

# INS DETENTION STANDARD

## ACCESS TO LEGAL MATERIAL

---

### I. POLICY

Facilities holding INS detainees shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.

### II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to below as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

### III. STANDARDS AND PROCEDURES

#### A. Law Library

The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.

#### B. Equipment

The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.

The facility shall designate an employee with responsibility to inspect the equipment at least weekly and ensure that it is in good working order, and to stock sufficient supplies.

**Equipment and office supplies shall generally include:**

1. Typewriters with replacement typewriter ribbon and correction tape. Computers may also be provided for detainee use.
2. Carbon paper (unless a copier is available)
3. Writing implements
4. Writing tablets
5. Non-toxic liquid paper

**C. Holdings**

The law library shall contain the materials listed in Attachment A. INS shall provide an initial set of these materials. The facility shall post a list of its holdings in the law library. (See Section E., “Updating Legal Materials;” below)

**D. Materials from Outside Persons or Organizations:**

Outside persons and organizations may submit published or unpublished legal material for inclusion in a facility's law library. If the material is in a language other than English, an English translation must be provided.

If the facility receives published material for the law library, the OIC may accept or decline the material based on considerations of usefulness and space limitations. The OIC shall notify the submitter and the INS in writing of the reasons, if published materials related to immigration law or procedure are declined.

If the facility receives unpublished immigration-related material for inclusion in the law library, it must immediately forward the material to the INS for review and approval.

Unpublished material must have a cover page that:

1. identifies the submitter and the preparer of the material;
2. states clearly that INS did not prepare, and is not responsible for, the contents of the material; and
3. contains the date of preparation.

The INS may object in whole or in part, to such materials likely to pose a threat to the security or good order of the facility, or misstating immigration law, procedure, or INS policy. The District Director will consult with District Counsel and the appropriate INS and facility officials to determine acceptability. If the materials are accepted, the INS will notify the OIC and the submitter. The INS will inform the submitter of any INS objections in writing. Ordinarily, the INS will make a decision regarding materials offered for placement in the law library within 45 days, or as soon as possible.

**E. Updating Legal Materials**

The INS Office of General Counsel (OGC) will be asked to review the contents of Attachment A at least annually, and update the list as needed. INS will add information on significant statutory and regulatory changes regarding detention and removal of aliens in a timely manner, and provide initial copies to the facility.

INS will arrange a subscription to the updating service, if available, for each publication on the list.

The facility shall designate an employee with responsibility for updating legal materials, inspecting them weekly, maintaining them in good condition, and replacing them promptly as needed. The facility shall notify the designated contact person at INS Headquarters if anticipated updates are not received or if subscriptions lapse. The facility shall dispose of outdated supplements and other materials when it receives new materials. (Information regarding updating can be obtained directly from the publishers listed in Attachment C. The OGC Law Librarian can also provide updating information.)

**F. Replacing Materials**

Damaged or stolen materials shall be promptly replaced. In addition to its own inspections, the facility shall encourage detainees to report missing or damaged materials. The facility may obtain replacements by contacting the designated coordinator at INS Headquarters.

If materials submitted by outside organizations need to be replaced, the facility will contact INS, which will obtain replacements from the submitting organization.

**G. Hours of Access**

The facility shall devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. Detainees may not be forced to forgo their minimal recreation time, as provided in “Detainee Recreation,” standard to use the law library. Detainee requests for additional time in the law library shall be accommodated to the extent possible, consistent with the orderly and secure operation of the facility. Special priority should be given to requests for additional library time when a detainee is facing a court deadline.

The OIC will determine the number of detainees permitted to use the law library at any given time. The schedule shall enable the maximum use possible, without interfering with the orderly operation of the facility. When devising the schedule, the OIC will take into consideration any rules and regulations that prohibit or regulate the intermingling of differently classified detainee. Law library hours of operation will be scheduled between official counts, meals, and other official detention functions.

**H. Supervision**

The facility shall develop procedures that effectively prevent detainees from damaging, destroying or removing equipment, materials or supplies from the law library.

Facilities are encouraged to monitor detainees’ use of legal materials to prevent vandalism.

**I. Requests for Additional Legal Material**

Detainees who require additional legal material not available in the facility law library shall make a written request to the employee responsible for maintaining and updating library materials. The facility shall inform the INS contact person of the request as quickly as possible.

