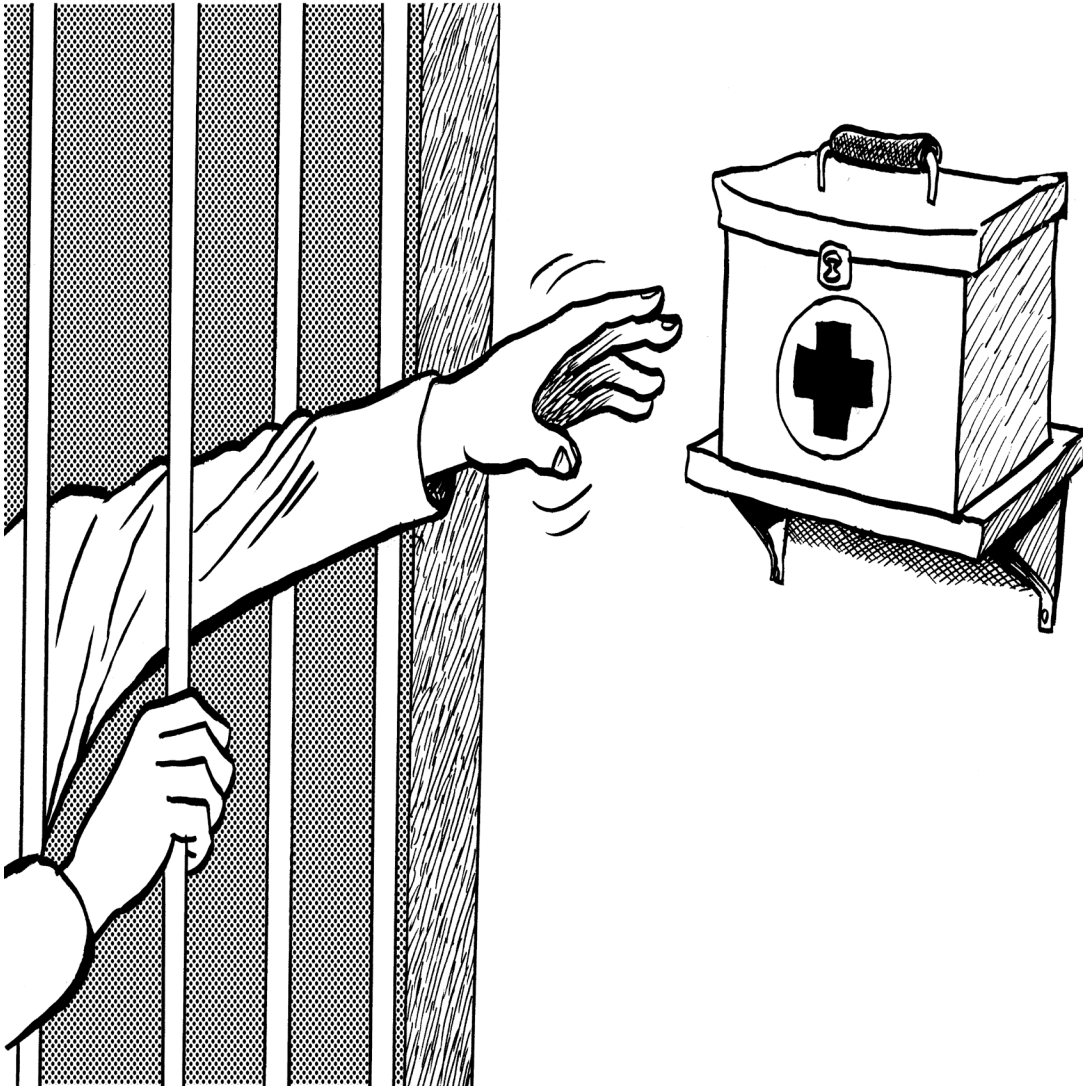


How to Get Medical Care While You Are in ICE Custody



The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

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Important Words to Know

Immigration law has a lot of technical words. Here is a list of some words you will see in this guide and a short explanation of what they mean.

- **Florence Project:** A group of lawyers and legal assistants who provide free legal help to people who do not have lawyers. The Florence Project wrote this guide to help you understand your case.



- **ICE Health Service Corps (IHSC):** Immigration and Customs Enforcement's (ICE) medical authority for healthcare given to people who are in ICE custody.



- **Immigration and Customs Enforcement (ICE):** The agency that has put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.



- **Medical Payment Authorization Request (MedPAR):** A request for specialty services or medical treatment that ICE medical staff fills out. ICE headquarters must approve the request.



