



Legal Orientation Program for Immigration Detainees

ABA Urges Increased Funding for LOP

U.S. Immigration and Customs Enforcement annually detains over 300,000 noncitizens (including asylum-seekers, victims of human trafficking, long-time permanent residents, and parents of U.S. citizen children) in facilities throughout the United States. The consequences of removal from the U.S. can be severe, resulting in separation from family members and communities, or even violence or death for those fleeing persecution. Yet, persons in removal proceedings have no right to appointed counsel and must either try to find lawyers, which is especially difficult for those in detention, or represent themselves. Legal assistance for detainees is critical for a variety of reasons, including their lack of understanding of our laws and procedures due to cultural, linguistic, or educational barriers. Statistics show that more than half of noncitizens in immigration proceedings lack legal counsel.

One of the ways that detained immigrants can obtain information about the legal process, their rights and available legal options is through the Legal Orientation Program (LOP). The LOP is administered by the Department of Justice's Executive Office for Immigration Review, which contracts with nonprofit organizations to provide LOP services at 25 detention facilities around the country. These services include group legal rights presentations, individual orientations, self-help workshops and pro bono referrals.

The Legal Orientation Program facilitates noncitizens' access to justice, improves immigration court efficiency, and saves government resources. Recognizing the value of the LOP, Congress began funding the program in 2003 and provided \$4 million for the program in FY 2009. However, because the number of persons in detention has increased dramatically in recent years, additional LOP funding is needed in FY 2010 to expand the program to additional detention facilities.

The ABA urges Congress to increase overall funding for the Department of Justice's Executive Office of Immigration Review and to direct that \$6.5 million be provided for the Legal Orientation Program in FY 2010 because:

- **LOP contributes to immigration court efficiency.** Data indicate that cases involving LOP participants move an average of 13 days faster through the immigration courts. Immigration judges report that respondents who attend LOP appear in immigration court better prepared. They are also more likely to be able to identify the relief for which they may be statutorily eligible, not to pursue relief for which they are ineligible, and have a better understanding of the immigration court process.
- **LOP may contribute to cost-savings for the immigration detention system.** Because cases involving LOP participants move through the immigration courts more quickly, time spent in detention may be reduced. The average cost of detention is \$97 a day per person. If the LOP reduced detention time by only an average of 5 days, multiplied by an average number of 25,000 LOP participants, savings could reach in excess of \$12 million per year. While further study is needed, funding necessary to increase the number of detained participants in LOP may be offset by decreased detention costs.
- **LOP can effectively prepare detainees to represent themselves *pro se*.** Some detained persons who receive intensive LOP services and represent themselves achieve case outcomes approximating those associated with legal representation. While LOP cannot replace legal representation, it is an essential service for detainees who may be eligible for relief and who cannot afford paid counsel or obtain pro bono counsel.
- **LOP may improve detention conditions.** Detention facility staff at some LOP sites report that they have observed a reduction in behavior problems when detainees have access to legal information. Some also believe LOP makes detention safer and more humane.