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# **Alternatives to Detention Handbook – Intensive Supervision Appearance Program**

## **Introduction/Background**

This Alternatives to Detention (ATD) Handbook – Intensive Supervision Appearance Program (ISAP) provides detailed protocols, charts, and sample forms for applying ICE Enforcement and Removal Operations (ERO) ATD programs.

In FY 2002, Congress authorized the use of ATD programs. ATD programs facilitate alien compliance with attendance at immigration court hearings and departure from the United States while allowing aliens to remain in their communities. The ERO ATD program meets the critical need for supervision within the community of the non-detained alien population using technology and case specialists to actively engage aliens until a final determination of their immigration status can be made.

As part of the ATD program, ERO developed ISAP to achieve an appropriate level of supervision and to achieve the following goals:

- Increase appearance rates at immigration hearings
- Increase compliance with release conditions
- Increase compliance with final orders of removal issued by the Executive Office for Immigration Review (EOIR)

The ATD Program may be appropriate for an alien who is released pursuant to: an Order of Release on Recognizance (OREC), an Order of Supervision (OSUP), a grant of parole; or a bond (unless the immigration judge or Board of Immigration Appeals determined custody and did not include ATD as a provision). The ATD program is a condition of release and not a form of custody.

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**Date signed:** August 16, 2017

## Table of Contents

<b>I. Components of the ATD Program</b> .....	1
<b>A. C, G, and T Sites</b> .....	1
<b>B. S Sites</b> .....	1
<b>C. Enrollment Options &amp; Considerations</b> .....	2
a) C and G Sites.....	2
b) T Sites .....	3
c) S Sites .....	3
<b>D. Monitoring Capabilities</b> .....	3
a) Global Positioning System (GPS).....	3
b) Inclusion and Exclusion Zones.....	4
c) Pursuit Mode.....	4
d) Telephonic Reporting (TR) .....	5
<b>II. Potential Participants</b> .....	6
<b>A. Program Eligibility</b> .....	7
<b>B. Program Ineligibility</b> .....	7
a) Special Requests .....	7
<b>C. Identifying Potential Participants</b> .....	7
<b>III. Enrollment Process</b> .....	8
<b>A. Documentation</b> .....	8
<b>B. Forms I-220A and I-220B</b> .....	9
<b>C. ATD Program Participant Agreement</b> .....	9
<b>D. Participant Worksheet / Enrollment Form</b> .....	10
<b>E. Forms I-229(a) and I-229(b)</b> .....	10
<b>F. EOIR-830, Notice to EOIR: Alien Address</b> .....	11
<b>IV. Case Management</b> .....	11
<b>A. Initial Acceptance</b> .....	11
<b>B. Recurring Case Management</b> .....	12
<b>C. Multi-Aspect Removal Verification Initiative (MARVIN)</b> .....	12
<b>V. ATD Program Violations</b> .....	13

A. Identifying ATD Program Violations .....	14
B. Post-Arrest Procedures for ATD Violators.....	15
C. Procedures for ATD Absconders.....	16
D. Prosecution .....	17
<b>VI. Reconsideration of ATD Participation .....</b>	<b>18</b>
<b>VII. Termination from the ATD Program.....</b>	<b>19</b>
A. All Participants .....	19
a) C, G Sites.....	20
b) T Sites.....	20
c) S Sites.....	20
B. ATD Absconders .....	20
a) Pre-Order .....	20
b) Post-Order .....	21
<b>VIII. Grievance Procedures .....</b>	<b>21</b>
<b>IX. APPENDICIES .....</b>	<b>24</b>
<b>APPENDIX 1</b> ATD Participant Enrollment Form and ATD Participant Change .... in Status Form.....	24
<b>APPENDIX 2:</b> Notice to EOIR – Alien Address .....	28
<b>APPENDIX 3:</b> Notice to Terminate ATD Participations .....	29
<b>APPENDIX 4:</b> Glossary .....	30
<b>APPENDIX 5:</b> ATD Acronyms .....	34
<b>APPENDIX 6:</b> ATD-Related Policy Documents .....	35

## I. Components of the ATD Program

The ATD Program supervises participants with contractor support through a combination of home visits, office visits, alert management, court tracking, and technology. These services are provided in four different types of sites – Contractor (C) sites, Government (G) sites, Technology (T) sites, and Staging (S) sites.

### A. C, G, & T Sites

**C sites** are standalone facilities operated by the contractor to monitor participants selected for the ATD program. C site participants are referred to a contractor Case Specialist (CS), who conducts case management, including home and office visits. After discussion with the participant regarding his or her situation, the CS creates an individualized supervision plan, including the participant's reporting requirements as prescribed by the ATD officer.

The CS also offers support services to the participant, including referrals for medical services, legal services, translation services, information regarding local public transit and transportation services, and court date reminders. The CS assigns the participant to telephonic reporting or Global Positioning System (GPS) monitoring based upon the ATD officer's request.

**G sites** are locations where the contractor works within the local ERO office. G sites are generally limited to a lower maximum capacity of participants. The CS at a G site performs all of the same functions as the CS at a C site.

**T sites** are ERO offices where ATD officers directly supervise participants using contractor-provided software and equipment. ATD officers are responsible for the totality of case management but may also assign court tracking and initial alert resolution to the contractor.

### B. S Sites

**S sites** are staging locations, which directly enroll participants who are being released from custody into the ATD program using contractor technology. Participants are monitored via GPS tracking and given a specific time frame to report to the office in their destination Area of Responsibility (AOR). Once a participant arrives in the destination AOR, the ERO ATD officer determines their continued suitability on the ATD Program, as well as whether transition to a C, G or T site would be appropriate. Participants not transitioned to a C, G or T site are terminated from the ATD Program. S sites allow ERO to more efficiently track participants who are released from custody and transiting to their intended AOR.

## C. Enrollment Options & Considerations

The ATD officer documents several decisions on the enrollment form, such as:

- Selecting either GPS Monitoring or Telephonic Reporting (TR).
- Assigning each participant a form of technology.
- Deciding whether the participant will receive home visits and the frequency of such visits. The participant must live within 75 miles of the C, G site to be eligible for home visits.
- Deciding whether the participant will be required to visit the office and the frequency of such visits.
- Selecting whether the contractor needs to track the participant's court status.
- Deciding whether the contractor will initially manage any participant-related alerts.

All program enrollment decisions by the ATD officer for the C or G sites are completed by the contractor. If the participant is enrolled outside of the ERO or contractor's office, the ATD officer accompanies the contractor until enrollment is complete.

T sites are co-located with C or G sites. For T site participants, the officer has the option to directly enroll the participant, or have the contractor enroll the participant into the T site as long as the participant lives within a reasonable distance of a C or G site.

