

6.4 Legal Rights Group Presentations

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that authorized persons and organizations may present information on U.S. immigration law and procedures freely to residents. This standard also ensures residents will have open access to these presentations.

Consistent with safe and secure Center operations, ICE/Enforcement and Removal Operations (ERO) encourages such presentations. All Centers are required to cooperate fully with authorized persons seeking to make such presentations.

Various terms used in this standard may be defined in ICE Family Residential Standard on *Definitions*.

Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Centers will cooperate fully with authorized persons and organizations conducting legal rights group presentations in keeping with safe and secure Center operations.
2. Residents will have access to group presentations on U.S. immigration law and procedures and all other relevant issues related to the immigration court, appeals, and discharge processes, including a resident's legal rights.
3. Persons and organizations requesting to make such group presentations will be able to obtain clear information about becoming authorized to provide legal rights group presentations, including regularly scheduled presentations.

6.4 Legal Rights Group Presentations

4. Residents will not be subject to reprisals, retaliation, or penalties for attending legal rights group presentations.
5. Residents will be able to communicate and correspond with representatives from the legal groups who make presentations at the Centers.
6. Residents will have access to information and materials provided by legal groups. Organizations will be permitted to distribute information in response to specific legal issues.
7. For a legal assistant or law student to help with the presentation, the supervising attorney must submit a letter in advance of the presentation.
8. Residents will have access to group presentations by diplomatic representatives.
9. The Center's rules and procedures relating to legal rights group presentations will be communicated to the resident through the resident handbook and local supplement in a language or manner the resident can understand.
10. Residents will be notified of all scheduled presentations at least 48 hours in advance.

Standards Affected

This standard replaces the ICE Family Residential Standard on *Legal Rights Group Presentations* dated 12/21/2007.

Expected Practices

A. Requests to Make Group Presentations on Legal Rights

Attorneys or legal representatives interested in making a group presentation on legal rights must submit a written request to the Field Office Director (FOD), who will accommodate, to the greatest extent possible. Requests must be submitted to the FOD at least 10 days in advance of the proposed presentation. The FOD may allow a presentation to take place on shorter notice at his/her discretion, or when circumstances arise that compel presentations on shorter notice. The FOD will notify the approved presenter 10 days in advance of the scheduled presentation, or within 1 week of the request having been made, whichever date is earlier.

The written request must contain the following information:

- A general description of the intended audience;
- A syllabus or outline of the presentation;
- A list of any published or unpublished materials proposed for distribution in accordance with the Written Materials section in this standard;
- An informational poster as described in the Resident Notification and Attendance section in this standard;
- A statement of the languages in which the presentation will be conducted;

6.4 Legal Rights Group Presentations

- The name, date of birth, social security number (or passport number if social security number is not available), profession, and specific function of each person requesting permission to enter the Center (including interpreters);
- Certification that each person making the presentation is an attorney, legal representative, legal assistant, or interpreter;
- A proposed date (or range of dates) for the presentation;
- A telephone number and contact person; and
- If a party contains more than four persons (including legal assistants and interpreters), then a special request must be made as described in the Who May Present section in this standard.

For a legal assistant or law student to help with the presentation, the supervising attorney must submit a letter in advance of the presentation, as described in the Who May Present section in this standard.

To distribute written materials, a presenter must apply for approval as described in the Written Materials section in this standard.

The FOD will make reasonable accommodations to the presenter's need to amend the information contained in the written request to reflect changes that may have occurred since the initial request was made, including, but not limited to, distribution materials, informational posters, languages, and participants.

B. Request Granted

If the FOD approves the request, then ICE/ERO will telephone the listed contact person to arrange a mutually acceptable date and time for the presentation. Upon request, five days prior to a scheduled legal rights group presentation, ICE/ERO will notify the legal representative contact of the following characteristics of the resident population:

- Number of residents dwelling at the Center and the number of residential areas in which they are housed;
- Countries of origin of those residents; and
- Gender breakdown of residents.

When presentations are scheduled on short notice, such as in response to an enforcement action, the information above will be provided in full or partial form as available.

ICE will accept updated lists of presenters no fewer than five days prior to the presentation date.

Any request denials will be reviewed by the Office of the Principal Legal Advisor (OPLA) and the FOD will provide the submitter a written explanation.

6.4 Legal Rights Group Presentations

C. Scheduling Presentations

Presentations must be scheduled during legal visitation hours, excluding weekends and holidays. If feasible, presentations may be conducted at other times, immediately before residents' first immigration court appearances, and/or under other circumstances, such as after an influx of residents subsequent to an ICE enforcement action or a transfer of residents from one Center to another. Legal rights group presentations will be accommodated to the greatest extent possible absent logistical or security-related concerns.