Who Should Read this Guide?

This guide from the Florence Project will help you if:

- You are in custody by Immigration and Customs Enforcement (ICE), and
- You are receiving medical services through the ICE Health Service Corps (IHSC).

According to ICE policy, **if you have a serious medical need, you must receive appropriate treatment.** ICE follows a strict protocol when handling medical complaints. This guide will tell you how to advocate for yourself.

You can ask for better, medically appropriate treatment:

- If you feel that your medical condition is serious enough; and
- If your condition is not treated, you would experience:
 - greater injury;
 - unnecessary, serious pain; or
 - an ongoing condition.

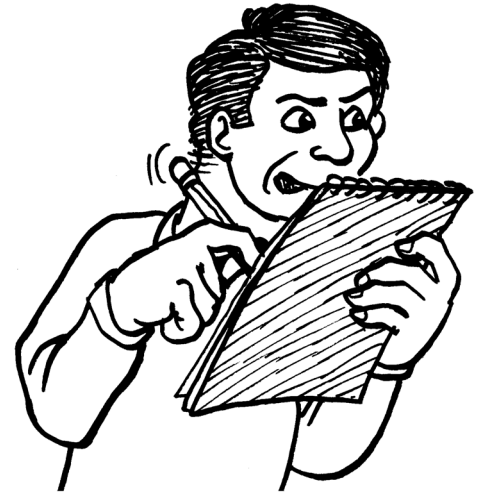
Be sure to follow the steps that the guide explains in the proper order. Since ICE is a large governmental agency, it may not respond to your request very quickly. It will help if you correctly follow the steps.

Helpful Tips for Monitoring Your Medical Care

Document everything

Just as the medical team tracks your medical records, you should keep a personal, ongoing record of your communication with the medical staff. Take notes of every visit with medical staff and keep them for your records. Write down:

- Date of request and your communication with medical staff,
- Name of the person you contacted or met with,
- Reason for contact or visit, and
- Outcome of your request or visit.



Ask for your medical records

Everyone who is detained has a medical record while they are in ICE custody. Your record has all of your diagnoses, medications, test results, symptoms, dates of appointments, and your progress. To better understand decisions about your medical care and to communicate clearly with medical staff, it is important that you have your own medical records. Ask for them. Asking for your records holds medical staff more accountable in following up on your requests. Remember, as you regularly visit medical staff and seek treatment, ask for your records.

Understand the system to ask for a service or treatment

Before you receive any specialty service or treatment, ICE headquarters in Washington, D.C., must approve the request.

To gain approval, ICE medical staff at the detention center must fill out the *Medical Payment Authorization Request* (MedPAR). That means if you need outside care from a specialist (such as surgery, ultrasounds, dialysis, etc.),

ICE headquarters must approve a *MedPAR Request* before you receive the treatment.

While ICE approves most requests, some are denied.

Here is what you should do:

- If you have a medical condition that must be treated at an offsite hospital or clinic, **ask the medical staff if they made a MedPAR request.**
- If the staff has submitted a request, **ask them to notify you as soon as they receive a response.** Follow up with medical staff to check on the response. They should receive a response within a few days after they send in their request.
- **Once they have received a response, ask for a copy** of it.
- **If the request is denied, write a letter to ICE Health Service Corps (IHSC).** If ICE headquarters denies the *MedPAR Request*, you can submit an appeal to ask that they consider the request again. This is called a *Level II appeal*.

How to write a letter of appeal to IHSC if ICE denies your *MedPAR Request*

Before you submit an appeal, you must have a record of *when* and *why* ICE denied the *MedPAR Request*. Ask the medical staff at your facility for a copy of the denial.

After you receive the copy of your denial, send a letter to ICE Health Service Corps. If medical staff does not give you a copy, send your appeal letter without it and explain that medical staff did not give you a copy.

In your letter, include the following information:

- Your name and A#,
- Facility name and address,
- Date of denial,
- Description of denied services, and
- Explanation of why the original denial should be overturned.

Mail: ICE Health Service Corps

Attn: Appeals-Level II
500 12th St., SW
2nd Fl., Mailstop 5202
Washington, D.C. 20536

Fax: 1-866-808-8154
Call: 1-202-732-4600

Steps to Address Your Medical Concerns

Discuss your concerns with the medical staff at your detention facility



- Each facility has its own way to handle medical complaints. Most facilities have a grievance form that you can fill out and submit. Remember, document the date and outcome of each grievance. **After you fill out the grievance form, if you can, make a copy and keep it.**
- Under certain circumstances (You have severe mental illness or chronic conditions, etc.) **you may ask to be transferred to a different pod or ICE facility.** Speak to medical staff and your Deportation Officer about how to formally ask to be transferred.
- **If you are denied a service, ask for proof of the denial** (usually denial will come from the MedPAR system). At least ask for your medical records. Write down the date you submitted the request, the name of the person who denied it, and the reason for the denial.