The level of supervision and technology to which a participant is assigned is determined by criteria that includes, but is not limited to: current immigration status, criminal history, compliance history, community or family ties, caregiver or provider concerns, and other humanitarian or medical conditions.

### a) C and G Sites

Many locations have both a C, G site and a T site. In those locations, the C or G site is most appropriate for aliens who pose a significant flight risk. Once the participant is enrolled in the C or G site, the CS becomes responsible for general case management and supervision of the participant. The CS reports all updates and concerns to the ATD officer.

During in-processing for the C or G site, the CS:

- Creates a record for the participant in the contractor databases;
- Interviews the participant for biographical information;
- Obtains the participant's personal contact information;
- Documents the participant's weekly schedule (e.g., times at home, work, school, church, etc.) as provided by the participant;
- Explains the rules associated with the assigned technology (GPS or TR); and

- Attaches the GPS device or enrolls the participant in the TR system.

While the participant remains enrolled in the C, G site, the CS:

- Monitors GPS or TR data;
- Investigates and attempts to resolve all electronic alerts and violations;
- Reminds the participant of upcoming court hearings;
- Makes unannounced home visits (if applicable);
- Provides the participant with referrals for medical or psychological help;
- Provides the participant with a list of local transit options and schedules; and
- Provides referrals for community services.

### **b) T Sites**

T sites are used by ERO for participants that do not require the higher levels of case management and contractor face-to-face interactions associated with a C or G sites. T sites are also available to ERO in all locations in which a C or G site has not yet been established but it is appropriate to provide some level of supplemental technology assignment to ensure compliance with release conditions. In locations with both C, G sites and T sites, the T site is recommended for participants who are determined to pose the lowest risk of flight. The ATD officer is directly notified of and responds to any violation, compliance issue, or unresolved alert involving the participant.

Each site should maintain an inventory of at least 5 spare GPS units. Where the participant population is greater than 50, sites should maintain spare GPS units for at least 10% of the total participant population. Whichever metric garners the greater number of units is what applies to that location.

### **c) S Sites**

S sites utilize the contractor's GPS units or voice-recognition software and supporting databases. Participant enrollment criteria at S sites are the same as those for enrollment in C, G or T sites.

## **D. Monitoring Capabilities**

### **a) Global Positioning System (GPS)**

The GPS unit tracks the participant's location and movement history using satellite technology. At any time, the CS or ATD officer may send the participant a message (selected from a drop-down menu) via the GPS unit. GPS units may also be programmed to send a series of alerts for issues including, but not limited to, strap tampering, low battery, and the participant's entry into or exit from an "inclusion" or "exclusion" zone.

Note: Participants must recharge GPS units regularly. The GPS unit will generate an alert if the participant fails to maintain an appropriate level of battery life.

**b) Inclusion and Exclusion Zones**

The CS or ATD officer may program a GPS unit to monitor a participant's whereabouts according to specified zones. Such zones constitute either inclusion or exclusion zones. The goal of an *inclusion zone* setting is for the GPS unit to notify the CS or the ATD officer that a participant has left a specified zone. For example, the inclusion zone may be limited to the participant's residence or may extend to the borders of the state. An *exclusion zone* setting accomplishes the opposite goal: it notifies the CS or ATD officer that a participant has entered a specified zone. The CS or ATD officer may set multiple exclusion zones.

The CS or ATD officer can program a zone into the monitoring system and establish the alert notification profile by following the instructions provided by the contractor.

For any alert, the system notifies the CS or ATD officer by text message, email, or telephone, depending on the officer's preference. In some cases, the GPS unit also sends the participant an electronic alert followed by a verbal message. The contractor's software maintains a record of all device events.

Because placement into the ATD program differs from detention, imposing a curfew (set hours when the participant is required to be in his or her home) in conjunction with an inclusion or exclusion zone may seem unduly restrictive to the participant. ATD officers should not set a curfew unless so directed by the Field Office Director (FOD) or in response to a violation of the ATD Participant Agreement. If the ATD officer needs to set a curfew, it may be as short as one hour.





(b)(7)(E)

d) Telephonic Reporting (TR)

TR technology uses voice-recognition software to validate the participant's identity and location (if the participant is required to check-in from a landline phone). The voice-

recognition program and instruction cards for its use are available in numerous languages (see “Note” and interpretation services footnote on page 10).

The TR enrollment process consists of two steps: First the CS or ATD officer enters the participant’s personal information into the TR software. The CS or ATD officer then calls the enrollment phone number so the system can record the participant’s voice template. During the enrollment call, the system asks the participant to say his or her name and repeat a series of numbers.

The ATD participant on TR will receive one call per month during a two-hour time window. The CS or ATD officer decides whether the participant will receive the call on a specific date or day of the week. If the CS or ATD officer selects a certain date, the participant will receive a randomly generated call once a month on that date during the selected time window. If the CS or ATD officer selects a certain day of the week, the participant will receive a randomly generated call once a month on that day of the week during the selected time window.

On the specified date or day, the participant will receive a notification call from the TR system informing the participant they have five minutes to call the check-in phone number and complete their monthly check-in call. During the check-in call, the CS or ATD officer asks the participant to verbally repeat a random series of numbers. The automated system then runs the captured recordings through its two-part security authentication process. First, the system verifies the caller repeated the requested numbers correctly, and then the system compares the caller’s voice recording during the check-in call to the participant’s voice recorded during the enrollment. If the system is unable to verify one or both of these criteria, the system will generate an alert for the CS or ATD officer to resolve.

A call returned more than five minutes but less than ten minutes after the first automated notification call is considered late. Any later response is considered a missed call. In these instances, the contractor’s voice-recognition software will generate an alert that will remain open until the CS or ATD officer resolves the matter. For steps the CS or ATD officer takes to resolve an alert, please refer to Part 5: ATD Program Violations.

Wherever possible, participants should use a landline while enrolled on TR. Background noise and interference increase the failure rate of cellular calls. Failed calls may lead to more alerts and potential violations for the participants.

## **II. Potential Participants**

In an effort to improve immigration court appearance rates and compliance with other release conditions, ICE evaluates any alien who is placed in immigration proceedings and is being released from custody. Once determined that the alien is being released from custody, his or her case is referred to the ATD Program to determine eligibility. ICE determines whether enrollment in the ATD Program would be a reasonable condition of

release. Absent extraordinary circumstances, eligible aliens should be enrolled into some form of the ATD program. ICE evaluates the potential participant's unique situation and assigns him or her to the appropriate level of monitoring on a case-by-case basis. Each AOR should strive to maintain consistency with initial enrollments into the ATD program.

