
Commission on Immigration

A Summary of Complaint Processes for Immigration Detainees

See ICE Detention Operations Manual Detainee Services Standard 5

While you are being detained by the Immigration and Customs Enforcement (ICE), it is possible that you may have complaints about access to attorneys and legal materials, conditions of confinement, or other issues. This document will give you a very brief description of the ways in which you can voice your complaints to the proper government offices. First, you must know how to complain effectively, and then you can begin with the informal or formal complaint process. **Please note that the procedures described below pertain to the Detention Standards, which are not regulations and are not enforceable by law.** It is important for you to become familiar with your limited rights under the Detention Standards. However, if the Standards are not yet in effect at your facility, you should identify and use your facility's or private prison's or state and local jail's complaint processes.

1. How to complain effectively:

- Provide a **title** to each complaint or alleged event. (i.e. "Immigration and Customs Enforcement (ICE) failed to give me adequate medical care.")
- Provide all **relevant details** and **be specific**:
 1. *When* and *where* did the event or problem happen? Give the time, date, and location of the event.
 2. *Who* was involved? Give the names of all actors and witnesses, and include their Alien numbers ("A numbers"), country of origin, address, and phone number. Give the names and positions of the officials involved, and if you do not know them, give physical descriptions (e.g. height, weight, hair color, clothes, uniform color).
 3. *What* happened? Describe in detail exactly what happened and the physical and mental impact it had on you. If you were hurt, did you receive any medical care? What was the doctor's diagnosis?
--If you have been hurt, ask officials (or contact an attorney) to take pictures of your injury.
- Always make **written complaints, keep copies** of everything you send, and write **LEGAL MAIL** on the envelope. If you complain to an official orally, follow up by writing them about the complaint.

2. Informal or Oral Grievance (Complaints):

If you have a complaint, you can first try to resolve your problem by speaking with a staff member. The Officer-in-Charge (OIC) should establish procedures for you to complain orally, which should be outlined in your detainee handbook or should be available upon your request. If you choose to complain orally, **you must present your complaint within five days of the event.** If you have trouble speaking English, you can ask for language assistance and have an interpreter or translator help you. You can end the informal grievance process at any time and begin with the formal procedures.

3. Formal or Written Grievance:

The Officer-in-Charge (OIC) must allow you to submit a formal, written grievance form to the facility's grievance committee. You should also send a copy of your form to the ICE Field Office Director. Attached is a copy of the Detainee Grievance Form that you can use, but it is possible that your facility may use its own form, which you will have to request from the proper official at your facility. **Your written complaint must be filed either within five days of the actual event, or within five days of the unsuccessful conclusion of an informal grievance.** Another detainee can assist you when you prepare your written complaint.

4. The Decision on Your Grievance:

The department head will offer a decision on your grievance. If you do not accept the decision as a reasonable solution, you must appeal to the Detainee Grievance Committee (DGC). Within five working

days of your appeal, the DGC will convene to study your complaint. As they review your complaint, you can appear before the DGC to present your case, answer questions, and respond to conflicting evidence or testimony. Then, the DGC must provide you with a written response to the complaint within five working days. If you do not accept their decision, you may appeal to the Officer-in-Charge (OIC). The OIC will issue a decision within five working days and explain the reasons for making the decision. The OIC's decision is final and cannot be appealed.

5. Emergency Grievances:

An emergency grievance involves an **immediate threat to your safety and welfare**. You may present your emergency grievance directly to the ICE Field Office Director or an equivalent official.

Administrative Complaints

The complaint process described on the first page involves filing complaints with people who are *directly involved* with the facility (staff, the OIC, and ICE officials). That process is used to try to correct specific violations under the Detention Standards. In addition to the first process, there is also an administrative complaint process that involves filing complaints with other officials and agencies that are *indirectly involved* with ICE detention facilities. This process is used to establish a record of abuses by the agency that may lead to disciplinary action against an officer or more careful supervision.