The INS will, with the assistance of District Counsel, answer all requests in a timely manner. Requests from detainees who are facing imminent deadlines will receive priority. Requests for copies of court decisions will normally be available within three business days, which should guide responses to other requests.

**J. Photocopying legal documents**

The facility shall ensure that detainees can obtain photocopies of legal material, when such copies are reasonable and necessary for a legal proceeding involving the detainee. This may be accomplished by providing detainees with access to a copier or by making copies upon request.

The number of copies of documents to be filed with a particular court, combined with the number required for INS records and at least one copy for the detainee's personal use will determine the number of photocopies required. Requests for photocopies of legal material shall be denied only if:

1. the document(s) might pose a risk to the security and orderly operation of the detention facility;
2. there are other legitimate security reasons;
3. copying would constitute a violation of any law or regulation; or
4. the request is clearly abusive or excessive.

Facility staff shall inspect documents offered for photocopying to ensure that they comply with these rules. However, staff may not read a document that on its face is clearly related to a legal proceeding involving the detainee.

**K. Assistance from Other Detainees**

The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk. Such assistance is voluntary; no detainee shall be allowed to charge a fee or accept anything of value for assistance.

The OIC will not pay compensation to a detainee for researching or preparing legal documents on behalf of another detainee.

**L. Assistance to Illiterate and Non-English Speaking Detainees**

Unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books.

Facilities shall establish procedures to meet this obligation, such as:

1. helping the detainee obtain assistance in using the law library and drafting legal documents from detainees with appropriate language and reading-writing abilities; and
2. assisting in contacting *pro bono* legal-assistance organizations from the INS-provided list.

If such methods prove unsuccessful in providing a particular non-English-speaking or illiterate detainee with sufficient assistance, the facility shall contact the INS to determine appropriate further action.

**K. Personal Legal Materials**

The facility shall permit detainees to retain all personal legal material upon admittance to the general population or segregation, unless such material creates a safety, security, and-or sanitation hazard. The facility may require detainees with a large amount of personal legal material to place some of the material in a personal property storage area, with access permitted during designated hours. The facility shall grant requests for access to such stored legal material as soon as possible, but not later than 24 hours after receipt of the detainee request, unless documented security concerns preclude action within this time frame.

**M. Law Library Access for Detainees in Special Management Units**

Detainees housed in Administrative Segregation or Disciplinary Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations.

Facilities may supervise the library use by a detainee housed in a special management units as warranted, by the individual's behavior and attitude. Detainees segregated for protection may be required to use the law library separately or, if feasible, have legal material brought to them. Violent or uncooperative detainees may be temporarily denied access to the law library if necessary to maintain security, until such time as their behavior and attitude warrants resumed access. In some circumstances, legal material may be brought to individuals in disciplinary segregation.

Denial of access to the law library must be supported by compelling security concerns, must be for the shortest period required by security, and must be fully documented in the special management housing logbook. INS must be notified every time access is denied.

**N. Envelopes and Stamps for Legal Documents**

The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential legal representative, or any court.

**P. Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters**

The facility shall provide assistance to any unrepresented detainee who requests a notary public, certified mail, or other such services to pursue a legal matter, and if the detainee is unable to meet the need through a family member, friend, or community organization. If it is unclear whether the requested service is necessary for pursuit of a legal matter, the District Counsel should be consulted.

**Q. Notice to Detainees**

The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information:

1. that a law library is available for detainee use;
2. the scheduled hours of access to the law library;
3. the procedure for requesting access to the law library;
4. the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum);
5. the procedure for requesting legal reference materials not maintained in the law library; and
6. the procedure for notifying a designated employee that library material is missing or damaged.

These policies and procedures shall also be posted in the law library along with a list of the law library's holdings.

**R. Retaliation Prohibited**

Detainees may not be subjected to reprisals, retaliation, or penalties because of a decision to seek judicial relief on any matter, including:

1. the legality of their confinement;
2. the legality of conditions or treatment while under detention;
3. an issue relating to their immigration proceedings; or
4. any allegation that the Government is denying rights protected by law.

**IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3E-03, 3D-18.

**Approval of Standard**

  
\_\_\_\_\_  
**Michael D. Cronin**  
Acting Executive Associate Commissioner  
Office of Programs

SEP 20 2000

\_\_\_\_\_  
**Date**

  
\_\_\_\_\_  
**Michael A. Pearson**  
Executive Associate Commissioner  
Office of Field Operations

SEP 20 2000

\_\_\_\_\_  
**Date**

## Attachment A

### List of Legal Reference Materials for Detention Facilities

The information in Attachments A, B, and C was updated as of January 17, 1997. All costs are approximate and need to be verified before purchase. Further information can be obtained from the publishers, whose names and addresses are provided in Attachment C. Ordering and updating information can also be obtained from the INS Office of the General Counsel Librarian, Mary Ellen Daffron, at (202) 616-2642.

1. *Constitution of the United States of America; Analysis and Interpretation.*  
Prepared by the Congressional Research Service Library of Congress, 1996.  
One hardbound volume.  
Order from: Superintendent of Documents  
GPO Stock #052-071-01157-9  
Cost: \$148.00  
Updated: Supplements and revised editions are published irregularly
  2. *United States Code, Title 8, Aliens and Nationality.*  
Individual Titles of the United States Code Annotated are available from West Publishing. Title 8 is in three books.  
Order from: West Publishing Corporation  
Cost: \$36.87 per book, 3 volume set \$110.61.  
Annual updates \$7.07 per book, \$21.21 for the set  
Updated: Annual pocket parts
  3. *Code of Federal Regulations, Title 8, Aliens and Nationality.*  
Codification of general and permanent rules published in the Federal Register.  
One paperback volume.  
Order from: Superintendent of Documents  
GPO Stock #869-026-00026-3  
Cost: \$23.00  
Updated: Published annually
- The preferred procedure in ordering multiple copies of the CFR is to ride the Federal Register's requisition. Individual copy cost is approximately \$6.00. Contact Glenn Brown, INS Printing Officer.*
4. *Bender's Immigration and Nationality Act Service.*  
Immigration and Nationality Act updated monthly.  
One loose-leaf volume.  
Order from: Mathew Bender  
Cost: \$75.00 Annual Subscription  
Updated: Monthly

5. *Bender's INS Regulations Service*.  
Immigration and Nationality Regulations updated monthly.  
Two loose-leaf volumes.  
Order from: Mathew Bender  
Cost: \$175.00 Annual Subscription  
Updated: Monthly
6. *Administrative Decisions Under Immigration & Nationality Laws*. Board of Immigration Appeals (BIA) decisions consisting of 20 bound volumes and loose-leaf Interim decisions.

Bound Volumes:

Order from: William S. Hein & Co.  
Cost: \$1,095.00 for complete set Volumes 1-20.  
\$60.00 per volume

Interim Decisions:

#3243 through and including decisions issued in 1996:  
Order from: William S. Hein & Co.  
Cost: \$95.00  
\$65.00 annual subscription

Future decisions:

Order from: Letter to the Chairman, Board of Immigration Appeals  
requesting inclusion in their distribution list.  
Cost: Gratis to Government Agencies

7. *Immigration Law and Defense*, by the National Lawyers Guild.  
Third edition, Includes INS and EOIR Forms.  
Two loose-leaf volumes published 1988.  
Order from: Clark Boardman Callaghan  
Cost: \$292.11  
Updated: Annual subscription
8. *Immigration Law and Crimes*, by the National Immigration Project of the National Lawyers Guild.  
One loose-leaf volume published 1984.  
Order from: Clark Boardman Callaghan  
Cost: \$197.42  
Updated: Annual subscription
9. *Guide for Immigration Advocates*.  
A manual covering the basics of immigration law and researching immigration law.  
Written as a simple, practical guide for paralegals.  
One loose-leaf volume. Published November 1996.  
Order from: Immigrant Legal Resource Center  
Cost: \$85.00-non-profit organization  
Updated: Published irregularly
- 10 *Country Reports on Human Rights Practices*. Submitted by the Department of State to the Committee on Foreign Affairs of the U.S. House of Representatives and the Committee on Foreign Relations of the U.S. Senate. One paperbound volume. Order from:  
Superintendent of Documents  
Cost: \$41.00 approximately  
Updated: Published annually in February

The preferred procedure in ordering multiple copies of the *Country Reports* is to ride the annual GPO Printing Jacket. The jacket number must be obtained from one of the Congressional Committees in January of each year. The approximate cost is \$20.00.

