

Chicago AILA / ICE-ERO Committee Questions – June 2021¹

UNOFFICIAL- do not cite as policy.

Basics / Communication Information

1. We welcome FOD Henry Lucero to Chicago! Any other staffing announcements/changes to share? Who are the current AFODs?

DFOD Lynette Sumait

DFOD Sylvie Renda

AFOD Jim Bond

AFOD Greg Paull

AFOD Jim McPeck

AFOD Sandra Salazar

Chief of Staff Yesenia Ochoa

2. What is the best form of contact with ERO? Is email best? Chicago.outreach@ice.dhs.gov for non-detained and chi-ero-detained@ice.dhs.gov for detained? Are employees working remotely still answering/checking voicemails at the office (312-347-2400)?

For the Non-Detained, Bond and ATD/FAMU/ Units the most expedient way to reach an officer is the Chicago Outreach Mailbox and chi-ero-detained@ice.dhs.gov for detained. Employees continue to work from the office as well as telework from home on various schedules. The general number (312) 347-2400 voicemail is being monitored on a daily basis Monday through Friday from 0800-1500.

3. Please provide the most up-to-date docket sheets. (Detained, non-detained, and the various sub offices: Milwaukee, Indiana, St. Louis, and Louisville.)²

See attached for detained Chicago docket, and best form of communication remains email (Chicago.outreach@ice.dhs.gov) since Officers may be teleworking.

4. What is the current detainee population? We are at approximately 550 detainees throughout the Chicago Field Office
 - a. How many Male? Female? Transgender? Due to security concerns, we do not provide that information.

¹ ERO answered questions, but no meeting was held due to ongoing COVID pandemic.

² Please send any periodic updates and changes to docket sheets as they occur to the co-chairs for the AILA liaison committee. For 2020-2021 that is Elisabeth Carlson at elisabethc@klc-ltd.com and Diana Rashid at DRashid@heartlandalliance.org.

- b. How many at the respective detention facilities? Due to security concerns, we do not provide that information.
- c. In addition to providing current numbers, could ERO also provide the current bed capacity at all facilities within the Chicago AOR? Due to security concerns, we do not provide that information.

COVID pandemic changes/policies

5. We understand that Chicago ERO has cancelled all check in appointments for ATD, FAMU, O/S and O/R since March 2020 due to the pandemic. Correct.
 - How far in advance prior to check-ins should attorneys email or call ICE to confirm the particular scheduled check-in date? Email the Chicago Outreach Mailbox well in advance of the scheduled check in date for current office posture on reporting. We ask because we have conflicting reports of responses from the Chicago.outreach@ice.dhs.gov email box. (Officers sometimes only respond after multiple emails and to emails sent the day before the check-in, which makes it difficult for clients to make plans for travel and taking time off work). Officers are expected to respond the date the email is forwarded from the Chicago Outreach Mailbox to their email and the SDDO's are also copied on each and every message. If you are not getting a timely response within 48 hours, please reach out to the Non-Detained SDDO.
 - Is there information you can share on when and how ICE will resume check-ins? Not at this time, we are waiting reconstitution guidance from Headquarters. Will ICE provide phone or written notice to individuals of their new check-in date? ERO will first make contact via phone to the number available in our records. Alternatively, ERO will send a call-in letter, Form G-56, to the last known address.
6. We recognize that the waiting room has been renovated at the ICE ERO office at 101 W. Ida B. Wells Dr., 4th Floor in Chicago, IL. Are there any new safety measures in place to ensure proper social distancing on the 4th floor? Yes. We are limiting the numbers of non-citizens that are called in, once we reach the maximum safety capacity, the non-citizens are provided pagers that will alert them when it is time to return to the 4th floor. Are there any plans to renovate the waiting room in Indianapolis or other locations? There are no plans to renovate the waiting room in other locations, however noncitizens are provided a pager to wait remotely for an officer.

