



A Guide to Accessing Medical Care While in ICE Custody

Prepared by RMIAN

This guide was compiled by the staff of Rocky Mountain Immigrant Advocacy Network and was written for immigrant detainees in Colorado who are representing themselves pro se in their removal proceedings. This guide is not intended to provide legal advice or serve as a substitute for legal counsel. RMIAN is a nonprofit legal services organization and does not charge for its services to immigrant detainees in Colorado. This guide can be shared and distributed widely to assist indigent immigrants around the country.

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Introduction to Accessing Medical Care While in ICE Custody

What health care services are available to me in ICE custody?

This Guide is written for people in Immigration and Customs Enforcement (“ICE”) custody at the GEO ICE Processing Center in Aurora, Colorado. This Guide outlines how to request medical care and how to advocate for your own wellbeing.

According to ICE standards, people in detention should be able to freely request health care services including medical, mental, and dental services and receive timely follow-up. They should have access to 24-hour emergency services, health screening, preventative services, health education, diagnosis, and treatment. This includes gynecological and obstetrical health care, as well as eyeglasses, hearing aids, wheelchairs, and other aids for people with disabilities. Medical staff should call professional interpreters to communicate with people in detention who do not speak English about medical and mental health care. Staff should not depend on people in detention to interpret for their friends in detention unless it is an emergency.



Where will I receive these services?

While you will receive many of these services at the detention center, you might need to travel to other sites for specialty services. For these kinds of specialty services, medical staff must certify that your medical need is serious and receive approval from ICE headquarters before they can schedule and arrange transportation for your appointment. A serious medical need means that, if left untreated, your condition could result in further significant injury or the unnecessary and unwanted infliction of pain. Serious medical conditions include those that affect daily activities or cause chronic and substantial pain.

How can I best use this Guide?

It is important to know that ICE follows a strict protocol when handling medical requests and complaints, and, as with many large US governmental agencies, the government may not respond to your request for medical services very quickly. **In order to receive the most immediate response from medical staff and ICE, it is best to follow the steps explained below in the order they are presented.** For example, request medical care from the medical staff at the detention center before contacting their supervisors in Washington DC.

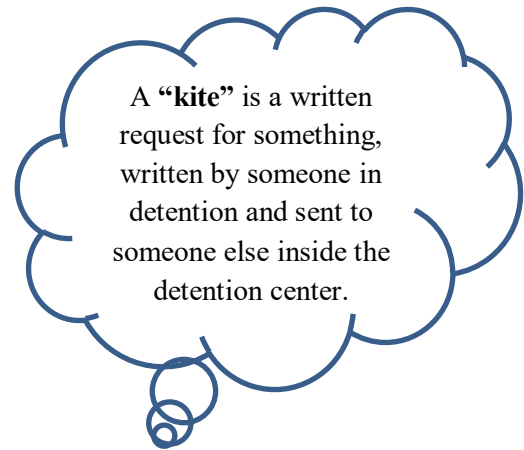
Helpful Tips for Monitoring Your Medical Care

1. Ask for your Medical Records!

Every person has a medical record while they are in ICE custody. Your medical record contains all of your diagnoses, medications, test results, symptoms, dates of medical appointments, and your medical progress. In order for you to better understand decisions regarding your medical care, it is important to request your medical records.

It is also helpful to request records because, by doing so, you are holding medical staff more accountable in following up on your requests. As you continue to visit medical staff and seek further treatment, remember to periodically ask for your records. This will improve your communication and understanding of medical decisions.

You can request your medical records by submitting a kite addressed to the “Medical Records Clerk.” In the kite, you can write something like, “I would like a copy of all of my medical records from my time at GEO.” Remember to include your full name and file number (a 9-digit number often starting with the letter “A”) in the kite.



The medical department will likely put your records in your property. If that happens, you can then request access to your property to view your records, also using a kite.

