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Access to Religious and Pastoral Services for People in Immigration Detention

“[T]he rapid growth of immigration detention and systemic issues related to inconsistent policies and procedures across facilities have unjustly deprived detainees and people seeking to minister to them of their religious liberty.”

—[*Archbishop Alexander Sample and Bishop Brendan Cahill*](#) (February 24, 2026)¹

Since mid-2025, there has been an extensive effort on the part of the U.S. government to expand immigration detention capacity, both in terms of the total number of detainees and developing capacity in parts of the United States where it did not exist previously. Within the past year, the number of people held in immigration detention has reached all-time highs. This has, in large part, been made possible by the [significant influx of funding](#) provided through the 2025 reconciliation bill passed by Congress (H.R. 1).² Today, there are well over 200 facilities in the United States providing an overall immigration detention capacity of more than 70,000 individuals. This capacity comes from a mix of dedicated immigration detention facilities, multi-use jails and prisons (primarily through [287\(g\) agreements](#)),³ and ad-hoc or temporary facilities. Operators of these facilities include U.S. Immigration and Customs Enforcement (ICE), state and local governments, and private, for-profit companies. The detention of families has also formally resumed under the Trump Administration, with two family detention centers operated by private contractors in Dilley and Karnes City, Texas.

One challenge that is certainly not new but has been exacerbated by this expansion of immigration detention is access to religious and pastoral services for detainees. This is especially true with the increased number of detention facilities in remote or isolated areas and otherwise difficult to reach locations. These include, for example, Camp East Montana at Fort Bliss in Texas (the site of a former internment camp for Japanese Americans) and the Guantanamo Migrant Operations Center in Guantanamo Bay, Cuba.

This resource discusses the current governmental policies intended to protect access to religious and pastoral services, the realities observed, the Catholic Church’s response, and how to report challenges in this area, as well as how one might get involved in Catholic detention ministry.

¹ USCCB, Letter from Archbishop Alexander Sample and Bishop Brendan Cahill to the U.S. Congress (Feb. 24, 2026), <https://www.usccb.org/resources/USCCB%20Letter%20on%20Immigration%20Enforcement%20and%20Religious%20Liberty.pdf> [hereinafter Letter to Congress on Religious Liberty and Immigration Enforcement].

² See USCCB, Letter to Congress Regarding Budget Reconciliation (June 26, 2025), <https://www.usccb.org/resources/Budget%20Reconciliation%20Letter%20to%20Senate.pdf> (voicing opposition to the unprecedented increase in funding for immigration enforcement and detention).

³ See U.S. Immig. and Customs Enf’t, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, <https://www.ice.gov/identify-and-arrest/287g> (last accessed Oct. 16, 2026).

The U.S. Government's Policies and Religious Liberty Protections

The U.S. Department of Homeland Security (DHS), and specifically ICE as the primary federal government agency tasked with administering the immigration detention system, has multiple published policies laying out the standards and expectations required for immigration detention facilities. Whether a particular source of guidance applies largely depends on the type of facility, its operator, how long people are detained there, and the specific agreements in place between the federal government and the facility. However, even detention facilities contracted with private companies, as well as mixed-use state and local facilities detaining noncitizens pursuant to a 287(g) agreement, are generally subject to one or more of these standards. The five main sources of guidance are:

- ICE's [National Detention Standards](#) (last revised in 2026);⁴
- ICE's [Performance-Based National Detention Standards](#) (last revised in 2016);⁵
- ICE's [Non-Dedicated Intergovernmental Detention Standards](#) (last revised in 2025);⁶
- ICE's [Family Residential Standards](#) (last revised in 2020);⁷ and
- The U.S. Marshalls Service's [Federal Performance-Based Detention Standards](#) (last revised in 2025).⁸

One overarching requirement is that facilities have a chaplain, religious services coordinator, or other designated point of contact for ensuring compliance with federal religious protections and facilitating access to services, dietary needs, etc.

More information about each source of guidance is provided in the [appendix of this document](#). While these standards are not limited to any particular religious tradition, their generalized nature can create unique challenges for different traditions based on how religious practices and requirements vary. Additionally, because it is not always readily apparent what set of guidance a particular facility is operating under, this can be a source of confusion for the facility's staff, including chaplains/religious services coordinators, as well as detainees and ministers.

Importantly, these standards are not enshrined in federal statute or regulation, which limits their effectiveness and enforceability. There is no federal statute that stipulates standardized conditions or processes to ensure religious services for people in immigration detention. Instead, federal law creates a general framework that might allow certain policies to be challenged as burdens on religious exercise. The Supreme Court has never found the First Amendment to the U.S. Constitution to prescribe specific religious liberty protections for immigration detainees. The Religious Freedom Restoration Act, the Religious Land Use and Institutionalized Persons Act, and First Amendment jurisprudence do generally prohibit the government from substantially burdening a person's religious exercise, though these are not absolute. The onus is generally on detainees to seek relief under federal law for conduct that burdens their religious exercise in a particular circumstance.

⁴ U.S. Immig. and Customs Enf't, *2026 National Detention Standards*, <https://www.ice.gov/detain/detention-management/2026> (last updated June 15, 2026).

⁵ U.S. Immig. and Customs Enf't, *2011 Operations Manual ICE Performance-Based National Detention Standards*, <https://www.ice.gov/detain/detention-management/2011> (last updated June 15, 2026).

⁶ U.S. Immig. and Customs Enf't, *Non-Dedicated Intergovernmental Detention Standards (NDIDS)*, <https://www.ice.gov/detain/detention-management/ndids> (last updated June 15, 2026).

⁷ U.S. Immig. and Customs Enf't, *Family Residential Standards 2020*, <https://www.ice.gov/detain/detention-management/family-residential> (June 15, 2026).

⁸ U.S. Marshalls Serv., *Federal Performance-Based Detention Standards*, <https://www.usmarshals.gov/what-we-do/prisoners/operation/custody-detention/federal-performance-based-detention-standards> (last visited Oct. 19, 2026).

If someone were to seek judicial relief for alleged violations of any of these sources of law, there also exist certain procedural requirements that must be met for cases to be considered by the courts; these are highly fact dependent and can hinge on the person or entity whose rights are alleged to have been violated. At the same time, because the religious liberty protections that are enshrined in the Constitution and statute are not absolute, the government (or its contractors) may impose certain limits or conditions on religious services, including restrictions on who may access facilities and when. These can vary significantly from one facility to the next.

All told, this combination of factors—together with the unique treatment of immigration matters under U.S. law—makes applying religious liberty within this area a complex and case-specific endeavor. This resource also does not address state law, which may be applicable in some instances.

Current Realities

Providing access to religious and pastoral services for people in immigration detention can be complicated for many different reasons, from the secured nature of detention facilities to lack of clear policies and protocols for requesting access. Even more, ensuring those providing services have the proper training and experience, whether religious or practical in nature, can also be complex and take time, especially depending on what a particular faith requires.

Unfortunately, there are many in immigration detention today who go without access to religious and pastoral services. While there are dedicated volunteers who are ready and willing to provide this care, the logistical and administrative challenges of coordinating volunteers with individual facilities and ensuring those volunteers meet facility requirements can make it difficult to translate that willingness into consistent ministry. Beyond limitations on access faced by available clergy and lay ministers, faith traditions also lack sufficient numbers of individuals to sufficiently minister to the needs of all detainees. This includes the Catholic Church.