To request permission to conduct additional and/or ongoing presentations, the requester may submit a request to the FOD that refers to previously approved materials, notes, any proposed changes in the content or personnel, and proposed dates or continuing time frames. The FOD will accommodate, to the greatest extent possible, the presenter's need to amend the information contained in the written request to reflect the changes that may have occurred since the initial request was made, including, but not limited to, distribution materials, informational posters, languages, and participants.

Centers are not required to arrange presentations if attorneys or other legal representatives make no requests, or if the Field Office does not approve any requests.

D. Material for Nationwide Presentation

Written and electronic presentations intended for nationwide presentation may be sent to the FOD. ICE/ERO will coordinate with OPLA. Once approved, the material may be used in Centers.

E. Legal Orientation Programs (LOPs)

The U.S. Department of Justice, Executive Office of Immigration Review (EOIR) was authorized by Congressional appropriations to provide LOPs to residents. Through contracts with nongovernmental organizations (NGOs), EOIR developed LOPs to provide resident groups with a comprehensive presentation on immigration court procedures and other basic legal information. LOPs are composed of three components:

- An interactive group orientation;
- An individual orientation; and
- A referral/self-help component.

Though similar to legal rights group presentations, LOPs as carried out by the EOIR are distinct, government-sponsored programs and are authorized by congressional appropriation.

The specific requirements and procedures outlined in this standard do not apply to LOPs. EOIR carries out LOPs through contracts with NGOs, and in consultation with ICE. As such, EOIR and ICE may establish separate program operation plans for an LOP at each site.

EOIR LOPs operate in a limited number of ICE Centers and, subject to available funding, will be developed and implemented in other Centers as designated by both EOIR and ICE.

6.4 Legal Rights Group Presentations

F. Resident Notification and Attendance

The presentation requestor must provide a one-page poster (no larger than 8.5 x 11 inches) to inform residents of the general nature and contents of the presentation, the intended audience, and the languages in which the presentation will be conducted. For poster text in languages other than English, an English translation must be provided.

The Center Administrator will review posters within three business days of submission to ensure that they meet the above requirements and that the display of the poster will not endanger safe and secure Center operations. The Center Administrator will contact the person listed on the request form if additional information is required, or if the poster does not meet specified requirements. The Center Administrator will make a good-faith effort to work with the requestor to develop mutually acceptable materials. In such cases, the Center Administrator will notify ICE/ERO.

Once approved by an ICE representative, designated Center staff will display the informational posters provided by the presenter prominently in living and activity areas at least 48 hours before the scheduled presentation, and each living area staff member will provide a sign-up sheet at least 48 hours before a presentation for residents who plan to attend; however, residents who fail to sign up will not be deprived of the opportunity to attend a presentation for that reason. Each presentation will be open to all residents. Arriving residents will be informed of the first available LOP presentation.

The Center Administrator may limit the number of residents attending a single session based on the number of interested residents or the need to separate groups of residents for safety and security. In these cases, the presenter will be encouraged to conduct several presentations, and will be advised to contact the Center Administrator the day before the presentation to determine the number of sessions that will be required.

Presentations will be open to all residents, regardless of the presenter's intended audience, except when a particular resident's attendance may pose a safety risk.

G. Who May Present

Supervised law students and/or legal assistants may assist with or conduct a presentation if the supervising attorney and/or legal representative:

- Submits a letter identifying the law student or his/her legal assistants and affirms that the legal assistant presence is directly related to the presentation; and
- Attends any presentation in which any such assistant participates or prepares a letter identifying the presenters and affirming that the supervisory relationship directly relates to the presentation.

The Center will admit properly identified interpreters to assist the presenters in accordance with the ICE Family Residential Standard on *Visitation*. ICE is not responsible for providing interpreters for presenters.

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

6.4 Legal Rights Group Presentations

H. Entering the Center

Center staff will require each person seeking entry to present an official form of picture identification (e.g., driver's license or State identification card). Attorneys also must 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, then they must indicate where they are licensed as attorneys and how that may be verified prior to their approval for admittance. The Center may require presenters to arrive at least 30 minutes before the scheduled start of the presentation. A presentation should not be cancelled because presenters arrive late, however, provided the late arrival does not present an issue with maintaining safe and secure Center operations.

After check-in, Center staff will escort the presenters to the presentation site and will escort the residents to that location.

I. Presentation Guidelines

The Center will select and provide a private environment that is conducive to the presentation and is consistent with safe and secure Center operations. Once residents have been assembled, presenters ordinarily will be granted a minimum of 1 hour for the presentation and additional time for a question-and-answer session. The Center Administrator may extend that time period on a case-by-case basis.