2. Document everything!

Just like the medical staff keeps track of your medical records, it is important for you to have a personal, on-going record of your communication with the medical staff. This means that you should make a copy of any kite, grievance, or letter before you send it. It's also a good idea to keep your own journal of notes for every visit with medical staff. In your notes, write down:

- Date of request and/or communication with medical staff
- Person you contacted/met with
- Reason for contact/visit
- Outcome of request/visit



How to Ask for Help with a Medical Issue from Staff & Officers at the Detention Center

1. Discuss concerns with medical staff and ICE officers at the detention center.

If you have a medical concern that is not being addressed, the first step is to submit a **“Request for Health Services” kite to medical staff** asking for help with your medical concern. This is a special form, different from the normal kites you send to other people within the detention center. In the form, describe your medical concern the best you can. If possible, make a copy of each kite you complete and remember to document the date and outcome of each request.

In addition to sending this special kite, you can also approach the officer on duty and **ask to speak with a Lieutenant about your medical concern**. A Lieutenant is a supervisor. Remember that the officers and Lieutenants should have access to a language line to communicate with you in your language.

According to ICE standards, you should receive timely follow-up after you have asked for help with your medical concern.

2. Understand the special process for leaving the detention center for care.

While you will receive many services at the detention center, you might need to travel to other sites for specialty services. If the care you need is not available at the detention center, there are extra steps you can take to advocate for your wellbeing.

What is the special process for leaving the detention center for care?

Any specialty services and treatment you receive by ICE not available at the detention center require approval from ICE headquarters in Washington DC. The medical staff must create a special request called a Medical Payment Authorization Request (MedPAR) whenever there is a need for specialty services. The medical staff then sends this request to ICE headquarters for approval. For example, if you need surgery, special tests, dialysis, cancer treatment, or an eye exam, a MedPAR would need to be approved by ICE headquarters before you see a doctor outside of the detention center. Medical staff should receive a response from ICE headquarters several days after they send in their MedPAR for your treatment. While most requests are approved, some requests are denied.



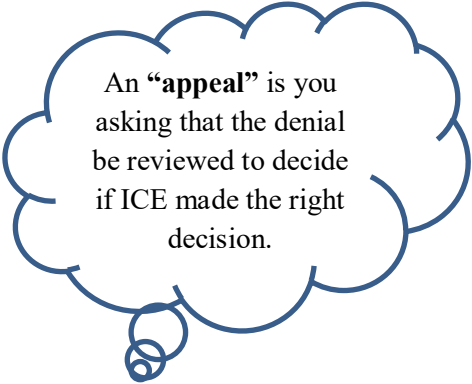
What can I do if I know I need to leave the detention center for an appointment but have not heard back whether an appointment has been made?

1. Ask the medical staff if a MedPAR request has been made. You can talk to medical staff by sending a kite or “Request for Health Services.” If they say yes, ask to be

- notified as soon as they receive a response. If they say no, ask why not. Make sure to explain to the medical staff all the reasons why you need care.
2. If you don't hear back, talk to medical staff to check on the outcome of the request.
 3. When you hear back from medical staff, ask for a copy of the approval or denial of your treatment.

What if my MedPAR was denied?

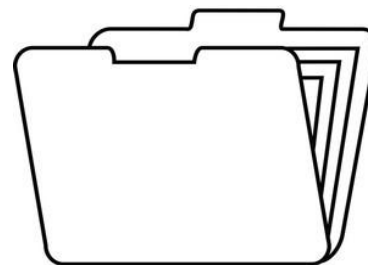
If treatment was denied, you can “appeal” to medical staff who in turn will appeal to the Field Medical Coordinator at ICE headquarters, specifically the ICE Health Service Corps. You can appeal by sending a kite or “Request for Health Services” to medical staff, noting that you would like to appeal the denial that you received. It might be helpful to describe whether, if left untreated, your medical need could result in further significant injury or the unnecessary and unwanted infliction of pain, as this is what medical staff must show for ICE to authorize offsite care. You may also pay for any outside care on your own, but ICE still has to approve the care.



An “**appeal**” is you asking that the denial be reviewed to decide if ICE made the right decision.

3. File a grievance.

If you have tried talking to medical staff and a Lieutenant and you still have medical concerns that are not being met, you can submit a grievance on the “Medical Detainee Grievance Form.” A grievance is a formal complaint. If possible, make a copy of each request and grievance form you complete and remember to document the date and outcome of each grievance.



