

PS5111.01 INSTITUTION HEARING PROGRAM (IHP)



U.S. Department of Justice  
Federal Bureau of Prisons

Charge

Notice

**DIRECTIVE BEING CHANGED:** 5111.01  
**CHANGE NOTICE NUMBER:** CN-01  
**DATE:** August 25, 1997

1. PURPOSE AND SCOPE. To change Program Statement 5111.01, Institution Hearing Program (IHP) consistent with recent Administrative and Executive Staff decisions to allow for additional pretrial bed space at MDC Guaynabo.
2. SUMMARY OF CHANGES. Effective immediately, MDC Guaynabo is no longer an IHP Release Site.

3. TABLE OF CHANGES

Remove

Insert

Attachment B, Page 1

Attachment B, Page 1

4. ACTION. File this Change Notice in from of PS 5111.01, Institution Hearing Program (IHP).

\s\  
Kathleen M. Hawk  
Director



U.S. Department of Justice  
Federal Bureau of Prisons

Program

**OPI:** CCD  
**NUMBER:** 5111.01  
**DATE:** April 25, 1997  
**SUBJECT:** Institution Hearing Program  
(IHP)

Statement

1. PURPOSE AND SCOPE. To provide guidance and direction to staff with management and designation responsibility for male and female non-U.S. citizens who are serving Federal sentences and are eligible to participate in the Institution Hearing Program (IHP). The IHP is a coordinated effort by the Bureau, the Immigration and Naturalization Service (INS), and the Executive Office for Immigration Review (EOIR), to provide deportation or exclusion proceedings to sentenced aliens.

This Program Statement also contains a Memorandum of Understanding (MOU) (Attachment A) between the Bureau and the INS regarding the redelegation of authority to INS, pursuant to 28 CFR 0.97 and 18 U.S.C. 3621, for the temporary custody of Federally sentenced non-U.S. citizen inmates for the purpose of transporting such inmates under the IHP. This MOU is effective for all current and future Hearing Sites where the hearing room is outside of an institution's secure perimeter.

This Program Statement outlines the procedures to ensure that all eligible inmates in Bureau custody receive timely deportation hearings. The emphasis is on conducting the hearing at the beginning, or at least well before the end of, an inmate's sentence thus allowing INS to effect deportation immediately upon completion of an inmate's sentence and reduce the number of aliens held as post-sentence detainees.

This Program Statement serves to explain the details of the program and the requirements of staff. Separate Operations Memoranda shall be issued detailing the activation of new IHP Hearing/Release Sites for affected institutions.

Consistent with the guidelines contained in this Program Statement, Bureau practice, and as codified in 18 U.S.C. 3621(b), designation and transfer decisions shall be made without favoritism to an inmate's social or economic status. The IHP's overall intent is for staff to use professional judgment within specific guidelines. The system is designed to emphasize staff

flexibility in decision-making, yet provide a basis for

consistency throughout the Bureau. Exceptions to the designation and redesignation procedures are authorized with justification provided in writing and retained in the inmate central file.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Non-U.S. citizen inmates will be made available to INS and EOIR to allow for deportation hearings to be completed prior to sentence expiration.

b. Eligible non-U.S. citizen inmates will be identified and transferred to institutions that are designated as Hearing/Release Sites for the IHP.

c. Inmates identified as participating in the IHP will be tracked and the data updated to reflect any change in status to ensure expeditious processing.

3. DIRECTIVES AFFECTED

a. Directives Rescinded. None.

b. Directives Referenced

PS 5100.06	Security Designation and Custody Classification Manual (06/07/96)
PS 5180.04	Central Inmate Monitoring Manual (08/16/96)
PS 5800.07	Inmate Systems Management Manual (12/24/91)

4. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: None.

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: None.

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: None.

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: None.