### **A. Program Eligibility**

Adults 18 years of age or older may be eligible for placement into the ATD program if:

- They are currently in removal proceedings, and
- Upon the issuance of a final order of removal, they have a Significant Likelihood of Removal in the Foreseeable Future (SLRFF).

Note: If a juvenile reaches age 18 and is currently in removal proceedings, the CS or ATD officer evaluates the individual under the same procedures as all other adult participants.

### **B. Program Ineligibility**

Unless authorized by the FOD or Headquarters ATD Unit, do not enroll an alien if any of the following applies:

- There is no SLRFF, such as in the cases of participants who were denied travel documents by their country of citizenship and have no alternative means of removal;
- The immigration court has imposed conditions of release that do not include ATD, absent a significant change in circumstances that justifies a custody redetermination; or
- The alien is under the age of 18.

#### **a) Special requests**

Occasionally, the FOD, Headquarters, or another law enforcement entity refers an otherwise ineligible individual for enrollment in the ATD Program based on special circumstances and the exercise of discretion. Coordinate such cases through the local ATD Monitoring Officer (AMO) or Headquarters ATD Unit.

### **C. Identifying Potential Participants**

The ATD officer may proactively screen the detained docket, non-detained docket, and the court calendar for potential participants for the ATD Program. Although the discretion to enroll an alien into the ATD Program ultimately lies with the field, aliens who have complied with previous conditions of release under an Order of Release on

Recognizance (OREC) or an Order of Supervision (OSUP) should not normally be considered for enrollment unless there is a change in circumstances.

However, if the ATD officer determines that an alien's circumstances (e.g., stage of legal proceedings, compliance with conditions of release, new criminal charges, etc.) have changed since his or her initial release, it may then be reasonable to consider ATD enrollment.

Expect ATD referrals from several offices within ERO, including the Criminal Alien Program, Violent Criminal Alien Section, Fugitive Operations, and Headquarters. Referrals may also come from Homeland Security Investigations, U.S. Citizenship and Immigration Services, and other Federal, State, and local law enforcement agencies. Cultivating constructive working relationships with sources of referrals will help to identify aliens whose detention may not be appropriate because of humanitarian considerations, childcare concerns, or significant health issues.

In all cases, the ATD officer makes the final decision whether or not to enroll a referred individual into the ATD Program. After interviewing and assessing a referred individual, the ATD officer may determine that the individual is not suitable for the ATD Program. ATD officers are not obliged to accept a referred case. The ATD officer may also recommend that the alien participates in a different program. ATD officers consider all applicable guidance regarding the enrollment of individuals into the ATD Program.

### **III. Enrollment Process**

Prior to accepting a participant into the ATD Program, the ATD officer works with the referral source to help the participant understand the requirements of the ATD Program.

#### **A. Documentation**

Before accepting a referral from another program, the ATD officer verifies that the potential participant was fully processed and that his or her A-file includes the appropriate paperwork.

When enrolling a participant into the ATD Program, the ATD officer completes the following forms:

- *ATD Program Participant Agreement (T site only)*
- *ATD Program Participant Worksheet (ICE Form 71-015)*
- *I-229(a), Warning for Failure to Depart*
- *I-229(b), Warning for Failure to Comply with Terms of Supervised Release*
- *EOIR-830, Notice to EOIR: Alien Address (if applicable)*

## B. Forms I-220A and I-220B

Depending on immigration status, ERO officers generally release an ATD Program participant from custody on an *Order of Release on Recognizance* (OREC) or an *Order of Supervision* (OSUP), Forms I-220A and I-220B, respectively.

- If the participant does not have a final order (e.g., the NTA is only now being issued and served), the participant is in removal proceedings, or an appeal is pending with the Board of Immigration Appeals (BIA), issue the participant Form I-220A, *Order of Release on Recognizance*.
- If the participant has a final order with no appeals pending with the BIA, issue the participant Form I-220B, *Order of Supervision*.

The ERO officer referring the participant is responsible for verifying the accuracy of all information on these forms, including but not limited to the participant's name, A-number, address, phone number, etc.

In the "Other" section of the form, the officer inserts the following language specifying the conditions of ATD Program participation:

*Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program may result in a redetermination of your release conditions or your arrest and detention. If fitted with a GPS tracking ankle bracelet, do not tamper with or remove the device. Tampering with or damaging the device may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361.*

Upon verifying the accuracy of the I-220A or I-220B form and updating EARM with the participant's enrollment details, the officer places a copy of the form in the A-file, T-file, or working folder and gives the original to the participant.

## C. ATD Program Participant Agreement

All participants enrolling in the ATD program, regardless of technology or reporting level, read and sign an ATD Program Participant Agreement. The contractor provides the Agreement to the participant for all C or G site enrollments. The ATD officer provides the Agreement for all T site enrollments.

Note: Forms and other ICE documents are available in Spanish and other languages. If a participant cannot read or understand English, the CS or ATD officer uses the

interpretation resources listed in the footnote below to communicate the content of the ATD Program Participant Agreement in the participant's primary language.<sup>1</sup>

The ATD Program Participant Agreement includes basic information (e.g., participant's name, A-number, and date of the agreement), the program requirements for the technology that is assigned, and the C, G, or T site requirements.

The signed Agreement serves as the participant's acknowledgment that he or she understands program requirements and instructions for successful program participation. The ATD officer places the signed agreement in the participant's A-file or working folder.

#### **D. Participant Worksheet / Enrollment Form**

Use of the participant worksheets, *ATD Participant Enrollment Form* (ICE Form 71-015) and *ATD Participant Change in Status Form* (ICE Form 71-015), is mandatory for C or G site participants, but the ATD officer may also find these worksheets helpful in making decisions about T site participants (see Appendix 1).

The ATD officer determines the service options in which the participant will be enrolled and the type of technology assigned to the participant. The ATD officer further determines whether or not the participant will be enrolled with home or office visits, and assigns their frequencies. Participants living more than 75 miles from the C or G site are not eligible for home visits, residence verifications, or GPS retrieval.

The ATD officer also determines whether or not the contractor should be responsible for alert management and court tracking. Once the worksheets are completed, the ATD officer faxes, emails encrypted copies, or hand-delivers them to the contractor. The ATD officer also places a copy of the entire enrollment package in the A-file, T-file, or the working folder.