The Center will require presenters to abide by all rules and regulations applicable to visitors to the Center. Presentations must be conducted in a manner consistent with safe and secure Center operations. Presenters may neither charge any fee nor solicit business for remuneration during any presentation.

At their discretion, ICE and/or Center staff may observe and monitor presentations, assisted by interpreters as necessary. ICE and Center personnel will not interrupt a presentation, except to maintain safe and secure Center operations, or if the allotted time has expired.

J. Written Materials

If approved in advance by ICE, then presenters may distribute brief written materials that inform residents of U.S. immigration law and procedure and other relevant issues related to the immigration court, appeals, and processes, including resident legal rights. 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:

- Identifies the submitter and the preparer of the material;
- Includes the date of preparation; and
- States clearly that ICE/ERO did not prepare, and is not responsible for, the contents of the material.

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

6.4 Legal Rights Group Presentations

Distribution of other than ICE-approved material or material that poses a threat, real or suspected, to safe and secure Center operations, constitutes grounds for discontinuation of presentation privileges.

The volume of materials to be distributed must be reasonable. If the Center Administrator determines materials are too voluminous for distribution at the presentation, then they may be made available to residents in the Center's law library if approved in accordance with the ICE Family Residential Standard on *Law Libraries and Legal Material*.

Presenters will distribute materials at the presentation to residents and ICE and/or Center staff simultaneously.

K. Individual Counseling Following a Group Presentation

Following a group presentation, residents will be permitted to meet in small groups with the presenters to discuss their cases as long as meetings do not interfere with safe and secure Center operations. Presenters will acknowledge in writing that they will not provide specific legal counsel in these individual sessions. As appropriate, sign-up sheets and scheduling slips will be provided to residents to avoid scheduling conflicts with other required appointments for the resident or their child.

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

L. Suspension or Termination

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

- The presentation or presenters pose an unreasonable security risk for staff, residents, or visitors;
- The presentation deviates materially from approved presentation materials, content, or procedures; or
- The Center is operating under emergency conditions.

The Center Administrator will notify ICE/ERO and provide the justification for termination or suspension. The FOD will send a written explanation to the presenter and OPLA.

A presenter may appeal a suspension or termination in writing to the FOD within 30 days. The FOD will consider the appeal promptly, generally within 48 business hours, and consult with OPLA and the Center Administrator regarding the reasons that caused the suspension or termination, and potential means of addressing those concerns so that the discontinued presentations may resume.

Within 30 days of receiving the appeal, the FOD will inform the presenter in writing of the decision made on any appeal request, and will explain the rationale behind the decision and the means, if any, to rectify the situation.

6.4 Legal Rights Group Presentations

M. Electronic Presentations

ICE encourages qualified individuals and organizations to submit to the FOD any electronically formatted (*e.g.*, PowerPoint, videotape, DVD) presentations on legal rights and transcripts in English and in any other language used. The FOD must review and approve presentations prior to dissemination. If the FOD approves an electronic presentation, then the originators may provide that presentation to individual Centers for viewing by residents.

The electronic presentation must clearly identify its preparer and must clearly state it was not prepared by ICE and that ICE is not responsible for its content.

1. Requesting ICE Approval

The requestor must submit the electronic presentation, along with a transcript in English and in the languages used in the presentation, to both the FOD and the Office of the Principal Legal Advisor. ICE may object to all or part of the electronic presentation if:

- The material may present a threat to safe and secure Center operations;
- The presentation contains misleading or inaccurate statements of ICE policy, immigration procedure, or law; or
- Any part is inconsistent with this standard.

Once the FOD has approved an electronic presentation, the submitter may modify or revise it at any time by submitting a new electronic presentation and its transcripts. Should the FOD believe that aspects of the presentation have become dated or inaccurate, he/she may order the presentations be discontinued and send written notice of such action promptly to the submitter.

2. Resident Viewing of Approved Electronic Presentations

The Center will provide regularly scheduled and announced opportunities for residents to view or listen to electronic presentations. At a minimum, the presentation will be made available to all residents once per week.

The Center also may make such electronic presentations available in the law library, if accessible through computer (*e.g.*, PowerPoint or DVD format), for resident viewing.

Each Center will present only ICE-approved electronic presentations on resident legal rights. If it is not technically feasible to show such pre-approved electronic presentations, then the Center will contact ICE for equipment options.

The Center will maintain electronically formatted presentations and equipment in good condition. However, in the event that electronic copies of the presentation are stolen, destroyed, or otherwise become unusable, the Center will request that ICE obtain replacement copies of the presentation promptly from the originator. The Center will check the operability of the presentation once a week at minimum.

An electronic presentation will not be considered a replacement or substitute for an in-person or live presentation, when available.

6.4 Legal Rights Group Presentations

References

- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Law Libraries and Legal Material
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- ICE Family Residential Standard on Visitation