11. *Human Rights Watch - World Report*. One bound volume.  
Order from: Human Rights Watch, Publication Department  
Cost: \$30.00  
Updated: Annually
12. *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*. One bound pamphlet, 93 pages. Re-edited January 1992.  
Order from: United Nations High Commissioner for Refugees (UNHCR)  
Cost: Free to INS Detention  
Updated: Irregularly
13. *Considerations For Asylum Officers Adjudicating Asylum Claims From Women*. Immigration and Naturalization Service Memorandum dated May 26, 1995.  
Order from: Immigration and Naturalization Service, Office of the General Counsel, Asylum Division  
Cost: Free  
Updated: Irregularly
14. *Immigration and Naturalization Service Basic Law Manual*. 3-ring binder. Immigration and Naturalization Service guide to asylum law.  
Order from: Immigration and Naturalization Service, Office of the General Counsel, Asylum Division  
Cost: Free  
Updated: Irregularly
15. *Lawyer's Committee Handbook on Representing Asylum Applicants*. Soft bound guide. Approximately 200 pages.  
Order from: Lawyer's Committee for Human Rights  
Cost: \$50.00  
Updated: Irregularly
16. *Rights of Prisoners*. 2nd edition by Michael B. Mushlin  
Two volumes, published 1993  
Order from: Clark Boardman Callaghan  
Cost: \$250.00  
\$55.00 - 1995 supplement  
Updated: Annual pocket parts
17. *Federal Habeas Corpus, Practice & Procedure*. 2nd Edition by James S. Liebman  
Two volumes published 1994.  
Order from: The Michie Company  
Cost: \$180.00  
\$35.00 - 1995 supplement  
Updated: Annual pocket parts
18. *Federal Civil Judicial Procedure and Rules*. Paperback volume.  
Order from: West Publishing Corporation  
Cost: \$15.15  
Updated: Published annually

19. *United States Code, Title 28, Rules, Appellate Procedure Pamphlets I+II.*  
Only the two softbound volumes contain the U.S. Court of Appeals Rules.  
Order From: West Publishing Corporation  
Cost: \$22.00  
Updated: Annually
20. *Federal Criminal Code and Rules.* Paperback volume.  
Order from: West Publishing Corporation  
Cost: \$15.15  
Updated: Published annually
21. *Criminal Procedure (Hornbook).* By LaFave.  
One volume.  
Order From: West Publishing Corporation  
Cost: \$42.50  
Updated: Published Irregularly
22. *Legal Research in a Nutshell.* 5th edition by Morris L. Cohen, published 1992.  
Order from: West Publishing Corporation  
Cost: \$17.50  
Updated: Published irregularly
23. *Legal Research & Writing: Some Starting Points.* 4th edition by William P. Statsky,  
Edited by Hannan, published 1993.  
Order from: West Publishing Corporation  
Cost \$32.25  
Updated: Published irregularly
24. *Black's Law Dictionary.* 1990, latest standard edition, one hardbound volume.  
Order from: West Publications  
Cost: \$31.00  
Updated: Published irregularly
25. *Spanish-English Law Dictionary,* By Solis. 1992.  
Order from: West Publishing Corporation  
Cost: \$53.00  
Updated: Published irregularly
26. *Directory of Nonprofit Agencies that Assist Persons in Immigration Matters.*  
Perfect-bound booklet.  
Order from: National Immigration Law Center  
Cost: \$12.00  
Updated: Irregularly
27. *Other Translation Dictionaries Depending on the Most Common Languages Spoken by the Detainee Population.*
28. *Detainee Handbook and Detainee Orientation Materials.*
- 29 *Self-Help Materials.* Materials provided by outside organizations after clearance by District Counsel.