Due to the nature of immigration detention facilities, the frequent movement of detainees, and the variety of faiths implicated, it is difficult to reliably determine the number of facilities or people within them going without sufficient access to religious services. However, a [report issued in March 2025](#) by the U.S. Conference of Catholic Bishops (USCCB) and other Christian organizations estimated that roughly 80% of those vulnerable to immigration enforcement are Christians.⁹ One could then assume that the percentage of immigrant detainees at any one point who identify as Christian is likely also very high.

For its part, DHS has expressed robust support for detainees receiving these services, [stating](#) it “welcomes religious and pastoral visits” at immigration detention facilities.¹⁰ However, having standards and affirming them is not always the same as meaningfully upholding them. In several cases, DHS’ sentiments have not been reflected in the experience of religious representatives on the ground. People have [reported facing significant hurdles, inconsistent treatment, or outright denials](#) at

⁹ USCCB, ET AL., ONE PART OF THE BODY: THE POTENTIAL IMPACT OF DEPORTATIONS ON AMERICAN CHRISTIAN FAMILIES (Mar. 2025), <https://www.usccb.org/resources/one-part-of-the-body.pdf> [hereinafter ONE PART OF THE BODY REPORT].

¹⁰ Tyler Arnold, *Federal Officials Encourage Clergy to ‘Reach Out’ on Pastoral Care for Detainees*, EWTN News (Nov. 18, 2025), <https://www.ewtnnews.com/world/us/federal-officials-encourage-clergy-to-reach-out-on-pastoral-care-for-detainees>.

specific facilities, sometimes with limited to no justification given by those overseeing them.¹¹ Some have also [expressed challenges](#) with offering specific sacraments.¹² Members of Congress have been among those to [take note of these limitations](#).¹³ Multiple lawsuits have also been brought by faith-based organizations after being unable to achieve access to specific detention facilities.¹⁴ At the same time, some Catholic dioceses have [reported a positive experience](#) when it comes to working with the government to provide pastoral care to those who are detained.¹⁵

ICE has previously had a “National Religious Practices Coordinator” position within its Office of Enforcement and Removal Operations responsible for providing guidance to ICE field offices and facilities to ensure detainees in custody are able to practice their religion and have access to religious services and programming. However, it is not clear if that role remains active today.

It is a foregone conclusion that some have been deprived of their religious liberty in the context of immigration detention. The varied experience of those involved, however—not only for members of the Catholic tradition but those of other faith traditions as well—creates a nuanced landscape.

The Catholic Church’s Response

The USCCB, through multiple committees and offices, has long been a steadfast voice for the religious liberty rights of all persons, including those subject to imprisonment and detention, whether citizens or noncitizens.¹⁶ This flows directly from Sacred Scripture and the Catholic Church’s Magisterium, including the teachings of Christ himself: “For I was. . . in prison and you visited me.”¹⁷ It is also grounded in the inherent, God-given dignity of every person, through which each has a natural right to worship. In a particular way for Catholics, because the Holy Eucharist serves as the “source and summit of Christian life”,¹⁸ ensuring clergy and others are able to access detention facilities to offer Communion to detainees, along with other sacraments, is of deep concern to the Church. The need for access is further underscored by the sheer fact that the [majority](#) of those subject to immigration enforcement today are Christians.¹⁹

¹¹ Giovanna Dell’Orto, *Faith Leaders Push for Access to ICE Detention Centers During Lent and Ramadan*, AP NEWS, (Mar. 7, 2026), <https://apnews.com/article/trump-immigration-ice-detention-faith-worship-lawsuits-cdcf0451b955d531f3f48cc446414106>.

¹² Kate Scanlon, *St. Louis Archdiocese Sues ICE Over Communion, Confessions for Detainees*, ANGELUS NEWS (Oct. 7, 2026), <https://angelusnews.com/news/nation/st-louis-ice-lawsuit/> [hereinafter *St. Louis Lawsuit*].

¹³ See, e.g., Press Release, U.S. Congresswoman Nellie Pou, Pou Leads 27 Colleagues Calling on DHS to Protect Religious Rights in ICE Detention (July 14, 2026), <https://pou.house.gov/media/press-releases/pou-leads-27-colleagues-calling-dhs-protect-religious-rights-ice-detention>.

¹⁴ *St. Louis Lawsuit*, *supra* note 12; see also Ryan Luetkemeyer, *Judge Orders Feds to Grant Clergy Access to Minnesota Detainees*, COURTHOUSE NEWS SERV., (Mar. 20, 2026), <https://www.courthousenews.com/judge-orders-feds-to-grant-clergy-access-to-minnesota-detainees/>.

¹⁵ See, e.g., Catholic Diocese of Lincoln, Press Release, Bishop Conley on the Immigration Detention Center in McCook (Aug. 22, 2025), <https://www.lincolndiocese.org/bishops/bishop-james-conley/statements/18999-bishop-conley-on-the-immigration-detention-center-in-mccook>.

¹⁶ See, e.g., Brief for United States Conf. of Cath. Bishops, et al. as Amici Curiae, *Holt. v. Hobbs*, 574 U.S. 352 (2015), <https://www.usccb.org/resources/USCCB-Rel-Groups-Amicus-Brief-with-US-Supreme-Court.pdf>; Brief for United States Conf. of Cath. Bishops & Tex. Cath. Conf. of Bishops as Amici Curiae, *Ramirez. v. Collier*, 595 U.S. 411 (2022), <https://www.usccb.org/about/general-counsel/amicus-briefs/upload/Ramirez%20v.%20Collier.pdf>.

¹⁷ *Matthew* 25:35–36.

¹⁸ CATECHISM OF THE CATHOLIC CHURCH (no. 1324).

¹⁹ ONE PART OF THE BODY REPORT, *supra* note 9 (finding nearly one out of five Catholics and one out of every twelve Christians is vulnerable to deportation or lives in a household with someone who is).

Pope Leo XIV has [strongly affirmed](#) the need to respect the “spiritual rights” of immigration detainees.²⁰ And in solidarity with the Holy Father, the Catholic bishops of the United States joined together in November 2025 to release a [special message on immigration](#), in which they acknowledged their concern about “the conditions in detention centers and the lack of access to pastoral care.”

In its [2026 Annual Report on the State of Religious Liberty in the United States](#), the USCCB’s Committee for Religious Liberty recognized access to religious and pastoral services for people in immigration detention as one area of critical concern.²¹

In writing to the U.S. Congress in February 2026, Archbishop Alexander Sample, chairman of the USCCB’s Committee for Religious Liberty, and Bishop Brendan Cahill, chairman of the Committee on Migration, [stated very clearly](#) the need for Congress to work on a bipartisan basis to ensure “consistent access to religious and pastoral services for all immigration detainees, subject only to reasonable limitations based on clear guidelines and uniform processes, regardless of a detention facility’s operator.”²² Bishop Cahill reiterated this in his [letter to Congress](#) on appropriations for Fiscal Year 2027.²³ Beyond the specific issue of access to religious and pastoral services, the USCCB has also addressed the broader issues of conditions in immigration detention facilities and the expansion of immigration detention capacity.²⁴

More recently, in October 2026, Bishop Cahill [released](#) an ecumenical statement with the president of the National Association of Evangelicals—the first such statement on immigration in U.S. history to be jointly issued by senior leaders of the Catholic and evangelical traditions.²⁵ The [statement asserts](#) the cosigners’ shared “commitment to working with the relevant authorities to ensure access to religious and pastoral services for all in detention, that each person may have the opportunity for spiritual counsel and active participation in the sacraments.”²⁶

Through its Secretariat of Migration, together with its Office of Government Relations, the USCCB offers direct support to Catholic dioceses navigating challenges with accessing immigration detention facilities for the purpose of providing pastoral care.