4. Write a letter to the ICE OIC for the detention center (*Appendix A is an example*).

If you have tried talking to medical staff, talking to a Lieutenant, and filing grievances and you still have medical concerns, you can also write a letter to the ICE Assistant Officer in Charge (“OIC”) or ICE OIC. The ICE OIC and Assistant OIC are responsible for reviewing special cases. Letters to the Assistant OIC can be sent via kite. Remember to keep a copy of the letter you send and record the date you send the letter. For a major medical complaint, you can also ask to talk to the Deputy Field Office Director by asking the Assistant OIC and/or OIC to elevate your request to the Field Office for them to review.

5. In very special circumstances, ask for a transfer.

Under certain circumstances (for example, severe mental illness) you may request to be transferred to a different pod or detention center. Speak to medical staff and your Deportation Officer about how to make a formal request for a transfer.



Remember! If you are denied a service, ask for documented proof of this denial. At the very least, ask for your medical records and write down the date the request was submitted, the name of the person who denied your request, and the reason for the denial.

How to Ask for Help with a Medical Issue from People *Outside* of the Detention Center

If the above steps don't work, you can next contact people outside of the detention center. The options listed below are in no special order and you can reach out to more than one office or organization.

1. Call the ICE ERO Detention Reporting and Information Line (“DRIL”)

DRIL is a toll-free service that you can reach by dialing 1-888-351-4024 from 8 a.m. to 8 p.m. EST (6 a.m. to 6 p.m. MST). Interpreters should be available. DRIL can be used to report “serious or unresolved problems in detention.”



2. Call or write a letter to ICE’s Office of Partnership and Engagement (*Appendix A is an example*)

ICE’s Office of Partnership and Engagement “coordinates outreach efforts” while “building relationships and fostering trust.” If you have a sensitive case or want to bring a problem with the way your treatment was handled to ICE’s attention, write a letter to the Community Relations Officer at the Office of Partnership and Engagement.

Denver Community Relations Officer
12445 E. Caley Ave
Centennial, CO 80111
1-720-875-2086

3. Call or write a letter to ICE’s Office of Professional Responsibility (*Appendix A is an example*)

ICE’s Office of Professional Responsibility conducts “independent reviews of ICE programs and operations” and investigates “allegations of serious employee and contractor misconduct,” among other responsibilities.

DHS ICE OPR
PO Box 14475, Pennsylvania Avenue NW
Washington, DC 20044
1-877-2INTAKE (1-877-246-8253)

4. Call or write a letter to ICE’s Office of the Inspector General (“OIG”) and/or to the DHS Security’s Office for Civil Rights and Civil Liberties (“CRCL”) (*take a look at RMIAN’s guide on complaints*)

5. Contact your home country’s consulate

Often the US government will work with your home country’s Consulate to expedite and resolve issues on your behalf. If you feel comfortable, contacting your Consulate with a letter describing

your need for help is the first step in forming a relationship between your home country and ICE. However, some people who are requesting asylum, withholding of removal, or protection under the Convention against Torture choose not to have any contact with their home country. Remember to think about whether contacting your home country's Consulate could put you at greater risk should you be deported or be used against you in Immigration Court.

6. Speak out about your experience through an Advocacy Organization

Some people wish to speak out about their experiences with medical care while in detention. One question you might ask is whether speaking out could hurt your immigration case. Your case is a court process where the Immigration Judge will look at your application and decide if the law allows you to stay in the United States. So, sharing things like the details of how you came to the United States or your criminal history could affect your immigration case if the story is different than what you told the judge or if it reveals information you did not tell the judge previously.



It is best to seek the advice of an attorney if you want to publicize things about your immigration case before doing so. However, speaking out about medical care may have fewer risks and should not affect your immigration case. It is unlikely that the judge will know about any complaints you or loved ones have made about your detention unless you inform her.

If you or your family has lived in the U.S. for a long time, you may want to contact your elected representatives to tell them about your experience with medical care. You may also want to reach out to organizations that specialize in advocating on behalf of vulnerable groups. Below we have listed some possible organizations.

