

EXHIBIT B



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ATD and Bond Basics for FOJCs

Juvenile and Family Residential Management Unit

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VAWA 2013

VAWA 2013 states that age-outs “shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien’s need for supervision...” which includes release on ATD and ICE bond.



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Alternatives to Detention

What is it?

ATD is a flight-mitigation tool that uses technology and case management to increase compliance with release conditions and facilitate alien compliance with court hearings and final orders of removal while allowing aliens to remain in their community.



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Agency Goals

What do we want from ATD?

- Increase court appearance rates
- Increase compliance with release conditions
- Increase compliance with removal orders



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Who is eligible?

- 18 and older
- Effectively removable
- Focus on enforcement priorities
- No GPS for pregnant or medically inappropriate cases
- **ALL AGE-OUTS ARE ELIGIBLE FOR RELEASE ON ATD**



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Why might ATD be used?

ATD may be used when there is a concern about flight risk that cannot be mitigated by release to a sponsor. Some circumstances include, but are not limited to:

- The individual has had some behavioral incidents in ORR custody but does not appear to be a danger to the community.
- The individual has a minor criminal offense on his or her record that does not evince violent or dangerous behavior.
- The individual was a high flight risk or danger in the past but has made rehabilitative progress.
- Previous escape attempts from ORR.



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What technology is used?

- Global Positioning System (GPS) unit
- ET1
- LOC8
- Voice verification telephonic reporting



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Every Order of Release of Recognizance (I-220A, OREC) or Order of Supervision (I-220B, OSUP) that is issued to an alien that is to be enrolled in the ATD program should include the statement:

“Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the Department of Homeland Security. Electronic monitoring is a requirement and a curfew may be imposed. Failure to comply with the conditions of your release or the requirements of the ATD program may result in a redetermination of your release conditions or your arrest and detention.”



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Multi-Aspect Removal Verification Initiative (MARVIN)

- The level of supervision and technology to which an alien is assigned is based upon criteria that include, but are not limited to: current immigration status, compliance history, community ties, being a caregiver or provider, family ties, and other humanitarian or medical conditions.
- The participant is assigned to the most appropriate component and technology based upon a multitude of factors that include but are not limited to: criminal history, compliance history, immigration legal stage and other humanitarian considerations.
- Compliant participants receive reduced monitoring and technology while higher risk participants are assigned to more stringent reporting.
- Recurring case review



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ISAP III

C-Site: Contractor site-- stand-alone offices

G-Site: Government Site-- a single contractor working at government office (100 cases or less)

T-Site: Technology Site-- sites without a physical contractor or government office

S-Site- Staging site-- Southwest Border Enrollment Initiative



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T-Sites

- Remote tracking: performed regardless of distance from a contractor location
- GPS or Telephonic Reporting available



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T-Sites Available Services

- **Court Tracking**

Pre-order proceedings, BIA appeals, Circuit Court of Appeals. BI will call EOIR court line once a week until an update is received. BI will call subject 24 hours prior to hearing to remind them to attend. BI will notify ICE when a decision is made.

- Do **NOT** close Court Tracking Alerts or add/delete Court Schedules in Total Access.



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T-Sites Available Services (Cont.)

- **Alert Management**

The contractor will monitor and respond to notifications sent regarding the status or compliance of an ATD participant within GPS or Telephonic Reporting Program, 24 hours a day, 7 days a week, 365 days a year.

The contractor will monitor, respond and make any and all attempts to resolve alerts. If the contractor is not able to resolve the alert and it is a violation, then the unresolved alert or violation must be forwarded to ERO



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C-Sites

Individual Service Plan (ISP)

- Service provided within 75 miles of the nearest contractor location
- Home and Office Visits
- Program Enrollment and Orientation
- Court Tracking
- Alert Management
- Residence Verification



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S-Sites

- ICE will evaluate and potentially enroll and monitor all qualifying adults via GPS tracking device, as they travel through the United States when they are released from:
 - San Diego/Imperial
 - McAllen, Texas
 - Phoenix, Arizona
 - El Paso, Texas
 - Berks
 - Karnes
 - Dilley



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S-Sites (Cont.)

- When the participant arrives to their intended AOR, the receiving ATD Officer will re-evaluate each case for continued participation in the ATD program, at which time the local ATD officer will be responsible for either terminating the enrollment in both the ATD Module of EARM and in Total Access or initiating a transfer.
- The participant's case management, technology assignment and frequency of office and home visits will be determined by the receiving ATD Officer.



