

<p style="text-align: center;"><b>STATE OF VERMONT</b> <b>AGENCY OF HUMAN SERVICES</b> <b>DEPARTMENT OF CORRECTIONS</b></p>	<p style="text-align: center;"><b>Noncitizens</b></p>		<p style="text-align: center;"><b>Page 1 of 5</b></p>								
<p><b>CHAPTER: FACILITIES - GENERAL</b></p>	<p style="text-align: center;"><b>#317</b></p>	<p><b>Supersedes:</b> #315.02, dated 12/15/2008</p>									
<p><b>Local Procedure(s) Required:</b> No  <b>Applicability:</b> All staff (including contractors and volunteers)  <b>Security Level:</b> “B” – Anyone may have access to this document.</p>											
<p><b>Approved:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;"><u>SIGNED</u></td> <td style="width: 20%; border: none;"><u>03/18/2026</u></td> <td style="width: 20%; border: none;"><u>04/02/2026</u></td> <td style="width: 20%; border: none;"></td> </tr> <tr> <td style="border: none;">Jon Murad, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> <td style="border: none;"></td> </tr> </table>				<u>SIGNED</u>	<u>03/18/2026</u>	<u>04/02/2026</u>		Jon Murad, Commissioner	Date Signed	Date Effective	
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**PURPOSE**

The purpose of this policy is to establish the Vermont Department of Corrections (DOC) procedures for staff regarding the intake and required notifications of noncitizens detained in a correctional facility.

**AUTHORITY**

Vienna Convention on Consular Relations (VCCR), Article 36; U.S. Const. art. VI cl. 2; 28 CFR § 115.351(b)

**DEFINITIONS**

Consular Officer or Consul: An official of a foreign government accredited by the Department of State and authorized to aid that government’s citizens abroad.

Dual Citizenship: The legal status of an individual who maintains citizenship in more than one country.

Noncitizen: An individual who is not a United States citizen.

## **POLICY**

The DOC's policy is to follow the United States (US) Department of State's requirements under the Vienna Convention on Consular Relations (VCCR) treaty regarding the notifications of arrest, detention, imprisonment, serious illness, or death of noncitizens while in the custody of a correctional facility. These practices ensure that noncitizens are notified of and given their right to consular notification and access.

Upon confinement to a correctional facility, noncitizens have the right to communicate with their embassies or consulates of origin. Staff shall inform a noncitizen of the right to consular notification and access when the individual is detained or arrested. The DOC shall not impede consular access to noncitizens.

## **GENERAL PROCEDURES**

### **A. Noncitizens Lodged by a Non-Federal Agency**

1. Staff are not required to notify the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE) of the noncitizen's intake. Staff shall provide a noncitizen detained solely for civil immigration violation with information to contact relevant officials at the DHS.
2. When a noncitizen is lodged by a Non-Federal Agency, or when staff discover during incarceration that an individual is a noncitizen, staff shall follow the intake and notification procedures below:
  - a. The Corrections Officer (CO) assigned to admissions control (AC), or "AC Officer," shall immediately notify the Correctional Facility Shift Supervisor (CFSS) when a noncitizen is admitted to a correctional facility.
  - b. Upon a noncitizen's admission, the CFSS shall ensure:
    - i. A review of arrest paperwork is completed to determine citizenship; or
    - ii. If no official paperwork is available, an interview of the noncitizen is conducted to determine the noncitizen's birthplace. For an individual without proof of United States

citizenship, staff shall proceed as if the individual is a citizen of the individual's birth country.

- c. Once the citizenship or birthplace is determined, the CFSS shall ensure the noncitizen is informed of the right to consular notification and access. Staff may provide the noncitizen with the notice of that right by utilizing the US Department of State's consular notification and access manual, located on the US Department of State's website, and follow the necessary language access process outlined in [Section C., Accommodation Process](#).
- d. When a noncitizen's country is on the mandatory notification countries and jurisdictions chart, the CFSS shall ensure the nearest consulate or embassy is notified regardless of the wishes and desires of the incarcerated individual. Staff:
  - i. Shall notify the consulate or embassy of all the countries in which the individual has citizenship if those countries are on the mandatory notification list. This may include when the individual has dual citizenship, including US citizenship;
  - ii. Shall notify the consulate or embassy of any noncitizen upon the noncitizen's request; and
  - iii. Shall never indicate that the noncitizen has requested asylum or withholding of removal to any noncitizen's consulate or embassy. If a noncitizen has obtained or applied for asylum or refugee status and does not want the consular officer contacted, staff shall honor this request unless the person is from a country on the mandatory notification countries and jurisdictions chart.
- e. When a noncitizen is from a country requiring mandatory notification or requests that the consular officer be notified, a system-generated email will deliver the notification.
- f. If further information is needed, the CFSS may contact the US Department of State.

**B. Noncitizens Lodged by a Federal Agency**

- 1. A Federal Agency (e.g., ICE, United States Marshals Service (USMS), Customs and Border Protection (CBP), and Homeland Security Investigations (HSI)) that brings a noncitizen to a Vermont correctional

facility shall retain the responsibility for notification to the consulate or embassy.

2. During the five-day classification process, the Corrections Services Specialist (CSS) shall inform the noncitizen of the right to contact the noncitizen's consulate.
  - a. The CSS may provide the noncitizen with the notice of this right by utilizing the US Department of State's consular notification and access manual, located on the US Department of State's website, and follow the necessary language access process outlined in [Section C., Accommodation Process](#); and
  - b. If at any point during incarceration the noncitizen requests that the consulate or embassy be notified, the CSS shall update the appropriate custom form, in accordance with OMS guidance.

### **C. Accommodation Process**

1. If an incarcerated noncitizen has language access needs, staff shall identify the target language and provide appropriate services, in accordance with the policy on language access services.
  - a. Once a target language is determined, staff shall inform noncitizens of their rights by using the language interpretations in the US Department of State's consular notification and access manual, located on the US Department of State's website.
  - b. Staff shall print the appropriate page from the manual to allow the noncitizen to read the notice. If the noncitizen cannot read or understand the notice, staff shall provide an in-person or telephonic interpretation of the page, in accordance with the policy on language access services.
2. If staff identify that the noncitizen has a disability, they shall follow the required processes in accordance with policies on effective communication and the Americans with Disabilities Act (ADA).

### **D. Consular Access to Noncitizens**

1. Consular officers shall have the same access to noncitizens as attorneys, in accordance with the attorney and third-party standard operating procedure (SOP). Consular officers shall have access to ensure their government can provide assistance, which may include arranging legal representation. This communication and access shall occur through:

- a. In-person or video visits, in accordance with the policy on visitation;
  - i. If consular officers visit in person, they shall provide the identification (ID) cards issued by the US Department of State upon their arrival; and
  - ii. If staff have reason to doubt the authenticity of the ID card, they may contact the US Department of State for confirmation;
- b. Audio calls, in accordance with the facility's rules and the rule on telephone use;
  - i. Staff shall provide noncitizens with their consular officer's telephone number; and
  - ii. Consulate officers may request an attorney confidential line personal identification number (PIN), in accordance with the attorney and third-party SOP; or
- c. Mail correspondence, in accordance with the policy on incarcerated individual mail and media.

**E. Notification of Death or Serious Illness of a Noncitizen**

If a noncitizen dies or has a serious illness while in DOC custody, the facility shall:

1. Enter an incident, and the system will send a system-generated notification to the appropriate embassy or consulate; and
2. Follow the outlined processes in accordance with the facility incident reporting SOP and the policy on death response and review.