²⁰ Joseph Tulloch, Pope: ‘Spiritual Rights’ of Migrant Detainees Must be Respected, Vatican News (Nov. 4, 2025), <https://www.vaticannews.va/en/pope/news/2025-11/pope-us-migrants-spiritual-rights-venezuela-gaza-work-rupnik.html>.

²¹ USCCB, The State of Religious Liberty in the United States: Annual Report of the Committee for Religious Liberty (Feb. 17, 2026), <https://www.usccb.org/religious-liberty/2026-annual-report>.

²² Letter to Congress on Religious Liberty and Immigration Enforcement, *supra* note 1.

²³ USCCB, Letter from Bishop Brendan Cahill to the U.S. Congress on Fiscal Year 2027 Appropriations (June 1, 2026), <https://www.usccb.org/resources/Letter%20to%20Congress%20on%20Migration-Related%20Appropriations%20for%20FY%202027.pdf>.

²⁴ See, e.g., Press Release, USCCB, “The Thought of Holding Thousands of Families in Massive Warehouses Should Challenge the Conscience of Every American,” Says Bishop Cahill (Feb. 20, 2026), <https://www.usccb.org/news/2026/thought-holding-thousands-families-massive-warehouses-should-challenge-conscience-every>.

²⁵ Press Release, USCCB, Catholic and Evangelical Leaders Unite in Call for Compassionate Immigration Reform (Oct. 13, 2026), <https://www.usccb.org/news/2026/catholic-and-evangelical-leaders-unite-call-compassionate-immigration-reform>.

²⁶ REV. DR. WALTER KIM & MOST REV. BRENDAN CAHILL, A CALL FOR CHRISTIAN COMPASSION AND WISDOM IN THE IMMIGRATION DEBATE (Oct. 2026), <https://www.usccb.org/ecdistatement>.

The USCCB also works closely with the [Catholic Prison Ministries Coalition \(CPMC\)](#), which serves as a hub for Catholic jail, prison, and detention ministry efforts in the United States.²⁷ In this capacity, CPMC supports diocesan and other local ministries providing religious and pastoral care to the full range of incarcerated persons, including those in immigration detention.

Reporting Challenges with Religious/Pastoral Access

The USCCB's Secretariat of Migration is actively working to track instances of access to religious and pastoral services being denied to immigration detainees, especially in cases where the local diocese has requested to provide these services through the proper channels but has not been permitted to do so. Those with information relating to such challenges are encouraged to share it with the Secretariat's Office of Policy and Advocacy through email at migrationpolicy@usccb.org. Please note the Secretariat may not be able to respond to every message, but staff do review every communication received. Diocesan ministries should always ensure close coordination with diocesan leadership, and diocesan attorneys are also encouraged to contact the USCCB's Office of General Counsel with relevant legal questions.

There are also U.S. government agencies responsible for oversight of immigration enforcement, including access to religious and pastoral services for people who are detained. Reports can be made to the following agencies:

- [DHS' Office for Civil Rights and Civil Liberties \(CRCL\)](#)²⁸
- [DHS' Office of the Inspector General \(OIG\)](#)²⁹

Finally, congressional offices may also be contacted about challenges in this area, given both Congress' general oversight role and the constituent services congressional offices provide. Contact information for congressional offices can be found through [Congress.gov](#).

Getting Involved with Detention/Prison Ministry

As discussed in this resource, providing religious and pastoral services can be met with challenges, both for those in immigration detention and the broader population of people who are incarcerated, but individuals do not need to navigate them alone. Many Catholic dioceses and parishes have established prison ministries that are often open to lay volunteers, in addition to clergy. Connecting with an existing ministry is often the best first step to learn about local needs, discern how one's gifts might be used, and receive the formation and support needed to serve well.

The Catholic Prison Ministries Coalition offers resources to help individuals explore this vocation, [discern whether detention or prison ministry may be right for them](#), and connect with established ministries and training opportunities.³⁰ Whether through direct accompaniment, prayer, advocacy, or support for those who minister, every person can work to ensure detained people are not forgotten.

²⁷ Catholic Prison Ministries Coalition, *Learn About CPMC*, <https://www.catholicprisonministries.org/about-cpmc> (last accessed Oct. 16, 2026).

²⁸ U.S. Dep't of Homeland Sec., *Civil Rights and Civil Liberties*, <https://www.dhs.gov/topics/civil-rights-and-civil-liberties> (last updated Jan. 9, 2026).

²⁹ U.S. Dep't of Homeland Sec., *Office of the Inspector General*, <https://www.oig.dhs.gov/> (last accessed Oct. 16, 2026).

³⁰ Catholic Prison Ministries Coalition, *Discerning the Call to Jail and Prison Ministry*, <https://www.catholicprisonministries.org/discerning-ministry> (last accessed Oct. 16, 2026).

Appendix

This appendix addresses the main sources of federal guidance regarding access to religious/pastoral services for immigration detainees and includes relevant excerpts from each. These are not exhaustive. Policies and procedures can vary significantly from one facility to the next, so it is important to determine the specific protocols in place for a given facility. The ICE website provides a [listing of immigration detention facilities](#) with details for each, including information about visitation; however, this website may not be fully up to date or include every facility housing immigration detainees.

Please note the excerpts below may not include every reference to religious standards within each source of guidance listed.

1. National Detention Standards (NDS)

This guidance generally applies to non-dedicated, multi-use facilities that hold individuals for ICE alongside other populations, such as local and county jails. The [NDS](#) state (beginning on page 161):

STANDARD 5.3

RELIGIOUS PRACTICES

...

I. POLICY

This detention standard ensures detainees of various religious beliefs have reasonable and equitable opportunities to participate in the practices of their faith, limited only by documented threats to safety, security, and the orderly operation of the facility.

II. STANDARDS AND PROCEDURES

A. General

The facility must designate a Chaplain or Religious Services Coordinator (RSC) to manage and oversee religious programs and services for detainees, ensuring access to religious practices and accommodations in accordance with their faith while adhering to facility policies and security requirements. The Chaplain or RSC shall have physical access to all areas of the facility to serve detainees.

Religious activities must be accessible to the entire detainee population without discrimination based on race, ethnicity, religion, national origin, color, sex, sexual orientation, age, or disability. Attendance at religious activities is voluntary.

No one may disparage a detainee's religious beliefs or coerce or harass them to change their religious affiliation.

The facility shall not cut or shave religiously significant hair unless required for safety, security, or orderly operation of the facility.

B. Religious Opportunities and Limitations

The facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of detainees or members of a specific religious group when necessary for security or order, after consulting with the chaplain or RSC.