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Alert Descriptions



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Voice ID Alerts

- **Missed calls** – participant failed to return call within 10 minutes
- **Late Return Calls** – participant fails to return call in less than 5 minutes
- **Voice Failure** – participant’s voice does not match the voice print on file
- **Bad Location** – participant returned the call from an unauthorized number
- **Call Failed** – The call fails to connect (Busy or Disconnected Number)



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ET-1 (GPS) Alerts

- **Tamper Open Strap** – participant's GPS ankle bracelet strap is open
- **Tamper** – participant's GPS device is registering a tamper
- **Restore** – participant's GPS device has properly reset
- **Low battery** – participant's battery is registering at or below 25% and needs to be charged
- **Missed Call Back** – participant's GPS has failed to upload its location at the expected interval
- **Exclusion Zone** – participant's GPS has registered as entering a restricted area
- **Inclusion Zone** – participant's GPS has registered as having exited an approved area



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Monitoring Center Alert Management

- Investigates alert
- Make contact with subject via primary phone number
- In no contact is established, try again in 10 minutes
- If no contact is made and alert is unresolved, will continue to call Personal Contacts until
 - ◆ Contact is made with subject
 - ◆ Contact provides the location of the subject
 - ◆ Attempts to all Contacts are exhausted
- If Monitoring Center learns subject has been hospitalized, dead, or arrested, they will obtain as much detail as possible and immediately forward the alert to ERO
- Unresolved alerts will be forwarded to ERO within one hour via Alert Detail Report.
- The alert is left open for local ISAP to review and provide additional follow-up



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ISAP Next Day Alert Review/Follow-up

- If Alert is already resolved—CS will case note and close
- Unresolved Alerts—CS will continue to attempt contact and will provide updates to ERO regarding status of necessary alerts via email or emergency reports



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ERO Alert Response

Upon receipt of the ISAP violation report, ERO should immediately validate or deny the report.

Violations that Require Immediate ERO Response

- Alien has absconded, or has been determined to be in the process of absconding; or
- Alien has been arrested and/or in the custody of another law enforcement agency
- The Officer determines the violation of release conditions warrants immediate termination from the program



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Case Management/Forms

- ERO officers will determine the required level of supervision and frequency of home and office visits
- ERO officers must complete an **ATD Enrollment form** at time of enrollment and as changes in services are required
- Some type of technology **must** be used (ET-1 or Telephonic Reporting)
- Contractor must complete change of services requests and terminations within one (1) day or less



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ATD PARTICIPANT ENROLLMENT FORM

ATD Location:	Case DCO:	EARM Case ID:	A-Number:
Participant Biographical Information			
Last Name:	First Name:	A-Number:	
DOB (under 18 not eligible)	COC	Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Unknown	
Alien Address	City	State	Zip Code
Phone Number ()		Cell Phone ()	
Referral Source:			
<input type="checkbox"/> CAP <input type="checkbox"/> Fugitive Ops <input type="checkbox"/> Detained <input type="checkbox"/> Non-Detain <input type="checkbox"/> HSI <input type="checkbox"/> CBP <input type="checkbox"/> USCIS <input type="checkbox"/> Other _____ (Explanation Required)			
<input type="checkbox"/> Pre-Order (Notice to Appear) <input type="checkbox"/> Post-Order (VD/Final Order of Removal) <input type="checkbox"/> Appeal (Pending with the BIA)			
Officer to Determine Supervision Levels on a Case by Case Basis			
Technology Options (Selection of a Technology is a Requirement):			
<input type="checkbox"/> GPS or <input type="checkbox"/> Monthly Telephonic Reporting			
Service Options (where Available) with Frequency:			
Y N			
<input type="checkbox"/> <input type="checkbox"/> Office Visits* (Once Every): <input type="checkbox"/> Week <input type="checkbox"/> 2 Weeks <input type="checkbox"/> 4 Weeks <input type="checkbox"/> 8 Weeks			
<input type="checkbox"/> <input type="checkbox"/> Home Visits* (Once Every): <input type="checkbox"/> 2 Weeks <input type="checkbox"/> 4 Weeks <input type="checkbox"/> 8 Weeks			
<input type="checkbox"/> <input type="checkbox"/> Program Enrollment, Residence Verification & Orientation* (Installation of Technology and Program Explanation)			
<input type="checkbox"/> <input type="checkbox"/> Court Tracking* (Tracking of Court Case and Reminder Call to Participant before Court)			
<input type="checkbox"/> <input type="checkbox"/> Alert Management* (GPS & Telephonic Alerts)			
*If not contracted, this function is the responsibility of the ATD Officer.			
ERO Case Officer Authorizing Enrollment (Name and Title)			Date
Alien appeared at Intake/Orientation for enrollment on _____ at _____			
(Date)		(Time)	