American Civil Liberties Union (ACLU) - Colorado Chapter

The ACLU of Colorado works to uphold the due process and equal protection clauses embodied in our Constitution and Bill of Rights, which apply to every person regardless of status. Other immigrants' rights issues that the ACLU of Colorado works to address include ending the privatized detention of immigrants, passing policy to codify Colorado as a welcoming state, and educating community members about their rights.

ACLU of Colorado
303 E 17th Ave. Suite 350
Denver, CO 80203
Phone: 303-777-5482
Email: info@aclu-co.org

Civil Rights Education and Enforcement Center (CREEC) - Denver Office

CREEC's Immigration Detention Accountability Project advocates for disability justice and proper medical care for immigrants in ICE detention. Please call us if your medical needs have been ignored or denied, or if you have experienced disability discrimination.

Phone: 303-800-6987

Colorado Immigrant Rights Coalition (CIRC) - Colorado Rapid Response Network

If you would like to connect with your members of congress, contact CIRC. CIRC can help make reports or share testimonies about conditions, abuses, or negligence at the immigrant detention center. CIRC can help connect you to elected officials, help fill out waivers to talk to members of congress, and be present during conversations on this issue. CIRC volunteers may also be able to help you connect with other community resources and legal advice, depending on the nature of the case.

Phone: 1-844-864-8341. Press option 2. You will leave a voicemail and will later be connected to a Docuteam volunteer who is trained to document testimonies of past ICE incidents and detention center conditions.

Colorado People's Alliance (COPA) - Detention Center Lifeline

COPA is a racial-justice, member-led organization that advances justice and improves lives for all people in Colorado. The Colorado Detention Lifeline is a telephone number created by COPA and managed by volunteer members of the community to support immigrants detained at GEO in Aurora. COPA will document conditions and support political changes alongside people detained by ICE.

Phone: (202)915-8187

Email: If you have email access, you can also email COPA at kevin@coloradopeoplesalliance.org

American Friends Service Committee (AFSC) - Denver Office

AFSC Colorado organizes allies, faith communities and immigrants along the Front Range to support immigrant justice. From resistance to deportation to fomenting positive narratives, we advocate for policy change. We host a quarterly vigil outside the detention center to lift up the stories of people who have been detained and raise awareness of the conditions inside the center. We bring together health care professionals to speak out about conditions and demand humane treatment. And we advocate for people inside who have been harmed and support them in sharing their experience in order to bring about change. We have volunteers who can do court accompaniment and we can connect transgender detainees with significant support.

Email: If you are transgender and would like support during or following your release, contact Jordan Garcia at jgarcia@afsc.org.

Appendix A: Sample Letter Expressing Medical Concerns

Please note: Letters can be handwritten or typed!

[Date]

[Your Name, Your File Number]

[Mailing Address Line #1]

[Mailing Address Line #2]

[Recipient's Name, Recipient's Title]

[Recipients Address Line #1]

[Recipients Address Line #2]

Re: Complaint about Medical Care for [add your name & file number]

Dear [add recipient's name],

I am writing this letter because [add reason you are writing the letter]. I have been detained at the GEO ICE Processing Center for [add how long you have been detained].

Example outline for the middle section of your letter:

- **Give Background on Your Complaint**
 - Describe your medical illness or condition with as much detail as possible.
 - Date of onset
 - What has been happening with your illness or condition since your arrival in detention
 - Why, if left untreated, you would experience more harm/pain
- **Describe Steps Taken to Resolve Complaint**
 - Describe each of the steps mentioned in the Guide that you completed, with details.
 - Date of written request(s)/conversations(s)/grievance(s)
 - Who you wrote to or spoke with
 - Outcome of request(s)/conversations(s)/grievance(s)
- **Explain What You Would Like to Happen**
 - What treatment do you want to receive? Release from detention center or transfer to another center is a valid request.
 - Why is it necessary to receive this treatment?

As soon as a decision has been made, I ask that you please notify me, in writing, about your response. In the case that my request has been denied, I anticipate receiving a written explanation of your decision. In the event that I do not hear back from you, I plan to [add next step in the process you plan to complete]. Thank you for taking the time to consider this request. I look forward to hearing from you shortly.

Sincerely,

[sign your name here]