Facility records shall document any limitation or discontinuance of a religious practice, including the reason for the decision. Denials of access to religious practices or items – such as religious meals, garb, scriptures/texts, or worship items (e.g., rosaries, wine, Tefillin, headwear) shall be documented in the detainee’s detention file and made available to ICE/ERO upon request.

C. Religious Preferences

ICE/ERO does not require detainees to profess a religion or spiritual belief. During in-processing, the facility shall record the detainee’s religious preference or note if none is declared.

Detainees may change their religion or spiritual belief designation at any time by notifying the chaplain or RSC in writing. The change must be implemented within seven days of receiving the request.

D. Chaplain/Religious Services Coordinator

The Chaplain or RSC is responsible for scheduling and managing religious activities in the facility and informing detainees on how to request a religious practice accommodation.

The Chaplain or RSC shall possess relevant education or experience, including pastoral education, knowledge of various religions and cultural groups, and/or experience in a recognized religious or ministerial role within a faith community.

E. Schedules and Facilities

Current religious program schedules and group worship times shall be posted in living units or otherwise made available to detainees.

Facilities shall designate adequate space for religious activities to equitably meet the needs of the detainee population. Religious service areas shall be maintained in a neutral manner suitable for various faith groups.

F. Community Involvement (Volunteers, Detention Facility Contractors)

Facilities shall have procedures and resources to accommodate religious leaders, clergy, community groups, and volunteers providing religious services or procuring religious items not provided by the Chaplain or RSC. Faith group representatives may include religious leaders, clergy, and spiritual advisors.

G. Introduction of New and Unfamiliar Religious

Components Detainees may request the inclusion of new or unfamiliar religious components in the facility's religious services program. If additional information is needed regarding a specific practice, the Chaplain or RSC can request details and materials from the detainee or local/national offices of the relevant religion or faith group to determine whether the practice should be included in the religious services program.

H. Religious Group Assemblies

Detainees must be provided the opportunity to participate in group religious activities, limited only by documented threats to the facility's safety, security or orderly operation.

I. Religious Holy Days

The facility shall establish a policy to facilitate the observance of significant religious holidays and holy days while maintaining safety, security, and orderly operations. Observances may include special fasts, dietary requirements, worship or work restrictions. The Chaplain or RSC will work with requesting detainees to provide proper accommodations for religious observances.

J. Pastoral Visits

Detainees of a different religious faith than the Chaplain may request access to pastoral care and counseling from external clergy and religious service providers. The facility may require documentation of the provider's religious credentials and a criminal background check.

K. Religious Property

The Chaplain or RSC shall ensure detainees have access to religious items, including worship/prayer materials, specialty food items, and religious headwear and other garb, necessary to practice their religion or spiritual beliefs, consistent with facility safety, security, and orderly operation. Any denial of access must be assessed on a case-by-case basis, with the reason documented in the detainee's detention file or a retrievable electronic format.

Detainees shall be generally allowed to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, unless a documented threat to safety, security, or facility operations exists. Upon request, detainees may also be permitted to wear or use certain religious items throughout the facility. Any denial of participation in or observance of religious practices must be assessed on a case-by-case

basis, with the reason documented in the detainee's detention file or a retrievable electronic format.

Religious literature shall be permitted in accordance with procedures governing incoming publications.

Religious items may be obtained by receiving in-kind donations from religious or other charitable organizations, facilitating family or friends sending items, or the Chaplain or RSC purchasing items directly. Detainees shall not be charged for necessary religious items.

L. Dietary Requirements

ICE/ERO requires facilities to provide detainees requesting a religious diet a reasonable and equitable opportunity to observe their religious dietary practices, consistent with the secure and orderly operation of the facility. Refer to Standard 4.1 "Food Service" for more information.

M. Detainees in Special Management Units

Detainees in Special Management Units and medical housing shall be permitted to participate in religious practices on a consistent and scheduled basis, limited only by documented threats to safety, security, and orderly operation of the facility. Any limitations on SMU detainees' participation in or observance of religious practices must be assessed on a case-by-case basis, with the reason documented in the detainee's detention file or a retrievable electronic format.

2. Performance-Based National Detention Standards (PBNDS)

This guidance generally applies to facilities dedicated exclusively to holding ICE detainees. The PBNDS themselves assert that the following types of facilities are subject to their "Religious Practices" standard: service processing centers, contract detention facilities, and state or local government facilities used by ICE's Enforcement and Removal Operations through intergovernmental service agreements (IGSAs) to hold detainees for more than 72 hours. The PBNDS further state that non-dedicated IGSA facilities must conform to these procedures or adopt, adapt, or establish alternatives, provided they meet or exceed the intent represented by these procedures. The [PBNDS](#) state (beginning on page 375):

5.5 RELIGIOUS PRACTICES

I. Purpose and Scope

This detention standard ensures that detainees of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, constrained only by concerns about safety, security and the orderly operation of the facility.

This detention standard applies to the following types of facilities housing ICE/ERO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by ERO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

Procedures in italics are specifically required for SPCs, CDFs, and Dedicated IGSA facilities. Nondedicated IGSA facilities must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

For all types of facilities, procedures that appear in italics with a marked (**) on the page indicate optimum levels of compliance for this standard.

Various terms used in this standard may be defined in standard “7.5 Definitions.”

II. Expected Outcomes

The expected outcomes of this detention standard are as follows (specific requirements are defined in “V. Expected Practices”):

1. Detainees shall have regular opportunities to participate in practices of their religious faiths, limited only by a documented threat to the safety of persons involved in such activity itself or disruption of order in the facility;
2. All religions represented in a detainee population shall have equal status without discrimination based on any detainee’s race, ethnicity, religion, national origin, gender, sexual orientation or disability;
3. Each facility’s religious program shall be planned, administered and coordinated in an organized and orderly manner;
4. Adequate space, equipment and staff (including security and clerical) shall be provided for in order to conduct and administer religious programs;
5. The chaplain or religious services coordinator will make documented efforts to recruit external clergy or religious service providers to provide services to adherents of faith traditions not directly represented by chaplaincy or religious services provider staff. Detainees are encouraged to provide information about local religious providers;
6. Each facility’s religious program shall be augmented and enhanced by community clergy, contractors, volunteers and groups who provide individual and group assembly religious services and counseling;
7. Detainees in Special Management Units (SMUs) and hospital units shall have access to religious activities and practices to the extent compatible with security and medical requirements;

8. Special diets shall be provided for detainees whose religious beliefs require adherence to religious dietary laws; and
9. Detainees shall be provided information about religious programs at the facility, including how to contact the chaplain or religious services coordinator, how to request visits or services by other religious services providers, how to request religious diets and how to access religious property and headwear as part of the facility's admission and orientation program in a language or manner the detainee can understand.
10. The facility shall provide communication assistance to detainees with disabilities and detainees who are limited in their English proficiency (LEP). The facility will provide detainees with disabilities with effective communication, which may include the provision of auxiliary aids, such as readers, materials in Braille, audio recordings, telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TTYs), interpreters, and notetakers, as needed. The facility will also provide detainees who are LEP with language assistance, including bilingual staff or professional interpretation and translation services, to provide them with meaningful access to its programs and activities.

All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

...