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ATD PARTICIPANT CHANGE IN STATUS FORM

ATD Location:	Case DCO:	EARM Case ID:	A-Number:
Participant Biographical Information			
Last Name:	First Name:	A-Number:	
DOB (under 18 not eligible)	COC	Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Unknown	
Alien Address	City	State	Zip Code
Phone Number ()		Cell Phone ()	
Referral Source:			
<input type="checkbox"/> CAP <input type="checkbox"/> Fugitive Ops <input type="checkbox"/> Detained <input type="checkbox"/> Non-Detain <input type="checkbox"/> HSI <input type="checkbox"/> CBP <input type="checkbox"/> USCIS <input type="checkbox"/> Other (Explanation Required)			
<input type="checkbox"/> Pre-Order (Notice to Appear) <input type="checkbox"/> Post-Order (VD/Final Order of Removal) <input type="checkbox"/> Appeal (Pending with the BIA)			
Officer to Determine Supervision Levels on a Case by Case Basis			
Technology Options (Selection of a Technology is a Requirement):			
<input type="checkbox"/> GPS or <input type="checkbox"/> Monthly Telephonic Reporting			
Service Options (where Available) with Frequency:			
Y N			
<input type="checkbox"/> Office Visits* (Once Every): <input type="checkbox"/> Week <input type="checkbox"/> 2 Weeks <input type="checkbox"/> 4 Weeks <input type="checkbox"/> 8 Weeks			
<input type="checkbox"/> Home Visits* (Once Every): <input type="checkbox"/> 2 Weeks <input type="checkbox"/> 4 Weeks <input type="checkbox"/> 8 Weeks			
<input type="checkbox"/> Program Enrollment, Residence Verification & Orientation* (Installation of Technology and Program Explanation)			
<input type="checkbox"/> Court Tracking* (Tracking of Court Case and Reminder Call to Participant before Court)			
<input type="checkbox"/> Alert Management* (GPS & Telephonic Alerts)			
*If not contracted, this function is the responsibility of the ATD Officer.			
ERO Case Officer Authorizing Enrollment (Name and Title)			Date
Alien appeared at Intake/Orientation for enrollment on _____ at _____			
(Date)		(Time)	

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NOTICE TO TERMINATE ATD PARTICIPATION

ATD Field/Sub Office:		ATD Officer:
TO: (Name of Contract Program Manager)		Site Location:
This official notice serves to immediately terminate the following participant from ATD		
Participant's Full Name:	A-Number:	Termination Date and Time:
<input type="checkbox"/> A. Departure Verified (Final Order of Removal—close in EARM within 72 hours of departure) <input type="checkbox"/> B. Relief/Benefit Granted (check one): <input type="checkbox"/> Cancellation of Removal <input type="checkbox"/> Adjustment of Status <input type="checkbox"/> Asylum <input type="checkbox"/> Admission <input type="checkbox"/> Other: _____ <input type="checkbox"/> C. Pre-Order Program Absconder <input type="checkbox"/> D. Post-Order Program Absconder <input type="checkbox"/> E. Pre-Order Program Violator <input type="checkbox"/> F. Post-Order Program Violator <input type="checkbox"/> G. No Longer Required to Participate (check one): <input type="checkbox"/> Change of Venue <input type="checkbox"/> Administrative Closure <input type="checkbox"/> Transfer to Non-detained <input type="checkbox"/> Case Transferred to Another Field Office <input type="checkbox"/> Proceedings Terminated <input type="checkbox"/> Withholding of Removal <input type="checkbox"/> Temporary Protected Status <input type="checkbox"/> Deferred Action (e.g. DACA) <input type="checkbox"/> Prosecutorial Discretion <input type="checkbox"/> Convention Against Torture/Deferral of Removal <input type="checkbox"/> Stay of Removal Granted (I-246) <input type="checkbox"/> Unable to Remove in the Foreseeable Future <input type="checkbox"/> Program De-escalation <input type="checkbox"/> Program Escalation <input type="checkbox"/> Other: _____ <input type="checkbox"/> H. Arrested by ICE for Removal (Final Order—Active Participant) <input type="checkbox"/> I. Pending Departure Verification (Final Order of Removal or Voluntary Departure) <input type="checkbox"/> J. Arrested by other Law Enforcement Agency <input type="checkbox"/> K. Other: <input type="checkbox"/> Medical <input type="checkbox"/> Deceased <input type="checkbox"/> L. Departure Verified (Voluntary Departure Order — close in EARM within 72 hours of departure) <input type="checkbox"/> M. Departed the United States while in proceedings		
Comments:		
Written Notification Date:		Notification Method: (via FAX, telephone, in-person, etc.)



