

American Bar Association
Immigration Pro Bono Development and Bar Activation Project
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FACT SHEET ON INS DETENTION STANDARD GROUP PRESENTATION ON LEGAL RIGHTS

Detention Operations Manual, Detainee Services #8

This language establishes the minimum standards for presentations. Most locations are much more liberal in their interpretation.

The procedure for setting up a presentation:

- The group that wishes to make a presentation submits a **written request** to INS **10 days** before the proposed date of the presentation. The request must include the following information:
 - * A general **description of the proposed presentation** for example: Spanish-speaking deportation cases, Chinese exclusion cases, etc.;
 - * A **syllabus or outline** of the presentation;
 - * An **informational poster**:
 - that states: the intended audience, contents of presentation, languages in which it will be presented;
 - 8 ½ x 11 inches in size;
 - * A statement of the **languages** in which the presentation will be conducted;
 - * The **name, profession and specific function** of each person requesting permission to enter the facility;
 - * A representation that each of these people is an attorney, legal representative, accredited representative or legal assistant;
 - * A **proposed date** or range of dates for the presentation; and
 - * A telephone number for a **contact person**.
- Requests for subsequent presentations may be made in a letter which refers back to the information previously supplied.

After approval of the request:

- A **mutually agreed upon date** will be set for the meetings and they will be scheduled during normal legal visiting hours, excluding weekends and holidays.

- Where feasible, group presentations will be conducted **daily**, immediately before the detainee's first Immigration Court appearance.
- At least 48 hours before the scheduled presentation **the informational poster will be displayed** in housing units.
- Detainees who wish to attend can **sign up** on a sheet held by the housing unit control officer.
- Presentations are **open to all detainees** although the number of attendees allowed at a single session may be limited. Therefore, several sessions may be required.
- **Detainees in segregation** who cannot attend regular sessions will be allowed alternative arrangements.

Making the presentation

- Presenters and interpreters will be required to present an official form of **picture identification** and lawyers must present a **bar card** or, in states where these are not available, other proof of bar membership. No more than **4 people** are allowed to enter and everyone should arrive 30 minutes before the presentation.
- The Standard states that if the presentation is to be made by **legal assistants**, their supervising attorney must be present, but this is not required. A letter indicating that the legal assistant is doing the presentation under the supervision of the attorney is also required..
- **One hour** is provided for the presentation and any questions. This time can be extended on a case-by-case basis.
- Presenters cannot charge a fee or solicit business.
- The presentation may be **observed and monitored by the INS** but they will not interrupt except for security purposes or if the allotted time has expired.

Distribution of written materials

- Presenters must distribute brief written materials to detainees and INS/jail staff at the same time. These materials must be **approved in advance**. If materials are too voluminous they shall be placed in the facility's law library.

Individual Counseling Following a Group Presentation

- Presenters can meet with small groups of detainees **to discuss their cases** following the presentation and INS or jail staff shall not be present during these meetings.

Videotaped Presentations

- INS-approved videotaped presentations on legal rights may be played at the request of outside organizations but they do not substitute for live rights presentations. Regular opportunities will be provided for detainees to see the videotape.

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FACT SHEET ON INS DETENTION STANDARD ACCESS TO LEGAL MATERIAL

Detention Operations Manual, Detainee Services #1

As an advocate you may be allowed to see the law library if you take a tour, but you will not be allowed to review the contents. Your role in ensuring compliance with this standard might include:

1. Giving a list of the materials which are supposed to be in the law library and have a detainee check the contents. A copy of this list is available on the DOJ website: www.ins.usdoj.gov
2. Getting a report from detainees about the condition of the room and equipment.
3. Informing detainees what the rules are concerning access to the law library.

Contents of the law library:

- Everything on the list should be in the library.
- You can submit published or unpublished legal material for inclusion in the facility's law library. It must be approved by the INS and must identify the submitter and preparer of the material, the date of preparation and a disclaimer that the INS is in no way responsible for providing the well-reasoned information.
- Detainees can request additional legal material. Copies of court decisions will normally be available within 3 business days.

The room in which the library is housed:

- should be in a designated room, sufficiently large to facilitate legal research and writing;
- must contain a sufficient number of tables and chairs, be well-lit and reasonably isolated from noisy areas;

- must contain an adequate number of typewriter and/or computers, writing implements, paper, and office supplies (typewriter ribbons, correction tape, carbon paper or access to a copier) to enable detainees to prepare documents for legal proceedings.

Hours of Access:

- A flexible schedule must be in place which allows all detainees to use the law library on a regular basis;
- Each detainee is allowed to use the law library for 5 hours per week and that time cannot be in lieu of recreation time;
- Requests for more than 5 library hours per week should be accommodated to the extent possible with particular priority given to detainees facing a court deadline.

Photocopying legal documents

- The facility must make copies of detainee's legal documents as required for filing.
- Documents can be inspected but not read.

Assistance

- Detainees can assist other detainees in researching and preparing legal documents;
- Illiterate and non-English speaking detainees must be assisted through the intervention of other detainees or pro bono legal assistance organizations.

Personal Legal Materials

- Detainees are allowed to retain all their personal legal materials and if they are too voluminous they will be kept in the personal property storage area and upon request will be returned to the detainee within 24 hours.

Envelopes, Stamps for Legal Documents, Notaries, Certified Mail, etc.

- Indigent detainees will be provided with free envelopes and stamps for legal mail.
- Notary service and certified mail will also be provided where necessary.

Retaliation Prohibited

- Detainees may not be subjected to reprisals, retaliation, or penalties because of a decision to seek judicial relief on any matter including the legality of their confinement; conditions of, or treatment in, detention; issues relating to immigration proceedings; allegations that the government is denying rights protect by law.