#### **E. Forms I-229(a) and I-229(b)**

For all post-order ATD Program participants, the ATD officer completes Forms I-229(a), *Warning for Failure to Depart*, and I-229(b), *Warning for Failure to Comply with Terms of Supervised Release*, and provides each participant a copy. The ATD officer then places the signed originals in the A-file, T-file, or working folder. This proof of service becomes important if the ATD officer later has cause to pursue prosecution under 8

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<sup>1</sup> Assistance in obtaining interpretation services is available through the ERO Custody Programs Language Access Coordinator, who may be contacted via email at [ERO.LanguageAccess@ice.dhs.gov](mailto:ERO.LanguageAccess@ice.dhs.gov). See also <https://insight.ice.dhs.gov/ero/custody/Pages/larc.aspx> and <https://insight.ice.dhs.gov/mgt/dcr/Pages/cld/languageAccessProgram.aspx>.

U.S.C. § 1253(a), *Penalty for Failure to Depart*, or § 1253(b), *Willful Failure to Comply with Terms of Release Under Supervision*. The I-229(a) and I-229(b) forms detail penalties and sanctions for violating those provisions of the U.S. Code.

#### F. EOIR-830, Notice to EOIR: Alien Address

For every new participant enrolled in the ATD program who is still in removal proceedings (i.e., in the pre-order or appeal stage), the ATD officer sends EOIR the completed ICE Form I-830, *Notice to EOIR: Alien Address*, providing the participant's address for future correspondence (see Appendix 2).

### IV. Case Management

Proper case management entails regular and thorough docket updating and review. In consultation with the EARM Administrator, the ATD officer is responsible for creating an ATD Program docket for his or her AOR. The ATD officer creates separate dockets for C, G and T site participants.

#### A. Initial Acceptance

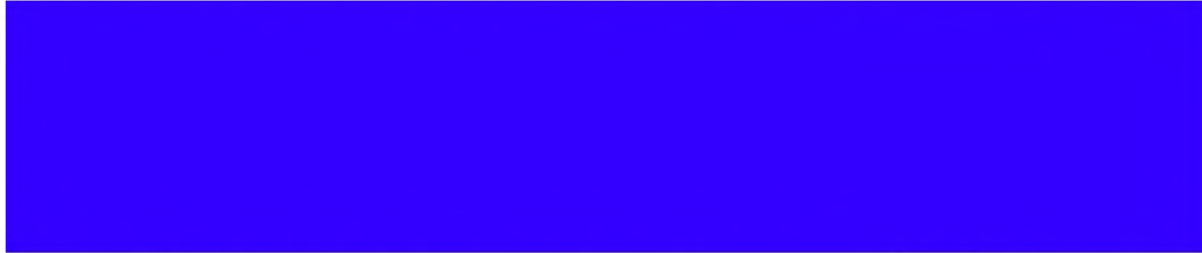
Upon receipt of a case, the ATD officer:

- Verifies receipt of files in the [REDACTED];
- Verifies case creation in [REDACTED];
- Verifies case creation in [REDACTED];
- Verifies criminal history by checking [REDACTED]  
[REDACTED];
- Reviews charging document (usually Form I-862, *Notice to Appear*);
- Confirms criminal record through certified judgment and conviction documents;
- Updates [REDACTED];
- Updates [REDACTED];
- Sets case call-up to verify service of NTA with EOIR;
- Verifies NTA service by checking [REDACTED] or calling either the EOIR Hotline or the local Office of Chief Counsel;
- Sends file to Office of Chief Counsel for review;
- Sets case call-up for the date of the master hearing with EOIR; and
- Verifies consistency between [REDACTED] and  
[REDACTED]

ATD officers place administrative forms and documents—i.e., all records not considered part of the Record of Proceeding (e.g., Form I-213, *Record of Deportable Alien*)—on the right side of the A-file.

## B. Recurring Case Management

ATD officers use EARM to track all participants in the ATD Program and conduct regular updates. Such updates are generally to the following [REDACTED]



Additionally, each ATD officer assigned to a participant's case in [REDACTED]

- Determines compliance based upon adherence to individual requirements of the participant;
- Reviews any negative information from all local, state, and federal enforcement authorities; and
- Reviews any relevant information provided by the contractor through TotalAccess or via e-mail or phone.

The ATD officer uses this review along with information about the participant's immigration case to determine whether the level of supervision should be:

- Escalated
- De-escalated
- Continued
- Terminated from the ATD Program

In all cases, the ATD officer uses a monitoring continuum established at the discretion of the local AOR to allow for gradual changes in monitoring. The ATD officer uses the established continuum unless individual circumstances require deviation. The continuum guides the officer managing the case in determining the appropriate amount of intervals of supervision. The ATD officer annotates in EARM any updates to the participant's immigration case or his or her involvement with the ATD Program as a condition of release. The ATD officer sends all applicable forms to the contractor promptly.

## C. Multi-Aspect Removal Verification Initiative (MARVIN)

MARVIN is the ATD Program's implementation of a high-low-high supervision model in which the participant is assigned to the most appropriate level of supervision and technology based upon a multitude of factors. The high-low-high supervision model begins monitoring at the intensive level to establish and determine compliance (high),



then de-escalates to a lower level as compliance is established and maintained (low), and then, depending on the participant's individual circumstances, monitoring may be re-escalated to ensure compliance with immigration proceedings and removal (high). Compliant participants receive reduced monitoring and technology. Higher risk participants are assigned to more stringent reporting.

MARVIN is based upon factors that include, but are not limited to:

- Current immigration status;
- Criminal history;
- Compliance history;
- Community or family ties;
- Caregiver or provider concerns; and
- Other humanitarian conditions.

## V. ATD Program Violations

In the event that a participant does not comply with his or her conditions of release or program rules, the ATD officer first thoroughly reviews the violation to understand the circumstances that led to it. Following this review, the ATD officer considers:

- Giving the participant a warning and documenting the warning in the participant's working file and EARM;
- Changing the participant's reporting frequency;
- Changing the type of technology to which the participant is assigned;
- Arresting and taking the participant into custody, or changing custody conditions; and/or
- Pursuing a referral for prosecution under 8 U.S.C. § 1253(b).

In all cases, the ATD officer allows the participant an opportunity to explain how or why the violation occurred and to present supporting documentation, if available.

Note: If the participant does not speak or understand English, the ATD officer provides access to interpreter services, as necessary. If the participant cannot write or has a disability that prevents him or her from completing a document, the ATD officer provides assistance to allow the participant to effectively communicate his or her request.<sup>2</sup>

ATD officers review written requests for reconsideration for inclusion of the following pertinent information:

- Participant's name and A-number;

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<sup>2</sup> For questions related to effective communication for participants with a disability, contact the ERO Disability Access Coordinator in the Custody Management Division at [ERO.RA@ice.dhs.gov](mailto:ERO.RA@ice.dhs.gov).

- Current stage in immigration proceedings;
- Current level of monitoring; and
- An explanation of why the enhanced technology or reporting requirements seems unwarranted, along with supporting documentation (if any).