V. Expected Practices

A. Religious Opportunities and Limitations

1. Detainees shall have opportunities to engage in practices of their religious faith consistent with safety, security and the orderly operation of the facility. Religious practices to be accommodated are not limited to practices that are compulsory, central or essential to a particular faith tradition, but cover all sincerely held religious beliefs. Attendance at all religious activities is voluntary.

Efforts shall be made to allow for religious practice in a manner that does not adversely affect detainees not participating in the practice. Detainees cannot be required to participate in or attend a religious activity in order to receive a service of the facility or participate in other, nonreligious activities. Chaplains, religious services coordinators and volunteers shall not provide unsolicited religious services or counseling to detainees.

2. Religious activities shall be open to the entire detainee population, without discrimination based on a detainee's race, ethnicity, religion, national origin, gender, sexual orientation or disability.

Language services shall be provided to detainees who have limited English proficiency to provide them with meaningful access to religious activities. As needed, accommodations will be provided to detainees with disabilities to provide them with equal access to religious services.

3. When necessary for the security or the orderly operation of the facility, the facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of detainees or to members of a particular religious group after consulting with the chaplain or religious services coordinator. Facility records shall reflect the limitation or discontinuance of a religious practice, as well as the reason for such limitation or discontinuance.
4. Ordinarily, when the nature of the activity or practice (e.g., fasts, ceremonial meals, headwear requirements, work proscriptions) indicates a need for such a limitation, only those detainees whose files reflect the pertinent religious preference shall be included.
5. When a detainee submits a request concerning the reason for denial of access to religious activities, facilities or meals, a copy of the request and response to the request shall be placed in the detention file.

B. Religious Preferences

Each detainee shall designate any religious preference, or none, during in processing. Staff, contractors and volunteers may not disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation.

A detainee may request to change his/her religious preference designation at any time by notifying the chaplain, religious services coordinator or other designated individual in writing, and the change shall be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by detainees of religious practice or observance, the chaplain or religious services coordinator shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a detainee to participate in specific religious activities, staff may refer to the initial religious preference information and any subsequent changes in the detainee's religious designation. Detainees whose files show "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

C. Chaplains or Other Religious Services Coordinators

The facility administrator shall designate a staff member, contractor or volunteer to manage and coordinate religious activities for detainees. Ordinarily, that person shall be the facility chaplain, who shall, in cooperation with the facility administrator and staff, plan, direct and supervise all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented in the detainee population. The facility administrator shall provide non-detainee clerical staff support for confidential materials.

The chaplain or other religious services coordinator, regardless of his/her specific religious affiliation, shall have basic knowledge of different religions and shall ensure equal status and protection for all religions.

The chaplain or other religious services coordinator shall have physical access to all areas of the facility to serve detainees.

A chaplain shall have a minimum qualification of clinical pastoral education or specialized training, and endorsement by the appropriate religious certifying body. In lieu of these, the facility administrator may accept adequate documentation of recognized religious or ministerial position in the faith community.

The chaplain shall be available to provide pastoral care and counseling to detainees who request it, both through group programs and individual services. Detainees who belong to a religious faith different from that of the chaplain or religious services provider staff may, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The chaplain may, for the purpose of informed decision-making, ask a detainee to explain special or unfamiliar requests.

If the facility has a religious services coordinator rather than a chaplain, the coordinator shall have the necessary training to connect detainees with a broad range of religious services and be prepared to arrange religious services for multiple faith traditions and connect incoming detainees with resources and services specific to the detainee's particular faith.

The term "individual services" includes counseling services provided to individual detainees or members of their families in personal crisis and family emergency situations.

D. Schedules and Facilities

All facilities shall designate adequate space for religious activities.

This designated space must be sufficient to accommodate the needs of all religious groups in the detainee population fairly and equitably and the general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups.

The chaplain or religious services coordinator shall schedule and direct the facility's religious activities, and current program schedules shall be posted on all unit and detainee bulletin boards in languages understood by a majority of detainees.

When scheduling approved religious activities, chaplains or religious services coordinator must consider both the availability of staff supervision and the need to allot time and space equitably among different groups. The chaplain or religious services coordinator shall not ordinarily schedule religious services to conflict with meal times.

If outdoor recreation is available at the facility, detainees shall have opportunities for outside worship, prayer and meditation, which shall be provided in a manner that does not conflict with meal times.

E. Contractors and Volunteers

All facilities shall have procedures so that clergy, contractors, volunteers and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program. When recruiting citizen volunteers, the chaplain or religious services coordinator and other staff shall be cognizant of the need for representation from all cultural and socioeconomic parts of the community. Each facility shall provide security, including staff escorts, to allow such individuals and groups facility access for sanctioned religious activities.

The chaplain or religious services coordinator may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot personally deliver, and may secure the assistance and services of volunteers.

"Representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of detainee faith groups shall be afforded the same status and treatment to assist detainees in observing their religious beliefs, unless the security and orderly operation of the facility warrant otherwise.

Standard "5.7 Visitation" details requirements that must be met for a volunteer to be approved to visit with and/or provide religious activities for detainees, including advance notice, identification, a background check, an orientation to the facility and a written agreement to comply with applicable rules and procedures. Visits from religious personnel shall not count against a detainee's visitor quota. Provided they meet established security requirements for entrance into the facility, religious services providers' interpreters shall be allowed to accompany the religious services provider within the facility.

The facility administrator or designee (ordinarily the chaplain) may require a recognized representative of a faith group to verify the religious credentials of contractors or volunteers prior to approving their entry into the facility.

Detainees who are members of faiths not represented by clergy may conduct their own services, provided these do not interfere with facility operations.

F. Pastoral Visits

If requested by a detainee, the chaplain or religious services coordinator or designee shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee's faith.

The chaplain or religious services coordinator may request documentation of the person's religious credentials, as well as a criminal background check.

Pastoral visits shall ordinarily take place in a private visiting room during regular visiting hours. Accommodation may be made in the legal visitation area when available.

G. Detainees in Special Management (SMU) and Hospital Units

Detainees in an SMU (e.g., administrative, disciplinary or protective custody) or hospital unit shall be permitted to participate in religious practices, consistent with the safety, security and orderly operation of the facility.

Detainees in an SMU or hospital unit shall have regular access to the chaplain or other religious services provider staff. The chaplain or other religious services provider staff shall provide pastoral care in SMUs and hospital units weekly at minimum.

Detainees of any faith tradition may ordinarily have access to official representatives of their faith groups while housed in SMUs or hospital units, by requesting such visits through the chaplain or other religious service coordinator. Requests shall be accommodated consistent with the terms of the representative's contract and the security and orderly operation of the facility.

If the representative of the faith group is a volunteer, he/she shall at all times be escorted in an SMU.

H. Introduction of New or Unfamiliar Religious Components

If a detainee requests the introduction of a new or unfamiliar religious practice, the chaplain or religious services coordinator may ask the detainee to provide additional information to use in deciding whether to include the practice.

Detainees may make a request for the introduction of a new component to the Religious Services program (e.g., schedule, meeting time and space, religious items and attire) to the chaplain or religious services coordinator.

