

1. Access as the Rule.

Defendant U.S. Immigration and Customs Enforcement (ICE) shall permit in-person pastoral visits by faith leaders to all detainees at the Bishop Henry Whipple Federal Building (“Whipple”) who wish to receive pastoral care, including spiritual care, prayer, or sacramental ministry of any kind, including rites tied to specific religious observances.

Access shall be the default and shall not be conditioned on a detainee’s prior request. ICE shall not require advance requests from detainees and shall not deny access based on a faith leader’s title, role, or denominational status, including distinctions between “pastors” and “clergy.”

2. Timing of Access.

Defendants may not adopt categorical rules that effectively bar or preclude meaningful access of faith leaders to provide pastoral care. Faith leaders will not have access to secured locations in Whipple, such as the hold rooms.

Access shall be provided without unreasonable delay upon a faith leader’s arrival. Any delay in access will be documented with specificity, time-limited, and consistent with this protocol.

ICE shall allow faith leader visits seven (7) days per week by presenting themselves to ICE in Room #G700 and identifying themselves as faith leaders. In-person visitation shall be available Monday through Friday (8:00 a.m. – 4:30 p.m. CST), and on weekends (8:00 a.m. – 12:00 p.m. CST), which are the same as the current hours for weekend attorney visits as required by the March 26, 2026 Preliminary Injunction issued in *Advocates for Human Rights et al. v. DHS et al.*, 26-cv-749 (D. Minn.).

Defendants shall also provide a method for faith leaders to offer pastoral care outside of the above standard visitation hours. For these visits, Plaintiffs shall timely submit their access request by sending an email to the following email address: stpaul.outreach@ice.dhs.gov or calling the following ICE phone numbers: (612) 409-7799 or (612) 843-8723. ICE agrees that it shall respond to all requests within twelve (12) hours.

ICE shall maintain an emergency access protocol that allows: (a) detainees to request urgent pastoral care at any time; and (b) faith leaders to provide such care without undue delay. If the only available means of emergency pastoral care is by telephone, such calls shall be provided free of charge.

3. Permissible Limitations.

Defendants may not restrict faith leaders' right to provide pastoral care except where strictly necessary to further a compelling governmental interest and only through the least restrictive means. Any limitation will be documented with specificity, limited in duration, and no broader than necessary based on articulable facts. Generalized or conclusory references to safety, security, or orderly operations are not sufficient.

Permissible temporal limitations include, but are not limited to the following:

- (a) When a detainee is actively engaged in fingerprinting, a medical examination, or a similar, discrete, time-limited processing procedure requiring uninterrupted physical presence;
- (b) Within twenty (20) minutes of a detainee's contemporaneously documented and imminent transfer. This exception may not be invoked absent an actual transfer and may not be used repeatedly to deny access;
- (c) When a specific, articulable, and imminent risk to safety or security exists that cannot be mitigated through reasonable alternatives. Any such restriction must be:
 - (i) authorized by the supervisory ICE officer on duty at Whipple at the time;
 - (ii) specifically documented and no broader than necessary to address the identified risk; and
 - (iii) limited in duration and last no longer than necessary.

4. Contemporaneous Justification and Documentation.

If access is denied or delayed during the weekday and weekend hours set forth above, Defendants will, at the time of the decision, document with specificity the basis for the limitation and if so, the supervisory officer on duty or, if unavailable, the officer designated in charge will explain the reason for the denial or delay to the faith leader as well.

Denial of entry to the building. If entry to the building is denied or delayed during normal business hours, Defendant Federal Protective Service (FPS) will document the reason for the denial on an FPS Form 3155 (Incident Report). If the denial occurs on a weekend or holiday during the times set forth above, ICE will document the reason for the denial on an appropriate ICE form.

Denial of offering pastoral care. If pastoral care is denied or limited by ICE when the faith leader is in the building during the weekday and weekend hours set forth above, a supervisory ERO officer will log the denial or limitation.

ICE will document each discrete denial or delay of access by faith leaders to the Whipple building and/or denial or delay of access by faith leaders to provide pastoral care. Each documented event shall be completed contemporaneously with the denial or delay of access and include: (a) the identity of the decisionmaker; (b) the specific factual basis for the action; and (c) the duration if the access request is delayed as opposed to denied. Explanations may exclude law enforcement sensitive information, but will be sufficiently detailed and documented. ICE shall provide Plaintiffs' counsel with its documentation of these visits, including documentation of any denials or delays, within two (2) business days of Plaintiffs' counsel's request. Post hoc or generalized justifications do not satisfy this requirement.