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Voluntary Departure

- Do not add new VD cases to ATD if VD is granted by the IJ

ATD and Bond

- If ICE sets the release conditions
- Do not reset IJ release conditions unless a significant change in circumstance



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Bond Basics

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Bond Management

- Immigration bonds are primarily issued to release an alien who has been placed in removal proceedings before an immigration judge from ICE custody.
- The purpose of most bonds is to have mechanism in place requiring the alien to appear in response to a properly issued notice to surrender on a particular date/place/time (“demand of notice”).
- The person or company that posted the bond on behalf of the alien forfeits the face value of the bond if the obligor or the alien fails to comply with the terms and conditions of the bond.



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Bond Management (Cont.)

- By regulation, immigration bonds may be secured by cash or cash equivalent or by a surety company authorized by the Department of the Treasury to post bonds on behalf of the Federal government.
- The persons or entities posting cash bonds must pay with a money order(s), certified check, or cashier's check.
- On all bonds \$5,000 and over, the only accepted method of payment is a **single** certified or cashier's check; (no currency or personal checks will be accepted).



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Bond Management (Cont.)

- The following persons can post a bond on behalf of an age-out (or any alien):
 - U.S. Citizens
 - Lawful Permanent Residents
 - Law firms
 - Non-profit organizations
- INA § 236(a)(2)(A): minimum bond is \$1,500
- **ALL AGE-OUTS CAN BE CONSIDERED FOR ISSUANCE OF BOND**



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Bond Management (Cont.)

- Bond may be appropriate for an Age-Out who has some indicia of flight risk that cannot be fully mitigated by release to a sponsor. Examples include, but are not limited to:
 - Previous escape attempts from ORR.
 - No immigration application or petition presently on file.



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Revocation of Bond

- “The [Secretary] at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.” [8 U.S.C. § 1226\(b\)](#).
- See also 8 C.F.R. § 236.1(c)(9) (“When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign), in which event the alien may be taken into physical custody and detained.”).



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Limitations on Authority

- The BIA has placed the following limitation on this authority: “where a previous bond determination has been made by an immigration judge, no change should be made by [the DHS] absent a change of circumstance.” Matter of Sugay, 17 I&N Dec. 637, 640 (BIA 1981).
- While this holding only applies to rearresting those alien released on a bond issued by an IJ, the best practice is to have changed circumstances prior to rearresting an alien released on an ICE bond as well. Consult your local OPLA office for additional restrictions on rearresting aliens released on bond that may apply in your jurisdiction.



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Bond Forms

- **U.S. Immigration and Customs Enforcement Bond Worksheet:**
<https://icegov.sharepoint.com/sites/insight/ero/custody/Documents/bmu/pdf/bond-worksheet.pdf>
- **U.S. Immigration and Customs Enforcement Bond (Form I-352):**
<https://icegov.sharepoint.com/sites/insight/forms/documents/pdf/i352.pdf>
- **Additional forms located at:**
<https://icegov.sharepoint.com/sites/insight/ero/custody/Pages/bmu.aspx>



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Reminders/Assistance for FOJCs

- Age-Outs: Concurrence/approval from JFRMU is mandatory to finalizing any age-out custody determinations that involve ATD or ICE Bond.
- Information regarding JFRMU:
<https://icegov.sharepoint.com/sites/insight/ero/custody/Pages/jfrmu.aspx>
- Information regarding ATD:
<https://icegov.sharepoint.com/sites/insight/ero/custody/Pages/atd.aspx>
- Information regarding Bond Management Unit (BMU):
<https://icegov.sharepoint.com/sites/insight/ero/custody/Pages/bmu.aspx>



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Questions?



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