The chaplain or religious services coordinator may ask the detainee to provide additional information to use in deciding whether to include the practice. Ordinarily, the process shall require up to 30 business days for completion. The chaplain or religious services coordinator shall research the request and make recommendations to the facility administrator, who shall add his/her own recommendations and forward them to the respective Field Office Director

for approval. Such decisions are subject to the facility's requirement to maintain a safe, secure and orderly facility, and the availability of staff for supervision. The Field Office Director shall forward the final decision to the facility administrator, and the chaplain or religious services coordinator shall communicate the decision to the detainee.

I. Religious Holy Days

Each facility shall have in place written policy and procedures to facilitate detainee observance of important holy days, consistent with the safety, security and orderly operation of the facility, and the chaplain or religious services coordinator shall work with detainees to accommodate proper observances.

The facility administrator shall facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship or work proscription. When the facility administrator, chaplain or religious services provider is unfamiliar with the requested observance, the facility administrator may direct the chaplain or religious services coordinator to consult with community representatives of the detainee's faith group and other appropriate sources.

J. Religious Property and Personal Care

Each facility administrator shall allow detainees to have access to personal religious property, consistent with the safety, security and orderly operation of the facility. If necessary, the religious significance of such items shall be verified by the chaplain prior to facility administrator approval. The facility administrator may also direct the chaplain or religious services coordinator to obtain information and advice from representatives of the detainee's faith group or other appropriate sources, about the religious significance of the items.

Detainee religious property includes, but is not limited to, holy books, rosaries and prayer beads, oils, prayer rugs, prayer rocks, phylacteries, medicine pouches and religious medallions. Such items are part of a detainee's personal property and are subject to normal considerations of safety, security and orderly operation of the facility.

As is consistent with the safety, security and orderly operation of the facility, the facility administrator shall ordinarily allow a detainee to wear or use personal religious items during religious services, ceremonies and meetings in the chapel, and may, upon request of a detainee, allow a detainee to wear or use certain religious items throughout the facility.

Items of religious wearing apparel include, but are not limited to:

1. prayer shawls and robes;
2. kurda or ribbon shirts;
3. medals and pendants;
4. beads; and
5. various types of headwear.

"Appendix 5.5.A: Religious Headwear, Garments and Other Religious Property" provides examples of acceptable religious headwear, garments and other religious property. There may

be circumstances in which it is not advisable to permit the use of these items in a facility. Nothing in these guidelines is intended to prevent facilities from making individualized decisions based on the need to maintain good order and the safety of detainees and staff. Any denial and the reason for it shall be documented and placed in the alien's detention file.

Religious headwear, notably kufis, yarmulkes, turbans, crowns and headbands, as well as scarves and head wraps for Orthodox Christian, Muslim and Jewish women are permitted in all areas of the facility, subject to the normal considerations of the safety, security and orderly operation of the facility, including inspection by staff. Religious headwear and other religious property shall be handled with respect at all times, including during the in-take process.

Consistent with safety, security and the orderly operation of the facility, the facility shall not cut or shave religiously significant hair.

A detainee who wishes to have religious books, magazines or periodicals must comply with the facility's general rules for ordering, purchasing, retaining and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to detainees of religious literature purchased by or donated to ICE/ERO is contingent upon approval from the chaplain or religious services coordinator.

K. Dietary Requirements

When a detainee's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff shall make all reasonable efforts to accommodate those requirements (e.g., by modifying the detainee's menus to exclude certain foods or food combinations or providing the detainee's meals at unusual hours).

A detainee who wants to participate in the religious diet ("common fare") program may initiate the "Authorization for Common Fare Participation" form that is attached to standard "4.1 Food Service." That standard also details the circumstances under which a detainee may be removed from a special religious diet because he/she has failed to observe those dietary restrictions.

"Common fare" refers to a no-flesh protein option provided whenever an entrée containing flesh is offered as part of a meal. Likewise, a "common fare" meal offers vegetables, starches and other foods that are not seasoned with flesh. The diet is designed as the foundation from which modifications can be made to accommodate the religious diets of various faiths. Modifications to the standard common fare menu may be made to meet the requirements of various faith groups (e.g. for the inclusion of kosher and/or halal flesh-food options).

When there is any question about whether a requested diet is nutritious or may pose a threat to health, the chaplain or religious services coordinator shall consult with the medical department.

L. Religious Fasts

The chaplain or religious services coordinator shall develop the religious fast schedule for the calendar year and shall provide it to the facility administrator or designee. There are generally two different types of fasts: a public fast and a private or personal fast.

When detainees observe a public fast that is mandated by law or custom for all the faith adherents (e.g., Ramadan, Lent, Yom Kippur), the facility shall provide a meal nutritionally equivalent to the meal(s) missed. Public fasts usually begin and end at specific times. When a detainee fasts for personal religious reasons, no special accommodations need to be made for the meal(s) missed. Requests for meals after a personal fast shall be determined by the facility administrator on a case-by case basis.

M. Work Assignments

Detainees who have voluntary work assignments shall not be compelled to work on their religious holy days.

N. Religious Use of Wine

Religious use of wine by clergy members is generally permitted when mandated by the particular faith and pursuant to strict controls and supervision, to include the following provisions:

1. Only a small amount of wine for clergy members and that which is necessary to perform religious ceremonies or services shall be permitted in the facility.
2. All wine brought into the facility shall be secured in an appropriate area by staff prior to the religious ceremony or service for which the wine is needed.
3. Following the religious ceremony or service, unused portions of wine shall be immediately discarded, stored in a secure area, or removed from the facility.

O. Death or Serious Illness of Family Members

The facility administrator will establish procedures to involve the chaplain or religious services coordinator in notifying detainees of serious illness or death of their family members.

3. Non-Dedicated Intergovernmental Detention Standards (NDIDS)

This guidance overlays the detailed standards and requirements contained in the NDS for non-dedicated facilities. The [NDIDS](#) state (page 10):

A. Religious Practices

Each ICE detainee may designate or change their religious preference, including indicating no religious preference, at any time. The Service Provider shall ensure ICE detainees of different sincerely held religious beliefs are provided reasonable and equitable opportunity to participate in the practices of their religious faiths, including through the provision of religious accommodations such as dietary restrictions and access to religious texts. Such practice may be limited only by a documented threat to the safety, security, and the orderly operation of the detention facility.

4. Family Residential Standards (FRS)

This guidance applies to detention centers holding families. The [FRS](#) state (beginning at page 337):

5.7 Religious Practices

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that residents of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, constrained only by concerns about safe and secure Center operations. Various terms used in this standard may be defined in the ICE Family Residential Standard on Definitions.

Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes.

A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes and the ICE Family Residential Standard on Disability Identification, Assessment, and Accommodation. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Residents will have regular opportunities to participate in practices of their religious faiths, limited only by a documented threat to the safety of persons involved in such activity itself or disruption of order in the Center. All religions represented in a resident population will have equal status without discrimination based on any resident's race, ethnicity, religion, national origin, sex, gender identity, sexual orientation, or disability.
2. Centers will plan, administer, and coordinate their religious program in an organized and orderly manner.
3. Adequate space, equipment, and staff (including security and clerical) will be provided to conduct and administer religious programs.
4. The Chaplain or Religious Services Coordinator (RSC) will make documented efforts to recruit external clergy or religious service providers to provide services to adherents

of faith traditions not directly represented by chaplaincy or RSC staff. Residents are encouraged to provide information about local religious providers.