5. Notice to Detainees.

Defendants shall provide notice of the Court-approved protocols to all individuals detained, even temporarily, at Whipple upon arrival, by posting such notice in all holding areas. At a minimum, notice shall be provided in English, Spanish, Hmong, and Somali. The notice shall state:

“You have the right to receive pastoral care, spiritual care, ministry, and prayer from a faith leader if you would like to receive it. Please let an ICE officer know if you would like to receive pastoral care. If a faith leader is present, they can meet with you privately to provide pastoral care. The faith leader can provide pastoral care to anyone of any religious or faith background—you don't need to have the same religion as the faith leader. If you choose to meet with the faith leader, the government will not treat you differently or worse here at Whipple, or at any other holding or detention facility, and your meeting with the faith leader will have no impact on any current or future immigration proceeding. You have the right to freely exercise your religion, and it is illegal for the government to retaliate against you for doing so.”

6. Notice of Faith Leaders' Presence and Opportunity to Accept Pastoral Care.

Upon the faith leaders' arrival, ICE shall escort the faith leaders into the visitation room, then announce that the faith leader is available to provide pastoral care.

If direct announcement is not feasible, ICE shall promptly provide notice, no more than fifteen (15) minutes after the faith leaders' arrival, to detainees then present at the Whipple, verbally in English, and in Spanish (if an ICE agent then present speaks Spanish), and distributed in writing in English, Spanish, Hmong, and Somali (at a minimum), using the following script:

“You have the right to receive pastoral care, spiritual care, ministry, and prayer from a faith leader if you would like to receive it. Right now, there is a faith leader here who can offer you pastoral care if you wish to receive it. The faith leader does not work for and is not affiliated with the government. The faith leader's name is [TITLE NAME] of [AFFILIATION]. They can meet with you to provide pastoral care. The faith leader can provide pastoral care to anyone of any religious or faith background – you don't need to have the same religion as the faith leader. If you choose to meet with the faith leader, the government will not treat you differently or worse here at the Whipple, or at any other holding or detention facility, and your meeting with the faith leader will have no impact on any current or future immigration proceeding. You have the right to freely exercise your religion, and it is illegal for the government to retaliate against you for doing so.”

Defendants shall not discourage or interfere with detainees' decisions regarding whether to accept pastoral care. If a detainee arrives after the announcement of the faith leader has already been made, and the faith leader remains present at Whipple, the newly arrived detainee will be given the above notice within fifteen (15) minutes of the detainee's arrival.

7. Entry and Security Procedures.

To gain entry to Whipple during normal business hours, faith leaders will undergo the same security procedures at the main entrance required of all visitors. Faith leaders will then go to Room #G700 and present themselves to ICE. ICE shall allow individuals who identify themselves as faith leaders to enter the facility subject to reasonable, neutral, and uniformly applied security procedures. Such procedures shall be applied in a nondiscriminatory manner; not be more burdensome than those applied to comparable visitors; and not substantially burden religious exercise absent a compelling interest pursued through the least restrictive means. If a security screening results in denied access, the basis for the

denial will be documented with specificity in accordance with the requirements set forth in Paragraph 4.

8. Religious and Sacramental Items.

A faith leader may bring facility-approved religious and sacramental items into the facility for use during the faith leader's visit with detainees if such items comply with requirements under 6 C.F.R. § 139, or where an exemption has been granted by the Facility Security Committee (FSC) for the Whipple. Religious and sacramental items cannot be permanently transferred to a detainee's possession. If a religious or sacramental item would be viewed as a prohibited item under 6 C.F.R. § 139, the faith leader will need to request an exception or exemption from the FSC. Information regarding the process for requesting an exception or exemption can be obtained from one of the Protective Security Officers (PSO) (contract security guards) at the screening station. If the government restricts a faith leader from bringing in a religious or sacramental item or from temporarily giving such an item to a detainee, that restriction will be documented in accordance with Paragraph 4.

9. Non-Retaliation and Non-Interference.

Defendants shall not retaliate against or otherwise penalize any detainee, faith leader, or Plaintiff in any manner, for requesting, providing, or receiving pastoral care; participating in this litigation; or raising concerns about compliance. Defendants shall not interfere with or discourage the exercise of religious rights. ICE shall not transfer detainees for the purpose of interfering with access to pastoral care.

Faith leaders may offer pastoral care in a manner consistent with their religious traditions while fully respecting each detainee's autonomy. Faith leaders shall not coerce or pressure detainees to participate in religious activity and shall respect each individual's choice to accept, decline, or discontinue pastoral care.

10. Training and Implementation.

Within twelve (12) hours of the Court's approval of this protocol, Defendants shall disseminate the Court-approved protocol to all personnel at Whipple associated with entry procedures or hold room visitation and shall provide any necessary guidance and instruction to ensure implementation and compliance.