For complaints involving:

1. Misconduct/ abuse by ICE, border patrol (CBP), or a jail official involving a violation of a constitutional, civil, or statutory right, or issues of common courtesy, file your complaint with:

**Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528**

--Toll free complaint hotline: 1-800-323-8603

--Fax: 202-254-4292

--Email: DHSOIGHOTLINE@dhs.gov

2. Misconduct or abuse conducted by ICE employees: use attached DETAINEE GRIEVANCE FORM (Form I-847) to file a complaint with the Office of Internal Audit. Mail to:

**Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20536**

AND you may also file with:

**Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044**

--Telephone: 202-344-1016

--Fax: 202-344-3390

--Email: Joint.intake@dhs.gov

3. Misconduct of Department of Justice attorneys and judges, including ICE trial attorneys and Immigration Judges, file your complaint with:

**H. Marshall Jarrett, Counsel
Office of Professional Responsibility
950 Pennsylvania Avenue, NW
Suite 3529
Washington, DC 20530**

Discrimination-Based Complaints

There are many federal laws against discrimination, which means treating someone differently than another because of a certain characteristic. If you have suffered from discrimination because of your race, color, sex, religion, national origin, age, or disability, you can send the complaints to the Department of Homeland Security's Office of Civil Rights and Civil Liberties (OCRCL).

Send your complaint even if you are unsure about whether your complaint qualifies as discrimination; the OCRCL will direct your complaint to the appropriate office.

Please note that detainees with HIV may qualify for various services.

Mailing Address (U.S. Postal Service):

**Department of Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW
Building 410
Washington, DC 20528-0800**

Telephone Toll Free: 1-866-644-8360

Toll Free TTY: 1-866-644-8361

Local: 202-401-1474

Fax: 202-357-8296

E-mail: civil.liberties@dhs.gov

For Package/Overnight Delivery

Please contact the Office for information on sending a package.

When you write complaints to these agencies, remember the things mentioned on the first page about complaining effectively, be sure to make copies of your letters, and label the envelope LEGAL MAIL. Since some of these complaints may lead to future lawsuits, it is very important to be accurate about the statements you make (especially about the time, date, exact location, and the number of officers who were there). Be sure to send complaints as soon as possible.

Legal Actions Against Federal or State Officials Under Federal Torts Claims Act/ Bivens Claims***

If your case involves significant injuries, it may be appropriate to file a lawsuit for money damages. **If you have been seriously injured, you should speak to an attorney before filing a lawsuit.**

If you have questions or experience problems related to the ICE detention standards, please feel free to contact:

American Bar Association
Commission on Immigration
740 Fifteenth Street, NW, 9th Floor
Washington, DC 20005-1022
Telephone: 202-662-1005
Fax: 202-638-3844

PLEASE DO NOT SEND ORIGINAL DOCUMENTS. NO COLLECT CALLS PLEASE.

DETAINEE GRIEVANCE FORM

(A grievance must be filed within 5 days of original incident or issue)

Detainee Name: _____ A# _____ Housing Unit: _____ Grievance # _____
Complaint / Comments: _____

Action requested by detainee: _____

Detainee Signature: _____ Date / time: _____
Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____ Date / time: _____
Staff Member: _____ Date / time: _____
Supervisory Review: _____ Date / time: _____

FORMAL [] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [] Deportation [] Detention [] Administration
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____
Dep. Staff: _____ Dep. Staff _____
Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
 I agree with the resolution.

Detainee Signature: _____ Date / time: _____
Housing Unit Officer: _____ Date / time: _____

DETAINEE GRIEVANCE FORM

DGC Members: _____
Assistant Officer-In-Charge, or Designee

Dep. Head: _____ Dep. Head: _____

Other: _____ Other: _____
(name, title) (name, title)

Response: _____

Date Returned to Detainee: _____

Detainee - Return within (5) days of receipt and check appropriate box:

- I agree with the DGC response.
- I disagree with DGC response and I wish to appeal to the Officer-In-Charge.

Detainee Signature: _____ Date: _____
Housing Unit Officer: _____ Date: _____

(To be completed by Detention Operations Supervisor or equivalent)

Grievance appealed to the Officer-In-Charge: _____
(Date)

Grievance forwarded to the Officer-In-Charge for action: _____
(Date)

Office-In-Charge's Findings/Actions Taken: _____

Date Returned to Detainee: _____