5. BACKGROUND. The Enhanced IHP Plan was developed as a cooperative effort of the Bureau, INS, and EOIR. The intent was to meet the Attorney General's mandate to ensure deportation proceedings begin as expeditiously as possible after the date of conviction for non-U.S. citizens, and that the proceedings are completed prior to the alien's release from custody. By meeting this mandate, the overall cost and burden to the Federal Government will be reduced as the number of aliens detained upon

expiration of sentence will be minimized. Further, the Bureau can use the deportation information to better manage its population.

Since 1990, the number of non-U.S. citizens in the Bureau's population has increased significantly. However, less than 20% of these aliens completed the hearing process prior to expiration of sentence. In an attempt to increase the number of hearings completed, a decision was made to change the previously existing program of conducting deportation hearings towards the end of an inmate's sentence.

In May 1995, the Bureau, INS, and EOIR signed a MOU regarding the IHP. As a result of the MOU, certain institutions have been designated as Hearing Sites. At some of these Hearing Sites, particularly those at complexes and institutions that are within close proximity to each other, the hearing room is outside of the secure perimeter of the institution (i.e. at a complex, the hearing room for a Medium or High may be at the Low).

## 6. DEFINITIONS

a. IHP Hearing Sites. IHP Hearing Sites are specific institutions where non-U.S. citizens are designated to participate in immigration hearings conducted by INS and EOIR.

b. IHP Release Site. IHP Release Sites are specific institutions close to deportation locations where inmates who are ordered deported are designated and shall ordinarily remain until expiration of sentence.

c. Administrative Deportation. In 1994, new legislation was passed that allows for a more streamlined deportation process in certain cases. Under these Administrative Deportation proceedings, designated INS officers may issue Final Deportation Orders, unlike in most other deportation cases, which require a hearing before an Immigration Judge.

Administrative Deportation is only available for aliens who are:

- ! Convicted of an aggravated felony, and
- ! Not lawful permanent residents, and
- ! Not eligible for any relief from deportation.

During the investigations process, INS staff at Hearing Sites will screen cases to identify those eligible for Administrative Deportation.

If an Administrative Final Deportation Order is issued, a hearing before an Immigration Judge is not necessary.

d. Judicial Deportation. Judicial deportation is a deportation order issued by a U.S. District Judge. A U.S. District Court Judge may order the deportation only if the order has been requested by the U.S. Attorney, with the INS Commissioner's concurrence, and then only if the Court chooses to exercise this jurisdiction.

If a Judicial Deportation is ordered, transfer to a Hearing Site is not necessary.

e. Stipulated Deportation. Stipulated deportation is when the alien pleads guilty to the criminal charge in the U.S. District Court and, as part of the plea agreement, the alien agrees to be deported or excluded from the United States. This is accomplished either by written stipulation or actual appearance before an Immigration Judge, and the Judge renders a written order of deportation or exclusion.

Aliens who stipulate to deportation as part of a criminal plea are not transferred to a Hearing Site.

7. RESPONSIBILITIES. The responsibilities for institution staff listed below primarily apply to Hearing Sites. However, some of the responsibilities also apply to staff with an inmate who will transfer to a Hearing Site when he or she has approximately five years remaining to serve.

a. Detention Services Branch. The Detention Services Branch (DSB), Community Corrections and Detention Division, shall assist with the coordination of the IHP and shall act as the primary liaison with INS and EOIR Headquarters on matters of mutual interest affecting the program's development and modification.

b. Designators. Designators shall monitor the population reports and designate/redesignate into and out of Hearing and Release Sites, as appropriate, based on sentence length and citizenship.

c. Regional Office and Program Review Staff. Regional and Program Review staff from Correctional Programs Branch shall monitor the implementation and adherence to the IHP during staff assistance visits and Program Reviews. DSB staff shall also monitor the IHP and are available to participate in Staff Assistance visits or Program Reviews.

d. Case Management Coordinators (CMCs). CMCs shall ordinarily be the local liaison for the Bureau with INS and EOIR. However, the Warden may delegate these responsibilities to another suitable staff member. CMCs shall be responsible for:

- ! Coordinating the docket schedule to avoid conflicts with institution events (i.e. parole hearings, Cuban Review Panel hearings, visiting days);

- ! Ensuring inmates docketed for hearings are placed on call-outs;
- ! Ensuring transfer referrals for inmates needing to be transferred to Hearing or Release Sites are submitted;
- ! Receiving hearing decisions; and
- ! Ensuring SENTRY is updated.