ATD officers exercise discretion when assessing consequences for program violations by participants with humanitarian considerations. The ATD officer considers all instances of noncompliance with program rules and conditions of enrollment, but leniency may be justified in certain circumstances. If, based on the circumstances of the case and the evidence submitted, the ATD officer finds no violation, or that the participant's conduct was justified, the officer should not change the technology or reporting requirements.

If the ATD officer elects to adjust case management levels or change technology assignment and the participant objects, the participant may request reconsideration by the ATD supervisor. The ATD officer notifies the participant of the process for requesting reconsideration.

If the ATD supervisor determines that the participant violated program rules or conditions of release, he or she evaluates the totality of the circumstances before deciding whether to proceed with changes to the participant's enrollment. Following this evaluation, the ATD supervisor may:

- Change the technology to which the participant is assigned;
- Heighten the level of supervision;
- Detain the participant; or
- If the violation was willful, consider referral for prosecution under 8 U.S.C. § 1253(b).

Note: ATD officers and supervisors adhere to all standard non-detained or detained policies and procedures during escalation or de-escalation.

## **A. Identifying ATD Program Violations**

ATD violations are usually identified by:

- Computer-based alerts;
- Case reviews; and
- Contractor emergency/incident reports.

Alerts maintain the integrity of the ATD program and help enforce the release conditions. When anticipating an encounter or receiving notification of a violation, the ATD officer conducts record checks, identifies alerts, and responds to the alerts.

Responses to alerts may include, but are not limited to:

- Alert review (this may or may not include accessing the contractor database);
- Contacting the monitoring center;
- Communicating with the local contractor (via email, text, or phone);
- Surveillance; and/or
- Immediate field response.

After hours, responses to alerts are automated from the monitoring center or from the local contractor's office. Each AOR determines its own methods and procedures for alert management, including any operational guidance to ATD officers directly involved in the ATD program on a daily basis.

Any immediate field response should occur within prescribed hours (0600-2200) unless otherwise approved by the FOD. Additionally, any field response should be conducted only after safety precautions and field enforcement protocols are established. The contractor documents its responses to alerts in their database. The ATD officer documents his or her actions in EARM. Communication through proper channels between the contractor and the AOR is imperative to prevent redundancy and inefficiency.

Note: For specific alert resolution steps performed by the contractor, please refer to attachment 6 in the ISAP III contract.

Once the ATD officer determines the alert is a violation, the officer exercises discretion in assigning consequences in accordance with the guidance outlined above.

After evaluating the nature of the program violation and exercising discretion in warning the participant and/or imposing consequences, the ATD officer takes the following steps:

1. Run record checks [REDACTED];
2. Update [REDACTED]:
  - Note the incident and the steps taken;
  - If an intermediate or major infraction, indicate the change in reporting or technology and complete a change of status form; and
3. If a case termination, submit the completed ATD termination sheet to the contractor and place a copy in the A-file.

## **B. Post-Arrest Procedures for ATD Violators**

After arresting an ATD Program violator, the ATD officer:

1. Processes the participant in [REDACTED]
2. Processes the participant in [REDACTED]
3. Conducts a Risk Classification Assessment (RCA).
4. Updates [REDACTED]
5. Serves the participant with applicable documents, including:
  - I-286, Notice of Custody Determination;
  - I-200, Warrant of Arrest; and
  - I-830, Notice to EOIR: Alien Address.

**C. Procedures for ATD Absconders**

(b)(7)(E)



(b)(7)(E)

#### **D. Prosecution**

If a participant willfully failed to depart or to comply with the conditions of release, the ATD officer considers referring the participant for prosecution under 8 U.S.C. § 1253(a) (failure to depart) or § 1253(b) (willful failure to comply with terms of release under supervision). Penalties for failure to depart under § 1253(a) include a fine under Title 18, or imprisonment for not more than four years. Penalties for willful failure to comply under § 1253(b) include a fine of not more than \$1,000, imprisonment for not more than one year, or both. ATD officers should consult with their local Office of Chief Counsel and/or U.S. Attorney's Office regarding these and possible additional charges.

## VI. Reconsideration of ATD Participation

By signing the I-220A or I-220B and the ATD Program Participant Agreement, which specify conditions of enrollment and participation and requirements for release, the participant acknowledges his or her understanding of these conditions.

A participant objecting to the conditions of release has three options. The ATD officer is responsible for adequately informing the participant of these options.

Note: If the participant does not speak or understand English, provide access to interpreter services, as necessary. If the participant cannot write or has a disability that prevents him or her from completing a document, the ATD officer provides assistance to allow the participant to effectively communicate his or her request (see Footnote 3, page 14, for additional information about participants with disabilities).

*Option 1:* Within seven calendar days of release from custody, the participant may file with EOIR an application for amelioration of the terms of release (see 8 C.F.R. § 236.1(d); *Matter of Garcia-Garcia*, 25 I. & N. Dec. 93 (BIA 2009)).

A participant who wishes to pursue this option should consider seeking the advice of an immigration attorney. A list of free legal service providers is available online. The participant may also request the list from the ATD officer or the CS.

*Option 2:* The participant may submit a written request for reconsideration of the reporting or monitoring requirements to the ATD officer. The request should include the participant's name; A-number; stage in immigration proceedings; the level of monitoring; and why reconsideration seems appropriate, along with documentation, if any, supporting the request. A C or G site participant submits the request through his or her CS to the ATD officer. A T site participant submits it directly to the ATD officer.

*Option 3:* If more than seven calendar days have elapsed following his or her release from custody, the participant may submit a written request for reconsideration to the ATD supervisor. In the request, the participant includes the participant's name; A-number; stage in immigration proceedings; the level of monitoring; and why reconsideration seems appropriate, along with documentation, if any, supporting the request. A C or G site participant submits the request through his or her CS. A T site participant submits it through the ATD officer.

When ATD officers receive written requests for reconsideration, they document receipt of these requests in EARM. Documentation includes the date and time the request was forwarded to the ATD supervisor (if applicable). The ATD officer, the ATD supervisor, the FOD, or the FOD's designee then thoroughly reviews the circumstances as

described by the participant in the request. Within two business days of receipt, the ATD officer, the ATD supervisor, the FOD, or the FOD's designee provides the participant with a written response to his or her request, including an explanation of the decision to grant or deny the request.

Note: If the participant cannot read or understand English, provide an interpretation service, as necessary, to explain the response orally.

