

March 14, 2012

Re: Support Expansion of the Executive Office for Immigration Review's (EOIR) Legal Orientation Program (LOP)

Dear Member of Congress,

We, the undersigned faith-based, human rights, immigrant advocacy, and legal service organizations and individual immigration law practitioners, law professors, and other experts, write to express our support for expanding the Legal Orientation Program (LOP), a program within the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR). Since its launch in 2003, LOP has generated bipartisan support because of its proven track record in reducing court processing times and making the detention and immigration court process more efficient.

The isolating impact of detention and the rural location of many of the Department of Homeland Security's (DHS) detention centers make access to legal counsel particularly difficult. In a 2010 study, the National Immigrant Justice Center (NIJC) surveyed 150 immigration detention facilities, accounting for 98% of the system's 32,000 detainee beds at the time, to determine accessibility of legal counsel. The survey results found that "80 percent of detainees were held in facilities which were severely underserved by legal aid organizations, with more than 100 detainees for every full-time NGO attorney providing legal services. More than a quarter of detainees were in facilities which were even more grossly underserved, where the ratio was 500 or more detainees per NGO attorney. A full 10 percent of detainees were held in facilities in which they had no access to NGO attorneys whatsoever."¹ NIJC concluded that "[m]ost of the immigrants detained in the surveyed facilities have insufficient access to legal counsel because the facilities are isolated and legal aid organizations do not have the resources to serve them."²

Few programs deliver as many benefits as LOP. While not a substitute for legal representation, LOP educates detained immigrants in removal proceedings about immigration law and process so that they can understand their legal options and responsibilities. Through providing this basic information, LOP helps individuals make more informed decisions, thereby reducing court times and producing significant cost saving benefits for both the DOJ's immigration court system and the DHS immigration detention system.³ For these reasons, LOP has received strong bipartisan praise from members of Congress, DHS and DOJ officials, immigration judges, and staff at detention facilities.⁴

Key benefits of LOP include:

- LOP participants conclude their immigration court cases an average of 13 days faster than detainees who do not receive LOP.

¹National Immigrant Justice Center, "Isolated in Detention: Limited Access to Legal Counsel in Immigration Detention Facilities Jeopardizes a Fair Day in Court," September 2010, pp. 4, 8. Available at: <http://www.immigrantjustice.org/policy-resources/isolatedindetention/intro.html>.

²Id.

³ Vera Institute of Justice. "Legal Orientation Program: Evaluation and Performance and Outcome Measurement Report, Phase II." May 2008. <http://www.usdoj.gov/eoir/reports/LOPEvaluation-final.pdf>.

⁴ See Attachment A for a list of civic organizations and public officials who have demonstrated support for LOP.

- LOP provides significant benefit to DHS’s immigration detention system since a reduced duration of immigration court proceedings should lead to detention time savings that free available detention bed space.
- Immigration Judges have praised LOP for better preparing immigrants to identify forms of relief and to recognize when no forms of relief are available.
- Staff at detention facilities have observed a reduction in behavior problems when detainees have access to legal information.
- LOP participants released on bond or their own recognizance are more likely to appear for future court hearings than those who did not participate in the program.

During FY 2012 LOP is operating in 25 detention facilities on a budget of \$4.6 million. It is expected to reach nearly 65,000 of the more than 380,000 individuals held in immigration detention. The President’s FY 2013 DOJ budget request includes \$6 million for adult LOP, a \$2 million increase over the current appropriated level.⁵

Given its strong track record of success and efficiency, we believe that LOP should become a nationwide program that reaches all detained immigrants. We urge you to support the President’s FY 2013 budget request to ensure the continued expansion of this critical program.

Please contact Eric B. Sigmon at Lutheran Immigration and Refugee Service at 202/626-7943 or esigmon@lirs.org or Annie Sovcik at Human Rights First at 202/370-3318 or sovcika@humanrightsfirst.org if you have questions.

Sincerely,

The Advocates for Human Rights (Minnesota, MN)

African Services Committee (New York, NY)

American Civil Liberties Union (ACLU) (National)

American Friends Service Committee (AFSC) (National)

American Gateways (Austin, TX)

American Immigration Council (National)

American Immigration Lawyers Association (National)

Andrew I. Schoenholtz

Visiting Professor, Georgetown Law*

Deputy Director, Georgetown University Institute for the Study of International Migration* (Washington, DC)

⁵ Congress has appropriated \$4 million to LOP since FY 2010. However, DOJ had to allocate additional funds to LOP to adjust to changes in the immigration detention population at current sites. Anticipating additional changes in the immigration detention population at current sites, LOP needs at least \$4.7 million for FY 2013.