It is recommended that at Hearing Sites, meetings be held between the CMC and the INS and EOIR representatives at least quarterly.

e. Case Managers. Case Managers shall be required to load and update the Case Management Activity (CMA) assignments for the IHP. Additionally, Case Managers shall:

- ! Track an alien's case to determine if he or she requires a transfer to a Hearing and/or Release Site within the specified time frames;
- ! After a deportation hearing, determine, along with the rest of the unit team, if an inmate is appropriate for their institution, if he or she should be transferred to a Release Site, or be transferred to another institution;
- ! Review an inmate's custody classification form for removal of the Alien Public Safety Factor and possible custody reduction if it is decided an inmate will not be deported; and
- ! Follow appropriate CIM procedures when inmates are escorted to a hearing room at an adjacent institution (i.e. Complexes).

f. Inmate Systems Management (ISM). ISM staff at Hearing Sites shall:

- ! Notify INS upon an alien's arrival in accordance with the ISM Manual;
- ! Make available for reference the Presentence Investigation Report (PSI) and Judgment and Commitment (J&C) file to INS, if not protected by confidentiality restrictions. Requests for duplications of documents will be coordinated locally to protect the J&C file's security;

- ! Process inmates out of the institution to INS custody when hearings are conducted at adjacent institutions outside the secure perimeter of the institution (i.e. Complexes); and
- ! Notify INS of ensuing releases of those ordered deported in accordance with the ISM Manual.

g. Employee Development Manager (EDM) or Other Designated Staff Member. Training shall be provided, consistent with that given to Contractor/Volunteer staff, to INS and EOIR staff to explain security precautions, key control, SENTRY, etc.

h. Community Corrections Managers (CCMs). If CCMs or other designated staff have knowledge that an inmate has received an Administrative, Judicial or Stipulated Deportation Order, this information shall be noted on the Inmate Load and Security Designation form to allow for designation to a Release Site if appropriate.

CCMs shall ensure the Case Management and ISM responsibilities are completed for inmates housed at Contract Detention Centers.

8. DESIGNATIONS AND REDESIGNATIONS. If not already ordered deported, all non-U.S. citizen new commitments shall normally be designated to up-front Hearing Sites (not FCI Oakdale), in accordance with the procedures below. Ordinarily, the transfer code for Program Participation should be used for transfers into Hearing Sites, and Program Complete for transfers into Release Sites.

a. Inmates Serving Sentences of Less than 72 Months. If not already ordered deported, all non-U.S. citizen inmates serving sentences of less than 72 months shall ordinarily be initially designated to one of the Hearing Sites. At initial classification, institution staff shall load the CMA assignment of IHP PART. If the Designator is unable to designate an inmate to a Hearing Site, justification shall be given that shall be retained in the inmate central file (i.e. on the Inmate Load and Security Designation form).

(1) Investigations. If during the deportation investigation process INS determines there is insufficient cause to warrant deportation for an inmate, INS will provide written documentation to institution staff and remove their detainer. Institution staff shall replace the CMA assignment with NO IHP.

(a) If INS determines there is insufficient cause to warrant deportation and an inmate has 12 months or less remaining to serve, he or she shall normally remain at the Hearing Site for release processing (i.e. to CCC, etc.).

(b) If INS determines there is insufficient cause to warrant deportation and an inmate has more than 12 months remaining to serve, the inmate shall either be transferred to a general population unit bed at the Hearing Site, or a request for redesignation to any appropriate institution may be made.

(2) Hearings

(a) Inmates with 12 Months or Less Until Expiration of Sentence. Upon conclusion of the hearing process and regardless of the deportation decision, those inmates with 12 months or less until expiration of sentence shall normally remain at the Hearing Site for release processing (i.e. to CCC, INS, etc.). The CMA assignment shall be replaced to reflect the deportation decision (IHP CMP WD or IHP CMP ND).