Write letters to the Warden AND to the ICE Assistant Field Office Director

Remember, keep a copy of any letter you write and record the date you send it. See a sample letter on the next page.

Who you contact depends on which facility you are detained in. The **Warden or the ICE Assistant Field Office Director (AFOD)** oversees the operations of the facility.

- **If you are in Eloy** — such as the Eloy Detention Center or the La Palma Correctional Center — write your letter to the *Warden*. You can send letters to the Warden through intrafacility mail. Also, send a copy to the *ICE Assistant Field Office Director*. The Assistant Field Office Director (AFOD) reviews and follows up with special cases in their region.

Eloy:

Warden
Eloy Detention Center
1705 E. Hanna Rd.
Eloy, AZ 85131

La Palma:

Warden
La Palma Detention Center
5501 N. La Palma Rd.
Eloy, AZ 85131

AFOD:

ICE Assistant Field Office Director
1705 E. Hanna Rd.
Eloy, AZ 85131

- **If you are in the Florence Correctional Center, FCC**, send your letter to the Warden and also send a copy to the *Assistant Field Office Director*. The Assistant Field Office Director (AFOD) reviews and follows up with special cases in their region. If you are at the **Florence Detention Center** (also called the Florence Service Processing Center or SPC), write your letter to the *Assistant Field Office Director*.

Florence:

Warden
Florence Correctional Center
1100 Bowling Road
Florence, AZ 85132

AFOD:

Assistant Field Office Director
Florence Detention Center, SPC
3250 N. Pinal Pkwy
Florence, AZ 85131

Sample Letter About Medical Concerns

Date

Your Name

A#

Your Mailing Address Line #1

Your Mailing Address Line #2

Recipient's Name

Recipient's Title

Recipients Address Line #1

Recipient's Address Line #2

Your Name, A#

Re: Request for, Complaint of, or Concern About

Dear Mr./Ms. Recipient's Last Name:

Paragraph #1: Introduction

- Purpose of letter
- Main complaint
- What you want to happen by sending this letter

Background of Complaint

- Description of complaint with as much detail as possible
- Date problem started
- What has been happening with your illness, condition, etc. since you arrived in detention
- Why if left untreated, you would experience more harm or pain

Steps Taken to Resolve Complaint

- Date of contact, visit, or grievance
- Who you contacted
- Where the person you contacted was (in what facilities or hospitals?)
- Outcome of previous requests

Detailed Explanation of Request

- What treatment you want to receive. You can ask to be released from facility or transferred to another facility.

- Why it is necessary to receive this treatment.

Final Paragraph: Written Response to Request and Follow Up

As soon as a decision has been made about my request, I ask that you please respond. If you deny my request, I anticipate receiving a written explanation of your decision. If I do not hear back from you, I plan to [next step in the process].

Thank you for taking the time to consider this request. I look forward from hearing from you shortly.

Sincerely,
Your signature

Write to the regional ICE Field Office Director

If you do not get adequate response from your warden or the local Assistant Field Office Director in charge of your detention center:

■ Write to the regional ICE Field Office Director.

In your letter include:

- The topic of your problem or concern (medical, condition of detention, issue about parole or release, etc.);
- A brief description of the complaint or concern;
- Your contact information;
- All relevant information about people involved including full names, alien numbers, and, if relevant, the name of the detention facility in which you are detained;
- A brief history of your previous contact with the local ICE office to resolve your concern (whenever possible, provide a record of the times, dates, and the names of the ICE representatives contacted); and
- A clear statement on the action requested.

■ Include a copy of any letters that you wrote to the Warden or the Assistant Field Office Director so they know of your previous efforts to resolve the issue.

Mail: Field Office Director
Phoenix ICE Field Office
2035 N. Central Avenue
Phoenix, AZ 85004

Email: Phoenix.Outreach@ice.dhs.gov

Call: (602) 766-7030

File complaints with the DHS Office of Inspector General and the Office of Civil Rights and Civil Liberties



If the Field Office Director does not respond to your letter in a timely manner, file a complaint with DHS Office of the Inspector General and DHS Office of Civil Rights and Civil Liberties.