*Institutional affiliation provided for identification purposes only.

Anjum Gupta
Assistant Professor of Law & Director, Immigrant Rights Clinic
Rutgers University School of Law – Newark* (Newark, NJ)

Appleseed (National)

Asian American Justice Center, a member of the Asian American Center for Advancing Justice (National)

Bellevue/New York University Program for Survivors of Torture (New York, NY)

Capital Area Immigrants' Rights Coalition (Washington, DC)

Casa Esperanza (Austin, TX)

Center for Gender and Refugee Studies (CGRS) (San Francisco, CA)

Center for Victims of Torture (National)

Central American Resource Center (Los Angeles, CA)

Chicago Appleseed (Chicago, IL)

Denise Gilman
Clinical Professor of Law & Co-Director, Immigration Clinic
University of Texas School of Law* (Austin, TX)

Detention Watch Network (National)

Disciples Justice Action Network (National)

Disciples Home Missions of the Christian Church (Disciples of Christ) in the United States and Canada
(National)

Donna Burkhart
Member of the General Board of Church and Society
United Methodist Church* (Erie, PA)

Enid Trucios-Haynes
Professor of Law & University Faculty
Brandeis School of Law, University of Louisville* (Louisville, KY)

The Episcopal Church (National)

Ericka Curran
Assistant Professor of Clinical Skills
Florida Coastal Immigrant Rights Clinic* (Jacksonville, FL)

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The Florence Project (Florence, AZ)
Hebrew Immigrant Aid Society (HIAS) (National)

Hiroko Kusuda
Clinical Law Professor
Loyola University Law School* (New Orleans, LA)

Human Rights First (National)

Immigrant Law Center of Minnesota (ILCM) (St. Paul, MN)

Immigrant Legal Advocacy Project (Portland, ME)

Immigration Equality (National)

Immigration Legal Services & Refugee Center, Catholic Charities (Washington, DC)

IRATE & First Friends (National)

Jon Bauer
Clinical Professor and Director, Asylum and Human Rights Clinic
University of Connecticut School of Law* (Hartford, CT)

Jacksonville Area Legal Aid (Jacksonville, FL)

Kate Jastram
Lecturer in Residence & Senior Fellow, Miller Institute for Global Challenges and the Law
University of California Berkeley School of Law* (Berkeley, CA)

Kenneth A. Mayeaux
Assistant Professor of Professional Practice & Director, Immigration Clinic
Louisiana State University, Paul M Hebert Law Center* (Baton Rouge, LA)

Kids in Need of Defense (KIND) (National)

Laura Murray-Tjan
Supervising Attorney of the Boston College Immigration & Asylum Project
Boston College Law School* (Boston, MA)

Lutheran Immigration and Refugee Service (National)

Maria Baldini-Potermin
Attorney, Maria Baldini-Potermin & Associates, PC* (Chicago, IL)

Massachusetts Immigrant and Refugee Advocacy Coalition (MA)

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Michigan Coalition for Immigrant and Refugee Rights (MI)

Muneer I. Ahmad
Clinical Professor of Law
Yale Law School* (New Haven, CT)

Muslim Public Affairs Council (Washington, DC)

National Council of La Raza (NCLR) (National)

National Immigrant Justice Center (National)

National Immigration Forum (National)

National Latina Institute for Reproductive Health (National)

National Immigration Law Center (National)

Northwest Immigrant Rights Project (Seattle, WA)

Organization for Refuge, Asylum and Migration (National)

Pennsylvania Immigration Resource Center (PIRC) (York, PA)

Philip G. Schrag
Delaney Family Professor of Public Interest Law
Georgetown University* (Washington, DC)

Physicians for Human Rights (National)

Political Asylum Immigration Representation Project (Boston, MA)

Public Counsel (Los Angeles, CA)

Rev. Canon Albert Ogle
President
St. Paul's Foundation for International Reconciliation* (San Diego, CA)

Rights Working Group (National)

Sarah H. Paoletti
Practice Associate Professor & Director, Transnational Legal Clinic
University of Pennsylvania School of Law* (Philadelphia, PA)

Sojourners (National)

South Asian Americans Leading Together (SAALT) (National)

*Institutional affiliation provided for identification purposes only.