30. *Telephone books (Yellow pages) for local areas and nearby metropolitan areas where counsel may be located.*

**Total Startup Cost Estimate: \$ 3,100**

## Attachment B

### Optional Legal Reference Materials

1. *Bender's Immigration Case Reporter*. Decisions from Federal Court, BIA, AAU, and BALCA from 1984 forward.  
Thirteen loose-leaf volumes.  
Order from: Matthew Bender  
Cost: \$900.00 Volumes 1 through 11  
\$490.00 1 year subscription of updates for the current volume and index  
Updated: Annual subscription

**Attachment C**  
**Publishers' Addresses and Phone Numbers**

AILA Publications  
P.O. Box 1603  
Cranberry Twp., PA 16066-0603  
Phone: 1-800-982-2839

Clark Boardman Callaghan  
155 Pfingsten Road  
Deerfield, IL 60015-4998  
Phone: 1-800-323-1336

Human Rights Watch  
Publications Department  
485 5th Avenue  
New York, New York 10017  
Phone: 212-986-1980

Immigrant Legal Resource Center  
1663 Mission Street, Suite 602  
San Francisco, CA 94103  
Phone: 415-255-9499

Immigration and Naturalization Service  
Office of the General Counsel, Asylum Division  
425 I Street, NW, Rm. 6100  
Washington, DC 20536  
Contact: Janice McKutchin  
Phone: 202-616-7942

International Learning Systems  
1753 Connecticut Ave., NW  
Washington, DC 20009  
Phone: 202-332-2894

Lawyer's Committee for Human Rights  
330 7th Avenue, 13th Floor  
New York, New York 10001-1050  
Phone: 212-845-5200

Matthew Bender & Co., Inc.  
1275 Broadway  
Albany, NY 12204-2694  
Phone: 1-800-533-1637

Michie Company  
P.O. Box 7587  
Charlottesville, VA 22906-7587  
Phone: 1-800-542-0957

National Immigration Law Center  
NILC Publications  
1102 S. Crenshaw Blvd., Suite 101  
Los Angeles, CA 90019  
Phone: 213-938-6452

National Immigration Project  
14 Beacon Street, Suite 506  
Boston, MA 02108  
Phone: 617-227-9727

Shepard's-McGraw-Hill Inc.  
136 Carlin Road  
Conkoin, NY 13748  
Phone: 1-800-899-6000

Superintendent of Documents  
U.S. Government Printing Office  
Washington, DC 20402  
Phone: 202-512-1800 (Order desk)

United Nations High Commissioner for Refugees (UNHCR)  
1775 K Street, NW, Suite 300  
Washington, DC 20006  
Phone: 202-296-5191

West Publishing Corporation  
Federal Government Sales and Service  
620 Opperman Drive  
P.O. Box 64779  
St. Paul, MN 55164-0779  
Phone: 1-800-333-9378

William S. Hein & Co.  
1285 Main Street  
Buffalo, NY 14209  
Phone: 1-800-828-7571

**U.S. Immigration and Naturalization Service  
NATIONAL DETENTION STANDARDS  
MONITORING INSTRUMENT**

**Policy** Facilities holding INS detainees shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.

<b>ACCESS TO LEGAL MATERIALS</b>			
<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
1. Does the facility provide a law library in a designated room?			
2. Does the law library contain tables and chairs? How many? a. Is the room well-lit? b. Is the lighting conducive to unstrained reading throughout? c. Does the room have flickering, missing or burnt-out bulbs? d. Is the room reasonably isolated from noisy areas? i. How far from noisy common area?			
3. Does the law library provide an adequate number of typewriters and/or computers? If yes, how many? a. Writing implements? b. Paper and office supplies? c. Backup supplies for commonly replaced items (standard office supplies, e.g., disks, cartridges, typewriter ribbons, toner)?			
4. Is a designated employee responsible for inspecting the equipment? Whom? a. Equipment maintained in good working; supplies checked and restocked at least weekly? Inspection/supply schedule?			
5. Are outside persons and organizations permitted to submit published legal material for inclusion in law library? a. Is unpublished material forwarded to INS for review and approval? When? b. For material in a language other than English, is an English translation provided?			