## VII. Termination from the ATD Program

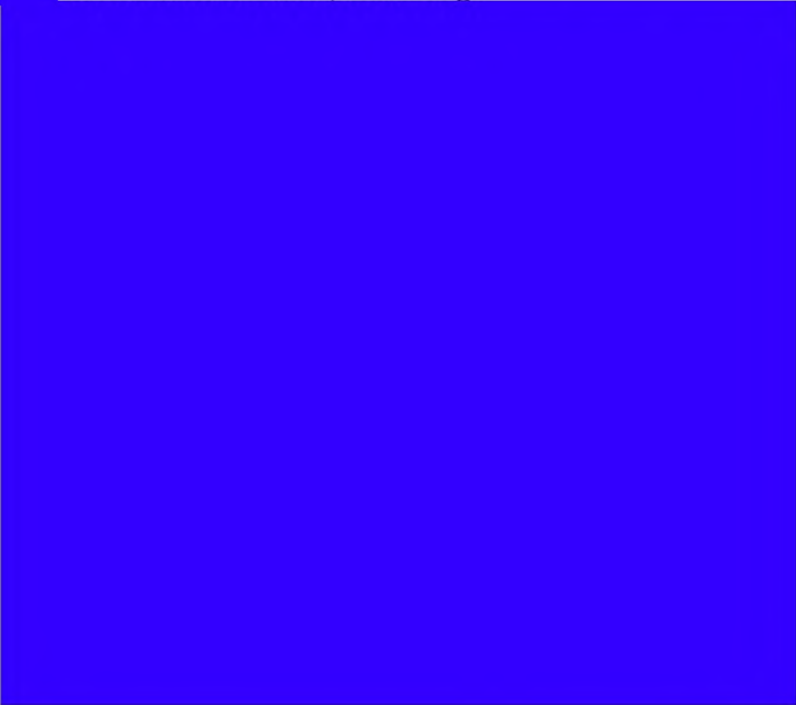
Once it is determined that the participant is no longer required to participate in any component of the program, the ATD officer performs the following steps to update the record and remove the participant from ATD enrollment.

### A. All Participants

In order to check that the circumstances have not changed since the decision to terminate participation, the ATD officer first runs system checks [REDACTED].

Simultaneously, the ATD officer coordinates any discretionary decision to terminate a participant from the ATD program through the local ATD Monitoring Officer (AMO) or Headquarters ATD Unit.

Next, before transferring the case, the ATD officer updates all applicable sections of [REDACTED] for all terminations, including:



The ATD officer also updates the National File Tracking System (NFTS) to route the A-file to the appropriate location.

If the case involves a fugitive alien, the ATD officer notifies the local Fugitive Operations Team.

The ATD officer's final steps depend on the relevant site type.

**a) C, G Sites**

For C or G site cases, in addition to the actions described under "All Participants" (above), the ATD officer submits to the contractor the completed "Notice to Terminate ATD Participation," including the participant's termination code and sub-category, as applicable.

**b) T Sites**

For T site cases, in addition to the actions described under "All Participants" (above), the ATD officer terminates the participant from the applicable contractor monitoring database. If the GPS unit is not recovered, the ATD officer notifies the contractor.

**c) S Sites**

For S site cases, in addition to the actions described under "All Participants" (above), the ATD officer who is monitoring the case from the S site to their destination contacts the AOR of the participant's last known location in an effort to locate the participant and GPS unit. That ATD officer also terminates the participant from the applicable contractor monitoring database. The ATD officer then notifies the AMO responsible for the S site regarding the termination. If the GPS unit is not recovered, the ATD officer monitoring the case notifies the contractor.

**B. ATD Absconders**


(b)(7)(E)



(b)(7)(E)

**b) Post-Order**

For Post-Order participants who have absconded, the ATD officers:

1. Update 



2. Coordinate with the local enforcement team on current policy and procedures for arrest.

3. Route the physical A-file, including the following documentation (if available):

- I-205, Warrant of Removal;
- FD-249, Fingerprint Card;
- I-213, Record of Deportable/Inadmissible Alien;
- I-217, Information for Travel Document; and
- A photograph.

**VIII. Grievance Procedures**

Note: If the participant does not speak or understand English, provide access to interpretation services, as necessary (see Footnote 1, page 10, for additional information). If the participant cannot write or has a disability that prevents him or her from completing written documentation, the ATD officer provides assistance to allow for the participant to effectively communicate of his or her request (see Footnote 2, page 13, for additional information about participants with disabilities).

1. During the ATD Program enrollment process, the ATD officer informs the participant of the procedures for filing a grievance if a contractor acts inappropriately.

2. To report a contractor grievance<sup>3</sup>, the participant:
  - 1) Requests an appointment with an ATD officer;
  - 2) Documents the inappropriate behavior or treatment. In the documentation, include the participant's name and A-number; name of the case specialist; date(s), time(s), and location(s) of the inappropriate behavior; and details of what occurred; and
  - 3) Where applicable, presents the documentation for discussion with the ATD officer at the meeting.
3. When an ATD officer receives a request for a meeting to discuss a grievance about a CS, the officer:
  - 1) Schedules an appointment to meet with the participant as soon as possible, and no later than two business days after notification.
  - 2) Advises the participant that his or her attorney or representative may be present.
  - 3) Neither the CS nor the contract program manager may attend the meeting.
  - 4) If the participant has limited English proficiency (LEP), the officer prepares to conduct the meeting in the participant's preferred language, using an approved interpretation service when needed.
  - 5) If the participant has a disability that affects his or her ability to communicate, the officer requests assistance to ensure effective communication with the participant (for example, from a sign language interpreter).
  - 6) At the appointment, review the participant's documentation or statements detailing the inappropriate actions and, in a private setting and a non-adversarial manner, discuss the complaint with the participant.
  - 7) Immediately after the meeting with the participant, the officer notifies the contract program manager about the allegation(s). The program manager should reassign the participant to another CS pending an internal investigation by the contractor.
  - 8) Prepares a written summary for the AMO, including:

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<sup>3</sup> If ERO receives a contractor grievance through an alternate means of communication (e.g., Detention and Reporting Information Line, ICE Tipline, etc.), ERO will route the grievances to the appropriate field office for review.

- Participant's A-number
  - Date of notification of the allegations
  - Date of meeting with the participant, including all attendees
  - Details of the allegations, including CS's name and date(s) of the alleged inappropriate behavior and/or treatment
  - Date the contract program manager was notified
  - Actions taken
4. Upon completion of the contractor's internal investigation, the ATD officer notifies the AMO, the Contracting Officer's Representative, and the participant of the outcome of the internal investigation, and updates EARM accordingly.