The **DHS Office of Inspector General (OIG)** investigates allegations of abuse, misconduct, and mismanagements involving DHS employees, contractor and programs:

Mail: DHS Office of Inspector General/MAIL STOP 0305
Attn: Office of Investigations - Hotline
245 Murray Lane SW
Washington, DC 20528-0305

Call: 1-800-323-8603 *toll free*

Online: <https://www.oig.dhs.gov/hotline>

The **Department of Homeland Security's Office for Civil Rights and Civil Liberties** (OCRCL) reviews violations of detainee's rights while in immigration detention or custody.

- If you feel that you have been subject to discrimination or your rights have been severely violated while you are in detention, you can file a complaint with OCRCL. **OCRCL has a complaint form** translated into multiple languages and available online. If you do not have access to the Internet, you can ask the Florence Project to give you a copy of the form in your language.
- **If you choose to file a complaint without using the complaint form,** include the following information:
 - Your full name
 - Mailing address
 - Facility where you currently reside, A#
 - Description of your complaint with as much detail as possible
 - All the dates this occurred, and if the problem is ongoing, when the circumstances began
 - Place where incidents occurred (for example, name of detention facility)
 - People who treated you unfairly (for example, ICE Staff)
 - Anyone who may have seen or heard what happened. Give their contact information.
 - People you previously contacted about this complaint, and what they have done to respond
 - Any information that supports your claim: documents, photos, medical records, grievances, witness statements (**Attach copies of supporting documents. Do NOT include originals.**)
 - Any other relevant information (see the sample letter earlier in this guide)
 - If you are not fluent in English, state which language you prefer to communicate

You can write then a letter *without* providing your name but giving your name makes it easier for OCRCL to conduct an investigation. **You should not experience any retaliation for submitting this complaint. If someone does retaliate against you, call 1- 866-644-8369.**

The fastest way to submit your complaint is via email. Regular mail may take over four weeks to process. Send your letter/form to:

Email: CRCLCompliance@hq.dhs.gov (*fastest way to submit your request*)

Mail: Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murry Lane, SW
Building 410, Mail Stop #0190
Washington, DC 20528

Fax: 1-202-401-4708

Call: 1-866-644-8360

More Resources

Call the ICE ERO Detention Reporting and Information Line

To report sexual abuse, physical assault or abuse, serious issues within the detention facility, or to inform of serious medical or mental health conditions or disorders, call the ICE ERO Detention and Reporting Line.

Call: 1-888-351-4024

Contact the American Civil Liberties Union (ACLU)

Contact the ACLU of Arizona if:

- You are punished, disciplined, or treated unfairly for refusing to take your medication or receive treatment *or*
- You have been denied necessary treatment.

Every patient has the right to have control of their medical care. This means you have a right to receive copies of your medical records and deny treatments or medications you do not feel comfortable taking.

Mail: American Civil Liberties Union of Arizona

Attn: Intake Screening
P.O. Box 17148
Phoenix, AZ 85011

Write to the Field Office Director (FOD) to request your release

If you are suffering from an extreme or severe medical condition or ICE cannot treat your condition, write to your deportation officer and the Field Office Director asking that you be released from detention.

Describe in detail all reasons you should be paroled or released from detention.

For specific information on how to request your release, read the Florence Project's guide named *How to Request Humanitarian Parole*.

Mail: Field Office Director
2035 N. Central Ave.
Phoenix, AZ 85004

Contact your home country's consulate

Often the U.S. government will work with your home country's consulate to expedite and resolve issues on your behalf. Write to your consulate describing your need for help and see if they can visit you or assist you.

Make a *Fraihat* parole request

If you have certain risk factors like diabetes, asthma, or obesity that place you at higher risk of COVID-19 complications, you can ask ICE to release you under a case called *Fraihat*. Ask the Florence Project for a sample request, or access them at the website below.

Website: <https://www.splcenter.org/fraihat-v-ice-community-resources>

Write to Accreditation Board (at time of review)

Every 3 years, the National Standards Committee monitors the detention facility. Detainees can submit complaints to the National Standards Committee. The committee will follow up on these complaints during their visits.

About 1 month before the National Standards Committee inspects the facility, signs will be posted around the facility. You can send a letter addressing the complaint to the contact information posted on these signs.

While the National Committee looks for violations of standards, they are more interested in learning about reoccurring and ongoing violations. So, if several people experience the same complaint, it is more likely that these complaints will be addressed rather than individual, isolated events.