) or clear change purse
- b. \$20 in coins or currency
- c. Visitors with infants or small children may bring no more than two (2) diapers
- d. A supply of baby wipes
- e. One (1) baby bottle with pre-mixed formula or water
- f. Hats and coats during inclement weather

Visitors are prohibited from bringing in any other items.

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## **RULES AND REGULATIONS FOR GENERAL VISITATION**

A resident's failure to abide by visiting rules may result in corrective action against the resident, which may include the loss of visitation privileges. Visiting privileges can be revoked through the formal resident review process; however, the facility administrator has the authority to restrict or suspend a resident's ordinary visiting privileges temporarily when there is reasonable suspicion the resident has acted in a way that threatens the safety, security or good order of the facility. Ordinarily, the restriction or suspension should be limited to the time required to investigate and initiate the corrective action.

A visitor's failure to abide by visiting rules may result in immediate cancellation or termination of a visit and/or suspension of future visitation privileges. Introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor and/or resident. Violations may also be grounds for visitors to be permanently barred from eligibility to visit residents.

Only a staff member with the rank of supervisor or above may deny or cancel a visit. In these cases, the staff member shall document his or her action in a memorandum sent through official channels to the facility administrator. The visiting room staff, with concurrence from the shift supervisor, may terminate visits involving inappropriate behavior.

### **Hours and Time Limits**

Social visitation will occur seven days a week during the hours of 0800-2000. The facility may authorize special visits for family visitors unable to visit during regular hours. Residents may have an unlimited number of visits. Generally, visits will be limited to an hour per visit. The facility administrator may modify visitation periods if unforeseen circumstances arise such as the number of visitors exceeding visiting room capacity.

### **Persons Allowed to Visit**

Family, relatives, friends and associates unless they would pose a threat to the security and good order of the facility.

### **Visitor Identification and Search**

Staff will verify each visitor's identity before allowing him or her access into the facility. No adult visitor may be allowed access into the facility without verified photo identification. Examples of authorized photo identification include but are not limited to: valid driver's license, passport, legal alien identification card. The supervisor on duty will be contacted if a visitor's identity is questionable. At the supervisor's discretion, a minor (under the age of 18) without positive identification may be allowed access into the facility if the accompanying adult visitor vouches for his or her identity.

Children must remain under the direct supervision of an adult visitor, so as not to disturb other visitors; and excessively disruptive conduct by children may result in termination of the visit.

Visitors suspected of being under the influence of drugs or alcohol will not be allowed access into the facility. If you are suspected of this, the Shift Supervisor will be contacted immediately.

All visitors are subject to a personal search, which may include a pat ("pat down") search as well as a visual inspection of purses, briefcases, packages and other containers. Inspecting staff may ask a visitor to open a container for visual inspection of its contents. If warranted, staff may ask a visitor to remove the contents and place them on a table; however, the staff may not place his or her hands inside the container. Lockers are available for the safekeeping of personal belongings during visits and visitors are encouraged to use these lockers. If there are no vacant lockers, visitors will secure their personal belongings in their vehicle and will not be allowed to wait in the front lobby for a locker to become vacant.

Any visitor refusing to be searched will not be allowed access into the facility.

Staff shall escort visitors to the visiting room only after completing the identification and inspection process.

### **Contact Visits**

Ordinarily, within the bounds of propriety, handshaking, embracing and kissing are permitted during the visit; however, staff may limit physical contact to minimize opportunities for contraband introduction and otherwise maintain the orderly operation of the visiting area.

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Any visitor refusing to be searched will not be allowed access into the facility.

FRCs will maintain a land-line telephone in each legal visitation room for use by attorneys and residents for legal visitation purposes relevant only to the specific visit. Use of personal electronic devices (e.g. cell phones/smart phones and other W-Fi/cellular enabled devices) is generally prohibited. The use of laptops, Wi-Fi and hot spot devices and tablets are, however, permitted in the visitation area. At the discretion of the ICE Facility Administrator, limited cell phones/smart phones may be permitted if functioning land-line telephones become unavailable.

Staff shall escort visitors to the visiting room only after completing the identification and inspection process.

### **Identification of Resident to Be Visited**

The facility may not require legal representatives and assistants to submit a resident's A-number as a condition of visiting and shall make a good faith effort to locate a resident if provided with any other information about the resident.

### **Call-Ahead Inquiries**

The facility will allow legal representatives and assistants to telephone the facility in advance of a visit, to determine whether a particular individual is detained here. The request must be made to the on-site ICE staff.

If the person seeking the information states that he or she already represents the resident, ICE staff should confirm that the caller's name corresponds with the name on a Form G-28 (Notice of Appearance) on file. To protect confidentiality, if a Form G-28 is not yet on file, ICE staff must be satisfied that the person making the inquiry is, in fact, a legal representative or legal assistant who is considering representing the subject resident in legal proceedings.

When unfamiliar with the person making the inquiry, ICE staff should request documentary evidence, such as a letter of request on identifying letterhead and shall accept such evidence by fax. Alternatively, at the request of the caller, staff will seek the consent of the resident for the disclosure of residential information. In either case, ICE staff shall respond to the caller as soon as possible, but in no case more than 24 hours after the call was made.

Notwithstanding the general policy set forth in the previous paragraph, the ICE retains the discretion to withhold this telephonic information on a case-by-case basis if it has clear and compelling facts to support the belief that disclosure would endanger national security, facility security, or the resident. In such circumstances, ICE staff may request further information to allay the security concerns raised and may seek the resident's consent to the disclosure.

### **Pre-Representation Meetings**

During the regular hours for legal visitation, the facility shall permit residents to meet with prospective legal representatives or legal assistants. The facility shall document such "pre-representation meetings" in the logbook for legal visitation.

At the "pre-representation" stage no attorney-client relationship exists. Therefore, to meet with a resident, legal service providers need not complete a Form G-28 to state they are legal representatives of the resident.

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STFRC will maintain a camera for use by legal visitors for legal visitation purposes relevant only to the specific visit. Legal visitors may request use of the camera from the ICE Facility Administrator or designee during the hours of 8:00 AM-5:00 PM.

**Legal Visitors are prohibited from Engaging in the Following Activities**

- a. Loitering in the parking lot
- b. Walking along the perimeter of the facility
- c. Photographing buildings, fences or other parts of the facility
- d. Inappropriate conduct or disruptive behavior
- e. Acting in any way that threatens the safety, security or good order of the facility. Examples include but are not limited to: loud disruptive talking or noise, sleeping, horseplay, etc.

**Consequences for Violations of Visitation or Contraband Rules**

Any visitor who violates any visitation rule, including adversely impacting the safety or security of the facility, may face corrective action, including visitation restrictions from all FRCs, immediate cancellation or termination of a visit and/or suspension of future visitation privileges.

Any offense involving contraband or other criminal violations may lead to criminal arrest and referral for prosecution.

The ERO San Antonio FOD is designated as the deciding official on all corrective actions considered against legal visitors.

After five business days, visitor barred from the facility may submit a written request to the San Antonio FOD requesting reinstatement of visitation privileges. The San Antonio FOD, or designee, will provide a written response to each request.