***\*Please see the ATD intranet page for any future best practice or policy updates. Please send inquiries to the ATD Unit mailbox.\****

#### **NO PRIVATE RIGHT STATEMENT**

This document provides only internal guidance for the U.S Department of Homeland Security (DHS) U.S. Immigration and Customs Enforcement (ICE). It is not intended to, does not, and may not be relied upon to create or diminish any rights, substantive or procedural, enforceable at law or equity by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of DHS or ICE.



ATD PARTICIPANT ENROLLMENT FORM

ATD Location: Number:	Case Docket Control Office:	EARM Case ID: A-
--------------------------	-----------------------------	------------------

**Relevant Information (Criminal History, Special Vulnerabilities, Risk to Public Safety or Risk of Flight):** Please note behavioral issues, next court date, employment eligibility, travel document status, special notifications such as medical needs or any other relevant case information.

Submit all two (2) pages to contractor office

ATD PARTICIPANT CHANGE IN STATUS FORM **SAMPLE**

ATD Location:	Case DCO:	EARM Case ID:	A-Number:
<b>Participant Biographical Information</b>			
Last Name:	First Name:	A-Number:	
DOB (under 18 not eligible)	COC	Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Unknown	
Alien Address	City	State	Zip Code
Phone Number (    )		Cell Phone (    )	
<b>Referral Source:</b>			
<input type="checkbox"/> CAP <input type="checkbox"/> Fugitive Ops <input type="checkbox"/> Detained <input type="checkbox"/> Non-Detain <input type="checkbox"/> HSI <input type="checkbox"/> CBP <input type="checkbox"/> USCIS			
<input type="checkbox"/> Other _____ (Explanation Required)			
<input type="checkbox"/> Pre-Order (Notice to Appear) <input type="checkbox"/> Post-Order (VD/Final Order of Removal) <input type="checkbox"/> Appeal (Pending with			
<b>Officer to Determine Supervision Levels on a Case by Case Basis</b>			
<b>Technology Options (Selection of a Technology is a Requirement):</b>			
<input type="checkbox"/> GPS or <input type="checkbox"/> Monthly Telephonic Reporting			
<b>Service Options (where Available) with</b>			
<b>Frequency: Y        N</b>			
<input type="checkbox"/> <input type="checkbox"/> Office Visits* (Once Every): <input type="checkbox"/> Week <input type="checkbox"/> 2 Weeks <input type="checkbox"/> 4 Weeks <input type="checkbox"/> 8 Weeks			
<input type="checkbox"/> <input type="checkbox"/> Home Visits* (Once Every): <input type="checkbox"/> 2 Weeks <input type="checkbox"/> 4 Weeks <input type="checkbox"/> 8 Weeks			
<input type="checkbox"/> <input type="checkbox"/> Program Enrollment, Residence Verification & Orientation* (Installation of Technology and Program Explanation)			
<input type="checkbox"/> <input type="checkbox"/> Court Tracking* (Tracking of Court Case and Reminder Call to Participant before Court)			
<input type="checkbox"/> <input type="checkbox"/> Alert Management* (GPS & Telephonic Alerts)			
*If not contracted, this function is the responsibility of the ATD Officer.			
ERO Case Officer Authorizing Enrollment (Name and Title)			Date
Alien appeared at Intake/Orientation for enrollment on _____ at _____			
		(Date)	(Time)

~~LAW ENFORCEMENT SENSITIVE - FOR OFFICIAL USE ONLY~~  
**ATD PARTICIPANT CHANGE IN STATUS FORM**

<b>ATD Location: Number:</b>	<b>Case Docket Control Office:</b>	<b>EARM Case ID: A-</b>
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**Relevant Information (Criminal History, Special Vulnerabilities, Risk to Public Safety or Risk of Flight):** Please note behavioral issues, next court date, employment eligibility, travel document status, special notifications such as medical needs or any other relevant case information.

**Submit all two (2) pages to contractor office**

APPENDIX 2: Notice to EOIR – Alien Address

SAMPLE

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

NOTICE TO EOIR: ALIEN ADDRESS

Date: \_\_\_\_\_

To: Enter Name of BIA or Immigration Court I-830 \_\_\_\_\_  
Enter BIA or Immigration Court Three Letter Code@usdoj.gov \_\_\_\_\_

From: Enter Name of ICE Office \_\_\_\_\_  
Enter Street Address of ICE Office \_\_\_\_\_  
Enter City, State and Zip Code of ICE Office \_\_\_\_\_

Respondent: Enter Respondent's Name \_\_\_\_\_  
Alien File No: Enter Respondent's Alien Number \_\_\_\_\_

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:  
Enter Name of Institution where Respondent is being detained \_\_\_\_\_  
Enter Street Address of Institution where Respondent is being detained \_\_\_\_\_  
Enter City, State and Zip code of Institution where Respondent is being detained \_\_\_\_\_  
Enter Respondent's Inmate Number \_\_\_\_\_  
His/her anticipated release date is Enter Respondent's Anticipated Release Date. \_\_\_\_\_

Detained by ICE on Enter Date Respondent was Detained by ICE at: \_\_\_\_\_  
Enter Name of ICE Detention Facility where Respondent is being detained \_\_\_\_\_  
Enter Street Address of ICE Detention Facility where Respondent is being detained \_\_\_\_\_  
Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained \_\_\_\_\_

Detained by ICE and transferred on Enter Date Respondent was transferred to: \_\_\_\_\_  
Enter Name of ICE Detention Facility where Respondent has been transferred \_\_\_\_\_  
Enter Street Address of ICE Detention Facility where Respondent has been transferred \_\_\_\_\_  
Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred \_\_\_\_\_

Released from ICE custody on the following condition(s):  
 Order of Supervision or Own Recognizance (Form I-220A)  
 Bond in the amount of Enter Dollar Amount of Respondent's Bond \_\_\_\_\_  
 Removed, Deported, or Excluded  
 Other \_\_\_\_\_

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:  
Enter Respondent's Street Address \_\_\_\_\_  
Enter Respondent's City, State and Zip Code \_\_\_\_\_  
Enter Respondent's Telephone Number (including area code) \_\_\_\_\_

I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title \_\_\_\_\_

ICE Form I-830E (02/09)





## APPENDIX 4: Glossary

### **Alternatives to Detention Program (ATD)**

The Alternatives to Detention Unit within the Custody Management Unit (CMU) of the ICE Office of Enforcement and Removal Operations is the unit responsible for developing and implementing programs that improve the immigration court appearance rates, court order compliance rates, and removal rates of aliens released from ICE custody.

### **Average Length in Program (ALIP)**

The average number of days a program participant is enrolled in ISAP from intake through termination from the program.