(b) Inmates Ordered Deported with More than 12 Months Until Expiration of Sentence. Upon conclusion of the hearing process, those inmates issued orders of deportation who have more than 12 months until expiration of sentence shall be moved to a Release Site bed either at the Hearing Site, or be resubmitted for a transfer to a different Release Site. (As the Release Site beds at Hearing Sites are limited, they shall primarily be used for inmates with one year or less until expiration of sentence.) Once moved to a Release Site, an inmate shall ordinarily remain until expiration of his or her sentence. The CMA assignment shall be replaced with IHP CMP WD.

(c) Inmates Not Ordered Deported with More than 12 Months Until Expiration of Sentence. Upon conclusion of the hearing process, inmates with more than 12 months until expiration of sentence who are **not** ordered deported shall either be placed in a general population bed at the Hearing Site, or a request for redesignation of the inmate to any appropriate institution may be made. The CMA assignment shall be replaced with IHP CMP ND.

b. Inmates Serving Sentences of 72 Months or More. Non-U.S. citizens serving sentences of 72 months or more shall ordinarily be initially designated under standard procedures.

The Inmate Load and Security Designation form shall indicate that once an inmate has **60 months remaining to serve**, a request for redesignation to a Hearing Site shall normally be initiated (i.e. IHP HRG NEEDED, SUBMIT TRF REQUEST WHEN 5 YRS REMAIN TO SERVE). At initial classification, institution staff shall load the CMA assignment of IHP PEND.

When an inmate has 60 months remaining to serve:

- ! A request to redesignate the inmate to a Hearing Site shall normally be submitted; and

- ! Upon receiving the request for redesignation, the Designator shall normally select an appropriate Hearing Site. If the Designator is unable to designate the inmate to a Hearing Site, justification shall be given that shall be retained in the inmate central file (i.e. on the CMC Clearance and Separation Data form).

Once at the Hearing Site, the procedures listed under Section 8.a. above for "Investigations" and "Hearings" shall be applied. The CMA assignment shall be replaced with IHP PART at program review.

c. Inmates Serving 72 - 84 Months. Designators have the discretion to place an inmate serving 72 - 84 months directly in a Hearing Site if they determine that with jail credit, etc., it will be in the best interest of the Bureau and eliminate the need for a transfer within the first year of an inmate's arrival to the institution of initial designation.

d. Inmates Committed Prior to Implementation of the IHP. Male inmates in Bureau custody prior to issuance of this Program Statement shall continue to be processed through FCI Oakdale (unless Mexican or Cuban citizens) in accordance with the Security Designation and Custody Classification Manual and shall continue to have the Oakdale CMA assignment loaded. The IHP CMA assignments will not be loaded for inmates at FCI Oakdale, with the exception of IHP CMP WD (see Section 14), which shall be loaded for UNICOR purposes.

INS will process male Mexican and Cuban inmates incarcerated prior to the IHP's implementation at sentence expiration. INS will assume custody, if warranted, at the end of an inmate's sentence.

Female inmates in Bureau custody prior to issuance of this Program Statement shall continue to be processed through the female IHP Sites, or INS will assume custody, if warranted, at the end of an inmate's sentence.

e. Designation of IHP Eligible Inmates to Non-IHP Sites. If bedspace does not allow, or an inmate is not appropriate for, designation to one of the Hearing or Release Sites, the inmate shall be designated to any appropriate institution with justification given by the Designator on the Inmate Load and Security Designation form (e.g. DESIG TO OXF, NO HEAR SPACE AVAIL).

Male inmates needing deportation hearings who are not able to be designated to a Hearing Site shall be monitored by the Detention Services Branch, Central Office, and shall either be processed at an IHP Site later in his or her sentence, be

processed through FCI Oakdale, or be processed by INS at sentence expiration when INS assumes custody of the inmate.