Policy questions

7. January 20, 2021 Memorandum and implementation including Interim Guidance: Civil Immigration Enforcement and Removal Priorities issued February 18, 2021 and March 5, 2021 ICE Case Review process

- Has your office received any training how to implement this process? All officers have been provided the guidance.
 - What new changes should we expect in light of the new interim enforcement priorities?
 - Will ICE consider removing ankle monitors for individuals who are not enforcement priorities? Each request for a case review for the purposes of de-escalation from an ankle monitor to another form of monitoring is, and will be, reviewed on a case-by-case basis.
 - The instructions say to contact the local ERO field office for case review process. What is the best form of communicating? Chicago.outreach@ice.dhs.gov? Yes, for all case review requests, this mailbox is the only manner at this time. What should we include in our request? Any information related to the subject, present status of the case and their inquiry. Do you require attached documents and affidavits? A G-28 would be needed, and any other supporting documentation related to the inquiry. How long should we expect to wait before receiving a response? Each case is reviewed on a case-by-case basis so a timeline is not possible, however they are being reviewed daily.
8. Any information on the *Fraihat v US Immigration and Customs Enforcement* nationwide class action decision? No comment due to on-going litigation.

Procedural

9. For detained individuals who need a medical exam for application purposes (EX: I-485 applicant needs I-693 completed by a civil surgeon or asylum applicant needs psychological evaluation) what is the process to request the arrangement of a medical exam these days? Previously we could reach out to ERO to transfer detained FN to Broadview detention center for the day, is that still the case?
Per the 2019 standard, ICE/ERO will generally approve examinations for such purposes if the requested examination would not present an unreasonable security risk. Submit the request to ICE/ERO and we advise the requester, in writing, of the approval or of any reasons for denying the request. Neither ICE/ERO nor the facility shall assume the costs of the examination, which shall be at the detainee's expense. The examination will be arranged and conducted in a manner consistent with the security and good order.
10. What is the current ATD de-escalation requirements/procedure? Each case is reviewed on a case-by-case basis based on the totality of the circumstances involved in the case and compliance with the program. We have received conflicting reports that some individuals are never eligible to have the ankle bracelet removed. That may be the case where consistent compliance with the GPS program is an issue.

11. The instructions for Stay of Removal (Form I-246) explain what identity documents are acceptable with the application. Specifically, it states at that it is acceptable to file with a copy of the passport, a copy of the birth certificate, and a copy of a valid ID in lieu of the original passport. Can you confirm that Chicago ERO follows these instructions? We have conflicting reports of experiences with Chicago ERO.
<https://www.ice.gov/doclib/forms/i246.pdf> The instructions state that the document will be an original.
12. What is ICE's policy on release of detainees currently? We follow ICE detention standards for release. Given that ICE no longer transports detainees to Chicago for release, do the local ICE facilities pay for transportation to the nearest transit/train station? This appears to be inconsistent across the facilities. The facilities are providing transportation to the transit/train stations. If noncitizens are being released at the Broadview Staging facility, ERO will provide a ride to a transportation hub *upon request*.
13. Regarding current Order of Supervision appointments:
- Please confirm that ICE ERO is still not holding in-person supervision appointments? That is correct.
 - If that is the case, should the foreign national (FN) affirmatively contact ICE-ERO or wait to be contacted with a new appointment? The noncitizen will be contact with a new appointment.
 - If the FN should affirmatively reach out to ICE-ERO, what is the best avenue for communication? Via the Chicago Outreach Mailbox (if the case is reporting to Chicago, IL location) Will ICE-ERO affirmatively provide a new appointment for the following year? Yes, ERO case officers will be reaching out to the noncitizens to schedule their new appointment via email and phone as described above.
 - How can a FN request documentation to show they are in compliance with an O/S during this time for work permit purposes with USCIS? Is contacting Chicago.outreach@ice.dhs.gov best? Yes. They should be providing a copy of the 220b via email to the Chicago Outreach Mailbox to be updated and completed by ERO and returned to them via email from the same mailbox.

For ICE/OCC

14. What is the procedure to apply for Parole in Place for foreign nationals in proceedings? If OCC must agree to termination before an application can be submitted, what are OCC's instructions for submitting such a request?

Those in proceedings should apply for parole in place with USCIS after proceedings are terminated. To request termination from OPLA Chicago, please file a written request with our office through e-service.