### **Case Specialist**

A contractor employee with case management and service plan (see also Individual Service Plan) responsibility within the ATD Program. This employee is the participant's primary point of contact and is responsible for the physical or electronic means of accounting for that participant. The Case Specialist creates the Individual Service Plan and executes the procedures necessary to achieve the supervision objectives in the program. These duties include residence verification, unannounced home visits, in-person reporting at the Contractor office and ensuring that participants provide travel document information.

### **Contracting Officer (CO)**

A contracting officer is a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings on the part of the federal government, in this case ICE. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. Administrative contracting officer (ACO) refers to a contracting officer who is administering contracts. 42 C.F.R. § 2.101

### **Contracting Officer's Representative (COR)**

The CO is assisted in his or her duties by the Contracting Officer's Representative (COR), who usually does not have the authority of a Contracting Officer. The ATD COR, located at ICE Headquarters, is responsible for monitoring the day-to-day performance, activities and technical aspects of the contract and is supported on this contract by local Task Managers. Task Managers assist the COR in monitoring contract performance at the AOR field office or sub-office level.

**Contractor**

The entity that provides services described in this Handbook under a federal contract.

**Face-to-Face Contact**

An official meeting in-person between an ATD Program participant and his or her assigned case specialist at specified scheduled intervals that are determined by ERO.

**Facility**

Offices, office space, or other accommodations chosen by the contractor where employees perform duties required under this contract.

**Global Positioning System (GPS) Unit**

For purposes of this contract, a Global Positioning System (GPS) unit is an ankle monitor that operates and transmits its location by way of navigation satellites and cellular towers.

**Grievance**

A written complaint filed by a participant concerning his or her personal health/welfare or the operations and services of the Program.

**Individual Service Plan (ISP)**

The written plan containing detailed supervisory focus for each participant, prepared by the case specialist and taking into account individual supervision factors, the participant's range of supervision, history, orders of supervision and program success to date.

**Interpreter / Interpretation**

Interpretation involves oral communication. Translation involves written communication. Interpretation involves the immediate communication of meaning from one language into another. An interpreter conveys meaning orally; as a result, interpretation requires skills different from those needed for translation.

**Office Manager**

The on-site contractor employee in each service location that is responsible to ICE for management and administration of the ATD Program.

## **Participant**

An alien who is 18 years of age or older and who is in removal proceedings, under a final order of removal, or pursuing an appeal, who is not in ICE custody, and who is being supervised in the ATD program.

## **Participant Records**

Records that contain information concerning the Participant's personal, criminal and medical history combined with behavior and activities while participating in the ATD program. Participant records include but are not limited to photographs, disciplinary infractions and actions taken, grievance reports, documentation supporting excused absences from appearance appointments (e.g., doctor's notes), and employment history. If a participant voluntarily submits medical records to the contractor, these must be immediately forwarded to ERO for proper handling.

## **Policy**

As used within the scope of the ATD contract, a written, official statement and method of action that guides and determines present and future decisions and actions.

## **Program Absconder**

For purposes of this contract, a program absconder is defined as an alien who, while enrolled in the ATD program, flees from their current address without any notification or forwarding information, or who cannot be located by the contractor or ICE/ERO.

## **Program Violator**

An alien currently enrolled in the ATD program who is not compliant with a supervision service or other requirements.

## **Random Frequency**

Applies to quality assurance events initiated by the ICE CO or COR that are unplanned or unscheduled.

## **Supervision**

All activities conducted by contractor personnel and overseen by ICE employees to manage program participant compliance in accordance with the terms and conditions of their enrollment in an Intensive Supervision Appearance Plan (ISAP) as described in each participant's Individual Service Plan (ISP).

### **Supervision Services**

The various methods and activities of supervising program participants enrolled in the ATD program including GPS monitoring, telephonic monitoring, residence verification, unannounced home visits, office visits, court verification and travel document updates.

### **Task Managers**

Designated ICE employees who assist the COR in monitoring day-to-day activities and technical aspects of the contract and contractor performance. Due to the complexity and nationwide scope of the contract, task managers are appointed to assist the COR by performing delegated tasks within defined Areas of Responsibility.

### **Telephonic Reporting System**

A telephonic monitoring system designed to monitor aliens with the use of a home or cellular telephone. The system creates a biometric voiceprint for an alien utilizing a specified language identified as their primary language. The system makes automated "check-in" calls on a monthly, weekly or daily basis to the alien's enrolled phone number at specified intervals. The system registers and logs the success or failure of the check-in.

### **Termination**

Processing an alien out of the ATD program as directed by ICE.

### **Training**

An organized, planned and evaluated activity designed to achieve specific learning objectives. Training may occur on-site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings or through closely supervised on-the-job training. Meetings of professional associations are considered training when there is clear evidence of the above elements.

### **Translator / Translation**

A person who translates documents from one language into another. Translation refers only to written materials.

### **Unauthorized Absence (UA)**

Any participant that is not present for any scheduled or unscheduled face-to-face office interview, home visit, or other official in-person ICE appointment.

## APPENDIX 5: ATD Acronyms

AMO ATD Monitoring Officer  
AOR Area of Responsibility  
ATD Alternatives to Detention  
BIA Board of Immigration Appeals  
CAP Criminal Alien Program

[REDACTED]

CS Case Specialist

[REDACTED]

EOIR Executive Office for Immigration Review  
ERO Enforcement and Removal Operations  
FOD Field Office Director  
GPS Global Positioning System  
ICE Immigration and Customs Enforcement  
IJ Immigration Judge  
ISAP Intensive Supervision Appearance Program  
LOS Line of Sight

[REDACTED]

OREC Order of Release on Recognizance; also "OR"  
OSUP Order of Supervision; also "OS"

[REDACTED]

POCR Post-Order Custody Review  
TD Travel Document  
TR Telephonic Reporting  
USCIS U.S. Citizenship and Immigration Services

## APPENDIX 6: ATD-Related Policy Documents

Dec 10, 2004	<i>Alternatives to Detention Recovery Procedures</i> 
Dec 17, 2008	<i>Alternative to Detention (ATD) Case Management Guidance</i> 
Sep 14, 2009	<i>Use of GPS Monitoring Devices on Persons who are Pregnant or Diagnosed with a Severe Medical Condition</i> 
Feb 28, 2011	<i>Alternatives to Detention Program Participant Enrollment Guidance</i> 
Jan 13, 2012	<i>Alternatives to Detention Program Violations</i> 
June 23, 2014	<i>Alternatives to Detention and the Rio Grande Valley</i> 
May 15, 2015	<i>Referral of Family and Adult Releases for ATD Evaluation and Participation</i> 
June 8, 2015	<i>Alternatives to Detention Program Guidance</i> 
July 24, 2015	<i>Referral of All Aliens Not Subject to Detention</i> 