9. ADDITIONAL IHP PROCEDURES. The following are additional procedures and guidelines that shall be followed at IHP Sites.

a. Institutions that are both Hearing and Release Sites. All Hearing Sites are also Release Sites. Release beds at Hearing

Sites shall ordinarily be used **only** for those inmates already at the Hearing Site who are issued Deportation Orders. As the number of these Release beds are limited, they shall primarily be used for inmates with one year or less until expiration of sentence. However, inmates at Hearing Sites are not restricted to Release beds at that institution; he or she may be transferred to any independent Release Site.

b. Management Cases. Once an inmate is at a Hearing or Release Site, the inmate shall normally remain until completion of the hearing process or expiration of sentence. However, if justifiable reasons exist (i.e. CIM concerns, disciplinary problems, medical problems, etc.), a transfer referral to **any** appropriate institution may be submitted.

ISM staff at the receiving institution shall notify INS of the transfer in accordance with the ISM Manual. If an inmate is unable to return to an IHP Site prior to expiration of sentence, INS will be expected to assume custody of the inmate from the institution to which the inmate was transferred (i.e. USP Marion, MCFP Springfield, etc.).

c. Medical Cases. Inmates at either Hearing or Release Sites requiring medical and/or psychiatric care shall be submitted for designation or redesignation under normal procedures.

The Regional Designator or institution staff shall indicate on the referral to the Medical Designator the inmate's IHP status (i.e. needs IHP Hearing; issued an order of deportation-needs a Release Site; hearing complete-will not be deported). If needed and possible, the Medical Designator shall try to place an inmate with medical concerns at a Hearing or Release Site.

If a transfer to a medical center appears to be for short-term purposes (i.e. for surgery with return to parent institution), the CMC at the sending institution shall advise INS that the inmate is expected to return to the parent institution.

d. Other Transfers. Inmates at Hearing Sites pending their hearing and inmates at Release Sites with orders of deportation shall not normally be considered for transfer for program participation (i.e. Education programs, Drug Treatment), or for nearer release purposes.

e. Release of Inmates to the Custody of INS for the Hearing Process. At some Hearing Sites (i.e. at a complex or if institutions are within close proximity to each other), INS staff will escort inmates to the hearing room at an adjacent institution. For further information, refer to the National MOU (Attachment A) regarding the release of inmates to the custody of INS for the hearing process.

Institutions with hearing rooms outside of their secure perimeter shall release an inmate(s) to the custody of INS for the purpose of a deportation hearing or other processing function as outlined in the attached MOU. Once an inmate is in INS custody, INS staff are responsible for the inmate until he or she returns to the parent institution. All arrangements and costs associated with the transport of these inmates to and from the Hearing Site will be the INS' responsibility. Procedures for notifying Bureau staff of inmate hearings, times of releases/returns, etc. shall be determined locally at each site.

f. Central Inmate Monitoring (CIM) Procedures. For CIM procedures when releasing inmates to the custody of INS for escort to a hearing, refer to the CIM Manual.

g. Consecutive Sentences. If a non-U.S. citizen has a Federal consecutive sentence, the IHP procedures and time frames shall be applied while the inmate is serving his or her first sentence.

h. Detainers. Detainers and/or state sentences (concurrent or consecutive) do not impact the IHP process; an inmate shall participate in the IHP regardless of detainers or state consecutive sentences.

i. Administrative, Judicial or Stipulated Deportation Orders. In some cases prior to initial designation, an Administrative, Judicial or Stipulated Deportation may be ordered, eliminating the need for an IHP Hearing. If this occurs, INS is to provide documentation to the U.S. Marshals Service, who will forward the information to the CCM or other designated staff member, along with the request for designation. In most cases, the U.S. Marshals Prisoner Remand or Prisoner Management System Report should note that the inmate has been ordered deported. In addition, the INS Immigration Detainer may be available that will have a check next to the box stating "Deportation from the United States has been Ordered".

! If deportation has been ordered, the CCM or other designated staff member shall note the deportation on the Inmate Load and Security Designation form.

