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Legal Access Program (Formerly *Pro Bono* Program)

Since April 2000, the Executive Office for Immigration Review (EOIR) has operated the Legal Access Program (formerly known as the EOIR *Pro Bono* Program) within the agency and with external organizations on initiatives to improve access to legal services for individuals facing immigration removal proceedings. These organizations include non-profit organizations, bar associations, law firms, law clinics, and attorney-run *pro bono* projects to provide free legal services to individuals without the means to pay. Access to legal services includes access to counsel for representation, access to attorneys and other legal workers for non-representative intake and screening, and access to legal information through written and taped (self-help) materials.

The program has focused principally on four areas – the Legal Orientation Program (LOP), the Board of Immigration Appeals (BIA) *Pro Bono* Project, the Unaccompanied Alien Children Initiative, and the Model Hearing Program.

Legal Orientation Program

Through the LOP, representatives from local nonprofit organizations provide comprehensive explanations about immigration court procedures, along with other basic legal information, to large groups of detained individuals. EOIR has carried out the LOP since 2003 to improve judicial efficiency and assist all parties involved in detained removal proceedings – detained aliens, the immigration court, the detention facility, and Immigration and Customs Enforcement (ICE), which is part of the Department of Homeland Security. Experience has shown that with LOP detained individuals make wiser decisions and are more likely to obtain representation, nonprofit organizations reach a wider audience with minimal resources, and cases are more likely to be completed faster, resulting in fewer court hearings and less time spent in detention.

The legal orientations normally include three components:

- Interactive group orientation, which is open to general questions;

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- Individual orientation, where non-represented individuals can briefly discuss their cases with experienced presenters; and
- Referral/self-help component, where those with potential relief, or those who wish to voluntarily depart the country or request removal, are referred to *pro bono* counsel or provided self-help legal materials and training through group workshops, where appropriate.

EOIR is currently operating the LOP at six detention facilities in Eloy, Ariz.; Port Isabel, Texas; El Paso, Texas; Tacoma, Wash.; Lancaster, Calif.; and Aurora, Colo. In Fiscal Year 2005, the LOP served more than 20,000 detainees – or nearly 25 percent of all ICE detainees who appeared before EOIR immigration courts.

BIA Pro Bono Project

Because individuals in immigration court proceedings are not entitled to publicly funded legal assistance, many appear before the immigration courts and the BIA without legal counsel. *Pro bono* representation plays a critical role in providing effective legal counsel for those who have potentially meritorious cases.

Under this project, implemented in January 2001, EOIR assists several private nongovernmental organizations (NGOs) in their efforts to link volunteer legal representatives from around the country with detained aliens whose immigration cases are under appeal and who cannot afford legal representation. Specifically, EOIR identifies certain types of cases for *pro bono* representation, based upon criteria determined by the NGOs. NGOs review and summarize the selected cases and then distribute them via e-mail to *pro bono* representatives throughout the country. Volunteers who accept a case then receive a copy of the court record, as well as, in most cases, additional time to file the appeal brief.

The Catholic Legal Immigration Network, Inc. (CLINIC) provides critical assistance in coordinating the project with other NGOs, which include the American Immigration Law Foundation, the American Immigration Lawyers Association, the Capital Area Immigrants' Rights Coalition, and the National Immigration Project of the National Lawyers Guild. EOIR's NGO partners have recruited more than 350 attorneys, law students, and accredited representatives, and have matched close to 400 detained individuals – who would not have been represented by counsel – with *pro bono* legal representation.

Additional information about this project is available from CLINIC by phone at (202) 635-2567, or via e-mail at: mmckenna@cliniclegal.org.

Unaccompanied Alien Children in Federal Custody

The Legal Access Program works to improve legal services for Unaccompanied Alien Children in immigration court removal proceedings by:

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- Coordinating *pro bono* activities with the newly created Pro Bono Outreach Program from the Office of Refugee Resettlement's Division for Unaccompanied Children's Services;
- Working closely with NGOs to design *pro bono* programs for unaccompanied juveniles;
- Assisting in the design of special juvenile dockets and promoting child-friendly court procedures; and,
- Organizing legal training sessions for *pro bono* representatives.

Model Hearing Program

To improve the quality of advocacy before the immigration courts as well as increase levels of *pro bono* representation, the LOP coordinates "mock" trial training sessions held in immigration courts and presented by volunteer immigration judges. These sessions – which EOIR coordinates in partnership with bar associations and *pro bono* agencies – provide practical and relevant "hands-on" immigration court training to small groups of attorneys and law students with an emphasis on practice, procedure, and advocacy skills. Participants must commit to a minimal level of *pro bono* representation throughout the year. Participants also receive training materials and Continuing Legal Education credit.

Information about EOIR's *pro bono* efforts is available online at EOIR's website at www.usdoj.gov/eoir/probono/probono.htm.

– EOIR –

EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the nation's immigration laws in all cases.

Information about EOIR immigration proceedings is available on EOIR's website <http://www.usdoj.gov/eoir/press/subject.htm>.