



**Homeland
Security**

Questions and Answers

The CIS Ombudsman’s Listening Session: Get to Know DHS’s New Office of the Immigration Detention Ombudsman (OIDO)

Q1: Will community-based organizations or advocacy groups (that are not serving as legal representatives) have a mechanism to alert OIDO about concerns related to specific detainees or detention facilities?

A1: Currently, OIDO is only accepting complaints from detainees in person within facilities. Soon, however, OIDO will begin using a paper form that will be accessible to detainees and representatives as the roll-out progresses. A web portal is under development and, as operations continue to expand, OIDO will be able to receive complaints from non-legal organizations via email or the web.

Q2: How will OIDO create awareness about its services with detainees?

A2: OIDO will maintain a persistent staff presence in detention facilities and has prepared a flyer to post in detention facilities as a notice to detainees. OIDO will expand its outreach efforts to detainees as operations ramp up, increasing awareness as case managers are put into place.

Q3: How will OIDO prioritize which detention facilities to visit?

A3: As is consistent with its statutory authorization, OIDO will develop an appropriate schedule to visit all facilities that house immigration detainees on behalf of the Department of Homeland Security (DHS). OIDO will also conduct regular outreach to legal representatives, advocates, and community organizations to get a broader perspective on the issues facing detainees and areas that may need specific attention. Additionally, OIDO has pinpointed the San Antonio/Harlingen areas as a “hot zone” with a high volume of individuals in detention and thus a need for additional focus. This “hot zone” is one of the four pilots that will launch before the end of 2021.

Q4: How will a detainee be able to file a complaint regarding conditions in a detention facility? Will there be a hotline available for them?

A4: Detainees will be able to file directly with the case manager who visits their facility or using the paper form. Ultimately, detainees will be able to file a complaint online or via the phone, but these capabilities are not yet operational.

Q5: How will OIDO protect detainees from retaliation by detention facility personnel?

A5: OIDO's persistent presence in the facilities will allow a first-hand perspective on the treatment of individuals who decide to speak with OIDO about their concerns. OIDO is fostering relationships with the Offices of Professional Responsibility at U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) and has been in contact with local ICE leadership throughout the country. OIDO intends to continue building these relationships and developing positive, reciprocal lines of communication that will allow the new office to inform the necessary parties quickly of anything harmful it observes. It is in the best interest of OIDO's mission to ensure no individual be discouraged from engaging with the office, nor suffer consequences for raising issues.

OIDO also respects the privacy and confidentiality of detainees. The amount of information provided to OIDO will be up to the detainee and/or their representative; not all fields in the intake form will be required. Further, OIDO case managers will only share information with detention staff and contractors to the extent it is necessary to resolve the issue at hand.

Q6: Will OIDO be involved in release and parole decisions?

A6: OIDO does not have the authority to address release and parole decisions or whether a person should be detained but may refer those cases to other DHS offices.

Q7: Is it within OIDO's mandate to actively identify veterans in detention?

A7: OIDO's work will include examining the demographics of detention facilities to determine whether certain demographic groups are being treated differently.

Q8: What is the role of the CIS Ombudsman in relation to the new Immigration Detention Ombudsman?

A8: The CIS Ombudsman handles case review for people with pending USCIS cases and OIDO conducts reviews of detention conditions. However, some individuals in detention may have cases with USCIS, which could become a part of the CIS Ombudsman's workload. The CIS

Ombudsman receives some requests for case assistance from individuals in detention and could collaborate with OIDO in those situations.

Q9: In addition to the annual report, does OIDO anticipate other work products being shared with stakeholders, either through the portal or other means?

A9: The office expects to provide information about its programs and recommendations via its website.

Q10: The vast majority of people in detention right now are asylum seekers, and there are concerns about credible fear screenings. Are these recent lower standards being complied with? Will OIDO be offering up any guidance to make sure asylum officers are conducting credible fear interviews properly or providing new credible fear interviews for people who were improperly interviewed before the injunction?

A10: That's a two-part question since the CIS Ombudsman deals more with the asylum interview portion, while OIDO deals more with the conditions of immigrant detention. OIDO has seen a wide variance in how detention facilities are operating due to COVID-19. Some have kept strictly to timelines related to asylum screening, while others have tried to accommodate but been unable to, and they have been cautioned about that. OIDO can investigate complaints from individuals who are not able to communicate with legal service providers and ensure that settings for legal communication and asylum screenings are confidential. The office has been involved in advising ICE about these issues, including on the appropriateness of using tablets in these situations. OIDO is trying to make sure that all credible fear interviews continue to occur within the appropriate timeframes and to ensure those interviews are confidential and private, according to the standards. Having staff onsite will help with this process.