- ! If an inmate is issued an Administrative, Judicial or Stipulated Deportation Order and has less than 72 months remaining to serve, the Regional Designator shall ordinarily designate the inmate to a Release Site.
- ! If an inmate who is issued an Administrative, Judicial or Stipulated Deportation Order has 72 months or more remaining to serve, the Regional Designator shall ordinarily designate the inmate to any appropriate institution, with an indication made on the Inmate Load and Security Designation form that the inmate shall normally be transferred to a Release Site when he or she has 60 months remaining to serve.
- ! Designators have the discretion to place an inmate ordered deported serving 72 - 84 months directly into a Release Site.
- ! At initial classification for an inmate with an Administrative, Judicial or Stipulated Deportation Order, institution staff shall load the CMA assignment of IHP CMP WD.

j. Other Cases. If circumstances arise, other than noted above, wherein staff find an inmate inappropriate for designation/redesignation to a Hearing or Release Site, staff shall consult with the DSB, Central Office, for appropriate handling of the case.

10. LOCATION AND RESPONSIBILITIES OF HEARING/RELEASE SITES. To help expedite deportation for INS, the location of the Hearing Site for those inmates serving 12 months or less, and the Release Site for inmates ordered deported, should be close to the eventual area of the inmate's deportation, (i.e. Eastern Canadian citizens should be housed in the Northeast Region; Mexican citizens should be housed in the South Central or Western Region, etc.).

11. COORDINATION WITH INS

a. Notification to INS. When an inmate is received at the Hearing Site, ISM staff shall notify INS of the inmate's arrival in accordance with the ISM Manual, regardless of whether another INS office previously filed a detainer. The notification shall be noted in the inmate central and J&C files.

Additionally, unless protected by confidentiality restrictions (FOIA Exempt), the Bureau shall make available to INS for reference purposes the documents below. The location of where the documents will be made available shall be determined locally.

- ! The PSI;
- ! J&C Order; and
- ! Central and J&C Files.

ISM staff at the institution housing an alien ordered deported shall notify INS of the pending release date in accordance with the ISM Manual.

b. INS Detainers. The INS Officer-in-Charge at the local INS office will coordinate with institution staff to monitor the inmate population and identify aliens appropriate for the IHP. After they have been identified, INS will place a detainer on these individuals through the ISM staff, if one has not previously been lodged.

If during the investigation of the case by INS, it is determined that there is insufficient cause to warrant deportation, or if EOIR does not order deportation after the hearing, INS will remove their detainer and provide written documentation to institution staff which shall be retained in the J&C and inmate central file. The Case Manager shall replace the CMA assignment accordingly.

c. Appeals. As appeals of deportation decisions do not ordinarily require in-person hearings, an inmate ordered deported who is appealing his/her decision shall normally be transferred to a Release Site; institution staff shall not wait until the final deportation order or appeal decision is received. The CMA of IHP CMP WD shall also be loaded. If an inmate's deportation decision is overturned on appeal, the local INS office will remove their detainer and notify the institution of the decision. The Case Manager shall replace the CMA assignment to reflect the new decision and the inmate shall be moved to a general population bed. Appeal forms will be provided by EOIR.

## 12. HEARING PROCEDURES

### a. Docketing the Hearing

- ! The EOIR will prepare the hearing calendar docket and provide a copy to the CMC or designated staff member approximately one week prior to the hearings.
- ! INS and EOIR will coordinate and complete the deportation or exclusion hearings.
- ! The CMC or designated staff member shall act as the liaison for the Bureau for the immigration hearings.

b. Hearing Room

- ! The Warden shall make available a suitable room for Immigration Judge(s) to conduct hearings.
- ! If new construction is needed, the Warden shall contact the Administrator of the Detention Services Branch who shall coordinate with INS Central Office to cover the costs of construction.

c. Public Hearings

- ! IHP Hearings are considered public and an inmate's family members, friends, the media, or the public are eligible to attend.
- ! If an inmate wishes to have representatives attend his or her hearing, the inmate shall give advance notice (approximately one week) to Unit staff and EOIR.
- ! Local procedures will be established with EOIR regarding the scheduling of hearings if visitors are planning to attend a hearing.