Southeast Asia Resource Action Center (SEARAC) (National)

Stacy Caplow
Professor of Law & Director of Clinical Education
Brooklyn Law School* (New York, NY)

Tahirih Justice Center (National)

Texas Appleseed (Austin, TX)

Unitarian Universalist Association of Congregations (National)

U.S. Committee for Refugees and Immigrants (National)

Vermont Immigration and Asylum Advocates (Burlington, VT)

Victor C. Romero
Maureen B. Cavanaugh Distinguished Faculty Scholar & Professor of Law
The Pennsylvania State University, Dickinson School of Law* (University Park, PA)

Women's Refugee Commission (National)

World Relief (National)

Examples of Support for the Adult LOP

- **Human Rights First**, *Jails and Jumpsuits: Transforming the US Immigration Detention System – A Two-Year Review* (October 2011), recommends that DOJ should implement nationwide LOP.
- **The Inter-American Commission on Human Rights**, in *Report on Immigration in the United States: Detention and Due Process* (March 2011) urged increased funding and the expansion of the LOP “as an important tool to improve the due process received in immigration proceedings.”
- **University of Arizona**, in *Disappearing Parents: A Report on Immigration Enforcement and the Child Welfare System* (May 2011), urges Congress to increase funding for LOP.
- **United Nations High Commissioner for Refugees**, in *Proposed Pledges for the United States to Enhance Protection for Refugees, Asylum Seekers, Stateless Individuals and All Persons of Concern to the United Nations High Commissioner for Refugees* (January 2011), recommending that the United States “[e]nsure that all refugees, asylum seekers, and other persons of concern to UNHCR who are held in detention are able to adequately access the Legal Orientation Program (LOP) by maintaining adequate funding and resources for the program to operate effectively across the country.”
- **National Immigrant Justice Center**, in *Isolated in Detention, Limited Access to Legal Counsel in Immigration Detention Facilities Jeopardizes a Fair Day in Court* (September 2010), recommends that DOJ work with DHS to make the LOP available nationwide.
- **American Bar Association**, in *Reforming the Immigration System* (February 2010), recommends expanding LOP to all immigration detainees, as well as non-detained non-citizens, and using LOP to screen vulnerable populations for counsel.
- **Robert A. Katzmann**, United States Circuit Judge for the U.S. Court of Appeals for the Second Circuit, in *Deepening the Legal Profession’s Pro Bono Commitment to the Immigrant Poor* (November 2009), discusses his efforts to get LOPs expanded.
- **43 signatories (including New York/New Jersey groups, national groups, and individuals)** wrote Sen. Schumer and the Senate Immigration Subcommittee to urge support of a nationwide LOP (November 2009).
- **Dr. Dora Schriro**, in her former role as the Director of the Office of Detention Policy and Planning for the Department of Homeland Security, recommends in *Immigration Detention Overview and Recommendations* (October 2009) that LOP should be expanded to all immigration detention facilities.
- **The Constitution Project**, in *Recommendations for Reforming our Immigration Detention System and Promoting Access to Counsel in Immigration Proceedings* (October 2009), recommends that LOP should be expanded to all respondents in removal proceedings.
- **Attorney General Eric Holder** in *Attorney General Eric Holder Addresses the Pro Bono Institute* (March 19, 2010), described LOP as a “great success story” and stated that the program serves a “critical tool for saving precious taxpayer dollars” based on its cost savings to both DOJ’s immigration courts and DHS’s immigration detention system.
- **Senator Charles E. Schumer**, in remarks before the Migration Policy Institute (June 2009), talked about his efforts to increase funding for the LOP.
- **Catholic Legal Immigration Network, National Immigration Forum, National Immigrant Justice Center, Northwest Immigrant Rights Project, and Post-Deportation Human Rights Project, Center for Human Rights and International Justice at Boston College**, in their *Petition for Rulemaking to*

Promulgate Regulations Governing Appointment of Counsel for Immigrants in Removal Proceedings (June 2009), argue for expanding the scope of LOP to permit limited representation.

- **Appleseed**, in *Assembly Line Injustice: Blueprint to Reform America's Immigration Courts* (May 2009), recommends more access to LOP's "know your rights" and pro se resources.
- **Amnesty International**, in *Jailed without Justice: Immigration Detention in the USA* (March 2009), recommends that Congress provide the funding necessary to ensure that all detained immigrants have access to LOP on a weekly basis.
- **Bi-partisan U.S. Commission for International Religious Freedom**, in *Report on Asylum Seekers in Expedited Removal* (February 2005) cited the potential of the Legal Orientation Program, if more broadly applied, to help ensure that the Expedited Removal process will not cause *bona fide* asylum seekers to be returned incorrectly to their persecutors.