

# **ICE/DRO RESIDENTIAL STANDARD**

## **LEGAL RIGHTS GROUP PRESENTATIONS**

**I. PURPOSE AND SCOPE.** Residents are to be provided access to information presented by authorized persons and organizations for the purpose of informing them of U.S. immigration law and procedures.

Consistent with the safety and orderly operation of each facility, ICE/DRO encourages such presentations, and all facilities shall cooperate fully with authorized persons seeking to make such presentations.

**II. EXPECTED OUTCOMES.** The expected outcomes of this Residential Standard are as follows:

1. Residents will have access to group presentations on U.S. immigration law and procedures and an overview of available options under the law.
2. Persons and organizations wanting to make group presentations will be provided with information on procedures to follow and required conduct if requesting the opportunity to make a legal rights presentation.
3. Facility safety and good order will be maintained.
4. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
5. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

**III. DIRECTIVES AFFECTED.** None

## **IV. REFERENCES**

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner. There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-6A-04, 6A-06.

## **V. EXPECTED PRACTICES**

### **1. Requests to Make Group Presentations on Legal Rights**

Attorneys or legal representatives interested in offering a group presentation on legal

rights under the INA must submit a written request to JFRMU.

Generally, requests must be submitted to JFRMU at least 10 business days in advance of the first proposed presentation at a residential facility. JFRMU shall take under consideration allowing a presentation to take place on shorter notice when expeditious handling is warranted due to ongoing agency operations or potential movement of residents from the facility on short notice.

The written request must contain the following information:

- a. A general description of the intended audience (for example, protection law cases from a group of applicants who speak the same language, removal cases where the respondents speak Spanish, etc.).
- b. A syllabus or outline of the presentation.
- c. An informational poster, as described below.
- d. The languages in which the presentation will be conducted
- e. The name, date of birth, Social Security number, profession, and specific function of each person requesting permission to enter the facility (including interpreters).
- f. Certification that each person making the presentation is an attorney, legal representative (including accredited representative), or legal assistant.
- g. A proposed date (or range of dates) for the presentation.
- h. A name of a contact person and telephone number.

### **Request Granted**

If the request is granted by JFRMU, the ICE facility administrator shall telephone the listed contact person to arrange a mutually acceptable date and time for the presentation.

### **Additional or Continuing Presentations**

To request JFRMU permission to conduct additional presentations, or for access to a facility on a continuing basis, the requestor may submit a letter to JFRMU that refers to previously-approved materials, notes, any proposed changes in the content or personnel, and proposed dates or continuing period. Any presenter granted recurring access must notify JFRMU in writing in advance of any subsequent proposed changes.

## **Request Denied**

If the request is denied after consultation with the respective ICE Office of Principal Legal Advisor (OPLA)/Office of the Chief Counsel, the JFRMU shall provide the requestor a written explanation for the denial.

## **Scheduling Presentations**

Presentations must be scheduled during legal visiting hours.

If no attorneys or legal representatives volunteer to provide presentations, then the facility is not required make additional arrangements for their provision.

Additionally, if ICE/DRO does not approve presentations, ICE/DRO is under no obligation to seek a replacement provider.

The Executive Office of Immigration Review (EOIR) was authorized by Congressional appropriations to provide Legal Orientation Programs (LOPs) for residents in residential facilities. Through contracts with non-governmental organizations (NGOs), EOIR has developed LOPs (also known as "Legal Rights Group Presentations") to provide a comprehensive explanation about immigration court procedures and other basic legal information to groups of detained illegal aliens. The LOPs are comprised of three components:

- a. An interactive group orientation
- b. An individual orientation
- c. A referral/self-help component

EOIR LOPs have been operating in a limited number of ICE/DRO facilities and, based on Congressional funding, will be developed and implemented in other facilities as designated by, and in cooperation with ICE/DRO. Groups seeking funding should be directed to this organization. This program continues to be developed, and is expanding as funds allow.

## **2. Resident Notification and Attendance**

The requestor must provide a one-page poster (no larger than 8.5 by 11 inches) to inform residents of the general nature and contents of the presentation, the intended audience, and the language(s) in which it will be conducted.

The poster should instruct residents to contact the housing staff if they wish to sign-up to attend. For poster text in languages other than English, an English translation must be provided.

JFRMU shall review the poster within three business days of submission to ensure that it meets the above requirements and that display of the posting will not endanger the safety or orderly operation of the facility. JFRMU shall contact the person listed in the request if additional information is required, or if the poster does not meet requirements. JFRMU shall make a good faith effort to work with the requestor to develop mutually acceptable materials.

Designated facility staff shall prominently display in housing units the informational posters provided by the presenter at least 48 hours before the scheduled presentation. Each housing unit staff shall make available a sign-up sheet for residents who plan to attend. Each presentation shall be open to all residents including residents who have not signed up in advance. For residents who fail to sign up, the decision to allow attendance shall be limited only by space available.

The facility administrator may limit the number of residents at a single session, based on the number of interested residents or the need to separate groups of residents for safety and security. Therefore, the presenter must be prepared to conduct several presentations and should contact the facility administrator the day before the presentation to determine the number of sessions that will be required.

### **3. Who May Present**

One or more legal assistants may help with a presentation if the supervising attorney/legal representative does the following:

- a. Submits a letter that identifies the legal assistant and affirms that the supervisory relationship directly relates to the presentation, and
- b. Attends any presentation in which any such assistant participates.