While Wardens at Hearing Sites are to work closely with INS and EOIR to allow public access to the hearings, the Warden shall make the final decision regarding entrance of visitors onto Bureau property.

d. Hearing Decision

- ! Upon conclusion of the hearings, INS will provide a copy of the hearing decision to institution staff. The CMA assignments shall be replaced accordingly.
- ! Upon reaching a decision, INS or EOIR staff will give a copy of the hearing decision to the inmate. If the Immigration Judge issues a delayed decision, a copy of that decision order will be mailed to the inmate.

13. INMATES NOT ORDERED DEPORTED. If it is decided that an inmate will not be deported, INS will remove their detainer. The Case Manager shall review the inmate's custody classification form, review the inmate for a custody reduction, remove the Alien Public Safety Factor, replace the CMA assignment, and continue normal case management activities for the inmate, including referral to a CCC or Camp if otherwise eligible.

If a transfer or CCC referral is submitted, it shall clearly indicate that INS has determined the inmate will not be deported.

14. SENTRY CMA ASSIGNMENTS. The following CMA assignments shall be applied as appropriate to all non-U.S. citizens other than those designated for the FCI Oakdale Criminal Alien program:

a. IHP PART. At initial classification or first program review at the Hearing Site, the CMA assignment shall normally be updated to IHP PART to indicate that the inmate is involved in the IHP and shall not ordinarily be transferred until completion of the hearing. The CMAD shall be the inmate's date of arrival at the institution. This CMA assignment shall be replaced by either NO IHP, IHP CMP WD or IHP CMP ND.

b. IHP PEND. At initial classification, inmates serving 72 months or more shall normally have the CMA assignment of IHP PEND loaded to indicate that a request for transfer to a Hearing Site is to be submitted in the future. The CMAD shall be the projected date of transfer (when the inmate has 60 months remaining to serve). This assignment shall be replaced by IHP PART at the first program review at the Hearing Site.

c. IHP DKT. Once EOIR has docketed an inmate for a hearing, the docket will be forwarded to the CMC or designated staff member. The CMA assignment of IHP DKT shall normally be added to indicate the inmate has received an EOIR court hearing date. The CMAD shall be the date of the anticipated hearing. This assignment is to be loaded in addition to IHP PART.

If an inmate is scheduled for subsequent hearings, the CMAD shall be replaced to reflect the most current hearing date. This CMA assignment is to be used to monitor the length of the hearing process and shall be removed upon receipt of the deportation decision.

d. NO IHP. If INS determines there is insufficient cause to warrant deportation without the need of conducting a hearing, the CMA assignment shall be replaced with NO IHP. This shall reflect that INS has reviewed the case and has no interest. The CMAD shall be the date of the decision order. If loaded, this shall be the final and only IHP CMA assignment.

e. IHP CMP WD/IHP CMP ND. Upon conclusion of the hearing and receipt of the hearing decision from INS, the CMA assignment shall be replaced with either IHP CMP WD (IMMIG HRNG COMPL-WILL DEPORT) or IHP CMP ND (IMMIG HRNG COMPL-NO DEPORT). The CMAD shall be the date of the deportation decision order. Whichever CMA assignment is loaded shall be the final and only IHP CMA assignment.

If an appeal decision is subsequently received, the CMA assignment and CMAD shall be replaced as appropriate.

15. POPULATION MONITORING REPORT. The Population Report shall reflect the rated capacity to accommodate inmates participating in the Hearing and Release program at each IHP Site. Designators shall use the Population Report and individual censuses of Contract Detention Centers, in addition to citizenship, when making designations and redesignations to Hearing and Release Sites.

16. IMPACT ON FCI OAKDALE. FCI Oakdale shall continue to operate as it is for those male aliens, other than Mexican or Cuban citizens, in the system prior to issuance of this Program Statement who have not completed their hearing process (refer to the Security Designation and Custody Classification Manual for further details). Once the pool of inmates for FCI Oakdale diminishes, FCI Oakdale shall gradually convert to an up-front Hearing and Release Site. Initial designations to Oakdale for the IHP are not to be made until notification is issued from the Detention Services Branch, Community Corrections and Detention Division, Central Office.