5. Each Center's religious program will be augmented and enhanced by community clergy, contractors, volunteers, and groups who provide individual and group assembly religious services and counseling.
6. Residents in hospital units will have access to religious activities and practices to the extent compatible with medical requirements.
7. Special diets will be provided for residents whose religious beliefs require adherence to religious dietary laws.
8. As part of the Center's admission and orientation program, residents will be provided information about religious programs at the Center, including how to contact the Chaplain or RSC, how to request visits or services by other religious services providers, how to request religious diets, and how to access religious property and headwear.

...

Expected Practices

A. Religious Opportunities and Limitations

Residents will have opportunities to engage in practices of their religious faith consistent with safe and secure Center operations. Religious practices to be accommodated will not be limited to practices that are compulsory, central, or essential to a particular faith tradition, but will cover all sincerely held religious beliefs. Attendance at all religious activities is voluntary.

Efforts will be made to allow for religious practice in a manner that does not adversely affect and/or compromise the safety and security of other residents not participating in the practice. Residents cannot be required to participate in or attend a religious activity to receive a service of the Center or participate in other non-religious activities. Chaplains, RSCs, and volunteers will not provide unsolicited religious services or counseling to residents.

Religious activities will be open to the entire resident population, without discrimination based on a resident's race, ethnicity, religion, national origin, sex, gender identity, sexual orientation, or disability.

When necessary for safe and secure Center operations, the Center Administrator may discontinue a religious activity or practice, or limit participation to a reasonable number of residents or to members of a particular religious group after consulting with the Chaplain or RSC. Center records will reflect the limitation or discontinuance of a religious practice, as well as the reason for such limitation or discontinuance. When Centers must limit certain activities or practices (e.g., fasts, ceremonial meals, headwear requirements, work proscriptions) as indicated above, those residents whose files reflect the pertinent religious preference must be provided access to those religious activities or practices. When a resident submits a request concerning the reason for denial of access to religious

activities, centers, or meals, a copy of the request and response to the request will be placed in his/her residential file.

B. Religious Preferences

Each resident will designate any religious preference, or none, during admission. Staff, contractors, and volunteers may not disparage the religious beliefs of a resident, nor coerce or harass a resident to select or change a religious affiliation.

A resident may request to change his/her religious preference designation at any time by notifying the Chaplain, RSC, or other designated individual in writing, and the change will be implemented in a timely fashion.

In determining whether to allow a resident to participate in specific religious activities, staff will refer to the initial religious preference information and any subsequent changes in the resident's religious designation. Residents whose files show "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

C. Chaplains or RSCs

The Center Administrator will designate a permanent staff member to manage and coordinate religious activities for residents. Volunteers should augment but not be left to manage these programs absent a more permanent contract or agreement (e.g., through an established religious institution). Ordinarily, that staff member or contractor will be the Center Chaplain or RSC, who will, in cooperation with the Center Administrator and staff, plan, direct, and supervise all aspects of the religious program, including approving and training both lay and clergy volunteers from faiths represented in the resident population. The Center Administrator will provide non-resident clerical staff support for confidential materials.

The Chaplain or RSC, regardless of his/her specific religious affiliation, will have basic knowledge of different religions and will ensure equal status and protection for all religions.

The Chaplain or RSC will have physical access to all areas of the Center to serve residents.

A Chaplain will have a minimum qualification of clinical pastoral education or specialized training, and endorsement by the appropriate religious-certifying body. In lieu of these, the Center Administrator may accept adequate documentation of a recognized religious or ministerial position in the faith community.

The Chaplain will be available to provide pastoral care and counseling to residents who request it, both through group programs and individual services. Residents who belong to a religious faith different from that of the Chaplain or RSC may, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The Chaplain may, for the purpose of informed decision making, ask a resident to explain special or unfamiliar requests.

If the Center has an RSC rather than a Chaplain, then the RSC will have the necessary training to connect residents with a broad range of religious services and be prepared to arrange religious services for multiple faith traditions and connect incoming residents with resources and services specific to the resident's particular faith.

The term "individual services" includes counseling services provided to individual residents or members of their families in personal crisis and family emergency situations.

D. Schedules and Centers

All Centers will designate adequate space for religious activities.

This designated space must be sufficient to accommodate the needs of all religious groups in the resident population fairly and equitably. The general area will include office space for the Chaplain or RSC, storage space for items used in religious programs, and proximity to lavatory facilities.

Religious service areas will be maintained in a neutral fashion suitable for use by various faith groups.

The Chaplain or RSC will schedule and direct the Center's religious activities, and current program schedules will be posted on the Resident Information Center in languages understood by most residents. The Chaplain or RSC will ensure the range of religious services to include those appropriate for minors. When scheduling approved religious activities, Chaplains or RSCs must consider both the availability of staff supervision and the need to allot time and space equitably among different groups. The Chaplain or RSC ordinarily will not schedule religious services to conflict with meal times.

If outdoor recreation is available at the Center, then residents will have opportunities for outside worship, prayer, and meditation, which will be provided in a manner that does not conflict with meal times.

E. Contractors and Volunteers

All Centers will have procedures so that clergy, contractors, volunteers, and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program. When recruiting citizen volunteers, the Chaplain or RSC and other staff will be cognizant of the need for representation from all cultural and socioeconomic parts of the community. Each Center will provide security, including staff escorts, to allow such individuals and groups Center access for sanctioned religious activities.

The Chaplain or RSC may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot deliver personally and may secure the assistance and services of volunteers.

“Representatives of faith groups” includes both clergy and spiritual advisors. All contractual representatives of resident faith groups will be afforded the same status and treatment to assist residents in observing their religious beliefs, unless safe and secure Center operations warrant otherwise.

The ICE Family Residential Standard on Visitation details requirements that must be met for a volunteer to be approved to visit with and/or provide religious activities for residents, including advance notice, identification, a background check, an orientation to the Center, and a written agreement to comply with applicable rules and procedures. Provided they meet established security requirements for entrance into the Center, religious services providers’ interpreters will be allowed to accompany the religious services provider within the Center.

The Center Administrator or designee (ordinarily the Chaplain) may require a recognized representative of a faith group to verify the religious credentials of contractors or volunteers prior to approving their entry into the Center.

Residents who are members of faiths not represented by clergy may conduct their own services, provided these do not interfere with Center operations.

F. Pastoral Visits

If requested by a resident, the Chaplain, RSC, or designee will facilitate arrangements for pastoral visits by a clergyperson or representative of the resident’s faith.

The Chaplain or RSC may request documentation of the person’s religious credentials, as well as a criminal background check.

Pastoral visits ordinarily will take place in a private visiting room during regular visiting hours.

G. Residents in Hospital Units

Residents in a hospital unit will be permitted to participate in religious practices, consistent with safe and secure Center operations.

Residents in a hospital unit will have regular access to the Chaplain or RSC. The Chaplain or RSC will provide pastoral care in hospital units weekly, at minimum.

Residents of any faith tradition ordinarily may have access to official representatives of their faith groups while housed in hospital units by requesting such visits through the Chaplain or RSC. Requests will be accommodated consistent with the terms of the representative’s contract and safe and secure Center operations.