ACCESS TO LEGAL MATERIALS			
Components	Yes	No	Remarks
<ul style="list-style-type: none"> <li>c. If the material is accepted, does INS notify the OIC and the submitter within 45 days?</li> <li>d. Does the OIC notify the submitter and INS, in writing, when declining material?</li> </ul>			
<ul style="list-style-type: none"> <li>6. Does the law library contain the materials listed in the "Access to Legal Materials" Standard, Attachment A? <ul style="list-style-type: none"> <li>a. Is the list of library holdings posted? Where?</li> </ul> </li> </ul>			
<ul style="list-style-type: none"> <li>7. Does the facility subscribe to updating services for listed publications? [see <i>contract</i>] <ul style="list-style-type: none"> <li>a. Does library have copies of latest statutory and regulatory changes? <ul style="list-style-type: none"> <li>i. Catalogued?</li> <li>ii. Filed/shelved?</li> </ul> </li> </ul> </li> </ul>			
<ul style="list-style-type: none"> <li>8. Does a designated employee inspect weekly, update, and maintain/replace legal material? If yes, does employee: <ul style="list-style-type: none"> <li>a. Dispose of outdated supplements, etc., when replacements arrive?</li> <li>b. Replace damaged or stolen material promptly? What is the average time it takes to replace material?</li> <li>c. Does OIC encourage detainees to report missing/ damaged material?</li> </ul> </li> </ul>			
<ul style="list-style-type: none"> <li>9. If material submitted by outside organizations need to be replaced, does the facility contact INS?</li> </ul>			
<ul style="list-style-type: none"> <li>10. Is each detainee allowed to use the law library at least 5 hours per week? <ul style="list-style-type: none"> <li>a. Are detainees required to forgo allotted recreation time to use the law library?</li> <li>b. Are requests for additional time in the law library accommodated?</li> <li>c. Do requests from detainees facing a court deadline receive special priority?</li> </ul> </li> </ul>			
<ul style="list-style-type: none"> <li>11. To obtain legal material not held by the library, does a detainee's written request to the designated employee start the acquisition-review process? <ul style="list-style-type: none"> <li>a. Does INS provide timely responses to all such requests?</li> </ul> </li> </ul>			

<b>ACCESS TO LEGAL MATERIALS</b>			
<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
<ul style="list-style-type: none"> <li>b. Do requests from detainees facing urgent deadlines receive priority?</li> <li>c. Are requests for copies of court decisions normally available within three (3) business days?</li> <li>d. Are photocopying requests denied for any reasons not stated in the detention standard?</li> </ul>			
<p>12. Does the facility permit detainees to assist other detainees in researching and preparing legal documents, consistent with security?</p> <ul style="list-style-type: none"> <li>a. Do detainees provide assistance voluntarily and free of charge?</li> </ul>			
<p>13. Do illiterate or non-English-speaking detainees without legal representation receive more than access to English-language law books after indicating their need for help?</p> <ul style="list-style-type: none"> <li>a. If the on-site resources prove unsuccessful, does the facility contact the INS for assistance?</li> </ul>			
<p>14. Can detainees retain all personal legal material in the general population and in the special management unit?</p> <ul style="list-style-type: none"> <li>a. If not, must excess material be placed in a personal-property storage area?</li> <li>b. Does the detainee have access during designated hours? <ul style="list-style-type: none"> <li>i. Within 24 hours of staff receipt of the access request?</li> </ul> </li> </ul>			
<p>15. Do detainees housed in Administrative Segregation and Disciplinary Segregation units have the same law library access as the general population, barring security concerns?</p> <ul style="list-style-type: none"> <li>a. Does the facility temporarily deny law library access to violent or uncooperative detainees? Under what circumstances?</li> <li>b. Does staff bring legal material to disciplinary segregation units?</li> <li>c. Do detainees in protective custody have separate use of the law library or have legal material brought to them?</li> </ul>			

**ACCESS TO LEGAL MATERIALS**

<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
16. Are all denials of access to the law library fully documented? a. Are SPC/CDF denials documented in the special management unit's housing logbook?			
17. Does staff notify INS of every denial?			
18. Are indigent detainees provided with free envelopes and stamps for mail related to legal matters? a. Do unrepresented detainees without access to other resources receive notary public, certified mail, and other services to pursue a legal matter free of charge?			
19. Are detainees who seek judicial relief on any matter subjected to reprisals, retaliation, or penalties?			
20. Does detainee handbook or equivalent include all rules and procedures governing access to legal materials?			

**U.S. Immigration and Naturalization Service  
NATIONAL DETENTION STANDARDS  
MONITORING INSTRUMENT**

**ACCESS TO LEGAL MATERIALS**

**Verification Sources:**

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Inspection of Law Library			
B. Inspection of Living Units			
C. Detainee Handbook			
D. Review of Written Facility Policy			
E. Detainee and Staff Interviews			
F. Other (specify)			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

**Remarks:** *(Record significant facts, observations, alternate source used for verification, etc.)*

\_\_\_\_\_  
Auditor's Signature

\_\_\_\_\_  
Date