ICE/DRO is not responsible for providing interpreters for presenters; however, the facility shall admit properly identified interpreters to assist the presenters, in accordance with the Residential Standard on "Visitation."

As a general rule, presentation parties may not exceed four people (including legal assistants and interpreters); however, a facility may waive this rule upon advance receipt of a written request.

### **4. Entering the Facility**

Facility staff shall require each person seeking entry to present an official form of picture identification (such as a driver's license or state identification card). Attorneys must also present state-issued bar cards or, in states where these are not available, other proof of bar membership. If such documentation is not readily available to attorneys licensed in a particular state, they must indicate where they are licensed as attorneys and how that may be verified.

Group presenters are required to check into the facility as least 30 minutes prior to presentation. After check-in, facility staff shall escort the presenters to the presentation site.

### **5. Presentation Guidelines**

The facility shall select and provide an environment that is conducive to the presentation and is consistent with safety and good order. Once the residents have been assembled, the presenters ordinarily will have one hour for the presentation and a question-and-answer session; however, the facility administrator may extend that time period on a case-by-case basis.

The facility shall require presenters to abide by all rules and regulations for visitors to

the facility, and presentations must be conducted in a manner consistent with the safe and orderly operation of the facility. Presenters may neither charge any fee nor solicit business during any presentation.

At their discretion, ICE/DRO and/or facility staff may observe and monitor presentations, assisted by interpreters as necessary. ICE/DRO and facility personnel may not interrupt a presentation, except for security purposes or if the allotted time has expired.

## **6. Written Materials**

If approved in advance by ICE/DRO, presenters may distribute brief written materials that inform residents of U.S. immigration law and procedure. The request for approval of a presentation must list any published or unpublished materials proposed for distribution, and the requestor must provide a copy of any unpublished material, with a cover page that:

- a. Identifies the submitter and the preparer of the material.
- b. Includes the date of preparation.
- c. States clearly that ICE/DRO did not prepare, and is not responsible for, the content of the material.

If any material is in a language other than English, an English translation must be provided.

ICE/DRO may object to materials in whole or in part, if they:

- d. Pose a threat to the safety or good order of the facility, or
- e. Contain misstatements of immigration law or procedure, or ICE/DRO policy.

ICE/DRO will make a good faith effort to work with the requestor to develop mutually acceptable materials.

Distribution of unapproved materials constitutes grounds for discontinuation of presentation privileges.

The volume of materials to be distributed must be kept to a minimum. If the facility administrator determines they are too voluminous for distribution at the presentation, they may be made available to residents in the facility's law library.

When distributing materials, presenters shall distribute them to residents and ICE/DRO and/or facility staff at the same time.

## **7. Individual Counseling Following a Group Presentation**

Following a group presentation, as is consistent with safe and orderly operations, the facility shall permit presenters to meet with small groups of residents to discuss their cases.

ICE/DRO and facility staff may not be present during these meetings. The Residential Standard on "Visitation" standard sets forth the rules and procedures for **Visits by Legal Representatives and Legal Assistants**.

## **8. Suspension or Termination**

The facility may discontinue or temporarily suspend group presentations by any or all presenters, if they:

- a. Pose an unreasonable security risk;
- b. Interfere substantially with the facility's orderly operation;
- c. Deviate from approved material, procedures or presenters; or
- d. The facility is operating under emergency conditions.

The ICE facility administrator, after consultation with JFRMU and OPLA/OCC, shall notify the affected presenters in writing of the reasons for termination or suspension, with copies to the respective ICE/DRO Field Office Director, and Chief Counsel.

A presenter may appeal a suspension or termination to the Chief, JFRMU in writing. The Chief, JFRMU shall promptly consider the appeal and consult with OPLA and the ICE/DRO facility administrator regarding the concerns that caused the suspension or termination, and a potential means of addressing them so that the discontinued presentations may resume.

JFRMU shall inform the presenter in writing of the decision or additional requirements to rectify the situation.

## **9. Videotaped Presentations**

The requestor must submit the videotape, along with a transcript in English and in the language(s) used on the tape, to JFRMU. The videotaped presentation must clearly identify its preparer and must clearly state that ICE/DRO did not prepare and is not responsible for the contents.

ICE/DRO may object to all or part of the videotape, if:

- a. The material would present a threat to the safety or good order of a facility;
- b. It contains misstatements of ICE/DRO policy,
- c. It contains misstatements of immigration procedure or law; or
- d. Any part is inconsistent with this Residential Standard.

Within 45 days of receipt, the JFRMU shall, in writing, notify the submitter of his or her decision.

Once ICE/DRO has accepted a tape, the submitter may modify or revise it at any time by submitting a new tape and transcripts. If ICE/DRO believes that aspects of the presentation have become dated or inaccurate, ICE/DRO may discontinue showing the videotape and promptly send written notice to the submitter.

### **Resident Viewing of Approved Electronic Media Presentations**

Each facility shall play ICE/DRO-approved electronic presentations on legal rights. If it is not technically feasible to play such media, the facility shall contact ICE/DRO for equipment options.

The facility shall provide regular opportunities for residents to view the presentation.

The facility shall maintain media in good condition. In the event a presentation becomes unavailable or unusable, the facility shall promptly request that ICE/DRO obtain a replacement from the originating person or organization.

**10. Material for Nationwide Presentation**

Written and electronic media intended for nationwide presentation may be sent to the JFRMU. Once approved, the material may be used in any family residential facility.

**Standard Approved:**



**John P. Torres**  
**Director**  
**Office of Detention and Removal**

**DEC 21 2007**

**Date**