H. Introduction of New or Unfamiliar Religious Components

Residents may make a request for the introduction of a new or unfamiliar religious practice to the religious services program (e.g., schedule, meeting time and space, religious items, and attire) to the Chaplain or RSC. The Chaplain or RSC may ask the resident to provide additional information to use in deciding whether to include the practice. Ordinarily, the process will require up to 30 business days for completion.

The Chaplain or RSC may meet with the resident to discuss the request. The Chaplain or RSC will research the request and make recommendations to the Center Administrator. Such decisions are subject to the Center's requirement to maintain safe and secure Center operations, and the availability of staff for supervision. The Field Office Director will make a decision within 30 business days and forward the final decision to the Center Administrator and the Juvenile and Family Residential Management Unit Chief. The Chaplain or RSC will communicate the decision to the resident. All denials will be documented in the resident's file.

I. Religious Holy Days

Each Center will have in place written policy and procedures to facilitate resident observance of important holy days, consistent with safe and secure Center operations. The Chaplain or RSC will work with residents to accommodate proper observances.

The Center Administrator will facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship, or work proscription. When the Center Administrator, Chaplain, or RSC is unfamiliar with the requested observance, the Center Administrator may direct the Chaplain or RSC to consult with community representatives of the resident's faith group and other appropriate sources.

J. Religious Property and Personal Care

Each Center Administrator will allow residents to have access to personal religious property, consistent with safe and secure Center operations. If necessary, the religious significance of such items will be verified by the Chaplain or RSC prior to Center Administrator approval. The Center Administrator also may direct the Chaplain or RSC to obtain information and advice from representatives of the resident's faith group or other appropriate sources, about the religious significance of the items. Centers will allow resident access to personal religious property, consistent with safe and secure Center operations. Centers will adhere to the Religious Freedom Restoration Act guidelines. Religious property will be handled with respect at all times, including during the admissions process.

Resident religious property includes, but is not limited to, holy books, rosaries and prayer beads, oils, prayer rugs, prayer rocks, phylacteries, medicine pouches, and religious medallions. Such items are part of a resident's personal property and are subject to normal considerations of safe and secure Center operations.

Centers will provide an opportunity for residents to deposit authorized religious property in a designated space for safekeeping.

As is consistent with safe and secure Center operations, the Center Administrator ordinarily will allow a resident to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, and may upon request of a resident, allow a resident to wear or use certain religious items throughout the Center. The Center Administrator will consult with the Chaplain or RSC and representatives of the resident's faith group or other appropriate sources when determining whether to approve the request.

K. Religious Headwear and Garments

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for Orthodox Christian, Muslim, and Jewish women are permitted in all areas of the Center, subject to the normal considerations of safe and secure Center operations, including inspection by staff. Religious garments and headwear will be handled with respect at all times, including during the admissions process.

Items of religious wearing apparel include, but are not limited to:

- Kurda or ribbon shirts;
- Medals and pendants;
- Beads; and
- Various types of headwear.

Appendix 5.7.A: Religious Headwear, Garments, and Other Religious Property provides examples of acceptable religious headwear, garments, and other religious property. There may be circumstances in which it is not advisable to permit the use of these items in a Center. Nothing in these guidelines is intended to prevent Centers from making individualized decisions based on the need to maintain safe and secure Center operations. Any denial and the reason for it will be documented and placed in the resident's file.

Consistent with safe and secure Center operations, the Center will not cut or shave religiously significant hair.

A resident who wishes to have religious books, magazines, or periodicals must comply with the Center's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature will be permitted in accordance with the procedures governing incoming publications. Distribution of religious literature purchased by or donated to ICE/Enforcement and Removal Operations will be contingent upon approval from the Chaplain or RSC.

L. Dietary Requirements

When a resident's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff will make all reasonable efforts to accommodate those requirements (e.g., by modifying the resident's menus to exclude certain foods or food combinations or providing the resident's meals at nonstandard meal times).

A resident who wants to participate in the religious diet (common fare) program may initiate the “Authorization for Common Fare Participation” form or its equivalent that is attached to the ICE Family Residential Standard on Food Service. That standard also details the circumstances under which a resident may be removed from a special religious diet because he/she has failed to observe those dietary restrictions.

Common fare” refers to a no-flesh protein option provided whenever an entrée containing flesh is offered as part of a meal. Likewise, a “common fare” meal offers vegetables, starches, and other foods that are not seasoned with flesh. The diet is designed as the foundation from which modifications can be made to accommodate the religious diets of various faiths. Modifications to the standard common fare menu may be made to meet the requirements of various faith groups (e.g. for the inclusion of kosher and/or halal flesh-food options).

When there is any question about whether a requested diet is nutritious or may pose a threat to health, the Chaplain or RSC will consult with the medical unit.

M. Religious Fasts

The Chaplain or RSC will develop the religious fast schedule for the calendar year and will provide it to the Center Administrator or designee. There are generally two different types of fasts: a public fast and a private or personal fast.

When residents observe a public fast that is mandated by law or custom for all the faith adherents (e.g., Ramadan, Lent, Yom Kippur), the Center will provide a meal nutritionally equivalent to the meal(s) missed. Public fasts usually begin and end at specific times.

When a resident fasts for personal religious reasons, no special accommodations need to be made for the meal(s) missed. Requests for meals after a personal fast will be determined by the Center Administrator on a case-by-case basis.

N. Work Assignments

Residents who have voluntary work assignments will not be compelled to work on their religious holy days.

O. Religious Use of Wine

Religious use of wine by clergy members generally is permitted when mandated by the particular faith and pursuant to strict controls and supervision, to include the following provisions:

- Only a small amount of wine for clergy members and that which is necessary to perform religious ceremonies or services will be permitted in the Center;
- All wine brought into the Center will be secured in an appropriate area by staff prior to the religious ceremony or service for which the wine is needed; and
- Following the religious ceremony or service, unused portions of wine will be discarded immediately, stored in a secure area, or removed from the Center.

P. Death or Serious Illness of Family Members

The Center Administrator will establish procedures to involve the Chaplain or RSC in notifying residents of serious illness or death of their family members.

5. Federal Performance-Based Detention Standards (FPBDS)

If a facility is being used pursuant to a rider on a U.S. Marshals Service contract, the facility is likely subject to the [FPBDS](#). Those standards state (beginning on page 64):

G.5 Religious Programs

- G.5.1 Detainees have the opportunity to participate in practices of their religious faith that are deemed essential by the faith's judicatory, limited only by documentation showing a threat to the safety of persons involved in such activity itself or disruption of order in the facility.
- G.5.2 There is a chaplain with the minimum qualifications of clinical pastoral education or equivalent specialized training, and endorsement by the appropriate religious- certifying body. The chaplain assures equal status and protection for all religions.
- G.5.3 The chaplain, in cooperation with the facility administrator and/or designee, plans, directs, and supervises all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented in the detainee population.
- G.5.4 The chaplain and religious coordinator have physical access to all areas of the facility to minister to detainees.
- G.5.5 When a religious leader of a detainee's faith is not represented through the chaplaincy staff or volunteers, the religious coordinator and chaplain assist the detainee in contacting such a person. That person has the appropriate credentials from the faith's judiciary and may minister to the detainee under the supervision of the religious coordinator or chaplain.
- G.5.6 The facility provides space and equipment adequate for conducting and administering religious programs.