17. ASSISTANCE. Any questions regarding these matters should be directed to the Detention Services Branch at (202) 307-2755.

\s\  
Kathleen M. Hawk  
Director

**MEMORANDUM OF UNDERSTANDING**

Preamble

To ensure the efficient operation of the Enhanced Institution Hearing Program (IHP), the Federal Bureau of Prisons (BOP) and the Immigration and Naturalization Service (INS) enter into this Memorandum of Understanding.

Background

To comply with Congress' mandate to the Attorney General to begin deportation proceedings as expeditiously as possible, and complete this process prior to the inmate's release from incarceration, the BOP, INS and the Executive Office for Immigration Review (EOIR) signed the Enhanced IHP Plan on March 7, 1996.

In an effort to expedite the deportation review process, some BOP complexes and locations where institutions are within close proximity to each other will give temporary custody of Federal inmates to INS staff for the purpose of transporting the inmates to and from the hearings and for other processing functions. This will allow for maximum flexibility in conducting the hearings and processing the inmates.

Agreement

Pursuant to 28 C.F.R. 0.97 and 18 U.S.C. 3621, authority is hereby delegated to INS staff to assume temporary custody of Federally sentenced alien inmates for the purpose of transporting such inmates for INS and EOIR hearings and for other necessary transportation related to the processing of these inmates. This custody will include the transportation of inmates from a BOP facility, the entire period of time spent at any hearing if the inmate is outside the secure perimeter of the institution, the transportation of inmates back to the BOP facility, and any other transportation necessary for the inmates' processing.

The INS hereby consents to the delegation of authority as provided for in this Memorandum of Understanding.

\s\  
Doris Meissner, Commissioner  
Immigration and Naturalization

\s\  
Kathleen M. Hawk, Director  
Federal Bureau of Prisons

Service

Dated \_\_{09/27/96}\_\_\_\_\_

Dated \_\_{08/05/96}\_\_\_\_\_



**IHP SITES**

The following institutions are designated as Hearing and Release Sites.

<u>Institution</u>	<u>Hearing Site</u>	<u>Release Site</u>
LSCI Allenwood	Yes	Yes
FCI Allenwood	Yes	Yes
USP Allenwood	Yes	Yes
FCI Bastrop	No	Yes
FCI Big Spring	Yes	Yes
Big Spring Correctional Center	Yes	Yes
FCI Danbury (female)	Yes	Yes
FCI Dublin (female)	Yes	Yes
Eden Detention Center	Yes	Yes
Eloy Detention Center	Yes	Yes
* FCI Ft. Dix	No	Yes
FCI La Tuna	Yes	Yes
FCI Lompoc	Yes	Yes
USP Lompoc	Yes	Yes
FCI Miami	No	Yes
FCI Phoenix	No	Yes
Reeves Detention Center	Yes	Yes
FCI Safford	No	Yes
FCI Seagoville	No	Yes
Taft Correctional Institution	No	Yes
FCI Terminal Island	Yes	Yes
FCI Texarkana	No	Yes
FCI Three Rivers	No	Yes
FCI Tucson	No	Yes

**RELEASE SITES PRIMARILY FOR MEXICANS**

The Release Sites listed below are primarily for Mexicans as they are on INS bus routes and INS will not have staff available to make deportation arrangements other than to Mexico. Inmates from other countries with deportation orders should not ordinarily be transferred to these sites.

FCI Bastrop	FCI Safford
Big Spring Correctional Center	FCI Seagoville
Eden Detention Center	FCI Texarkana
Eloy Detention Center	FCI Three Rivers
FCI Phoenix	FCI Tucson
Reeves Detention Center	

If it is necessary to transfer a Mexican ordered deported to a Release site other than those designated primarily for Mexicans, INS requests that Mexican citizens **not** be transferred to the sites listed below.

* FCI Ft. Dix	FCI Oakdale	
FCI Miami		*