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January 12, 2006

Richard L. Skinner
Inspector General
U.S. Department of Homeland Security
1120 Vermont Avenue, NW
Washington, D.C. 20528

Dear Inspector General Skinner:

On behalf of the American Bar Association, I am writing to request that your office conduct an audit of U.S. Immigration and Customs Enforcement's (ICE) compliance with the Department of Homeland Security (DHS) immigration detention standards. The ABA is particularly concerned with the five standards relating to access to counsel and legal information: Visitation, Access to Legal Material, Telephone Access, Group Presentations on Legal Rights, and Detainee Transfers.

The detention standards are the result of negotiations between the ABA, the Department of Justice, the former INS, and other organizations involved in pro bono representation and advocacy for immigration detainees. As a key stakeholder in developing the standards, the ABA is committed to their full and effective implementation. Since 2001, volunteer attorneys participating in the ABA Detention Standards Implementation Initiative have toured detention facilities across the country, met with officials and detainees, and reported on their observations. The ABA meets regularly with ICE officers to address the issues raised in the reports. The ABA also receives correspondence and telephone calls from detainees and advocates, who inform us of problems with conditions at detention facilities. It is apparent to the ABA that detention standards violations continue at numerous facilities across the country.

The ABA believes that a focused audit of ICE compliance with the detention standards is critical to ensuring that immigrant detainees are treated humanely and have meaningful access to the legal process. We therefore request an audit of ICE compliance with the detention standards, particularly with respect to the legal access standards. You may also consider auditing the related Correspondence standard, particularly with respect to incoming and outgoing legal mail ("special correspondence"). Finally, we recommend that you evaluate the detainee

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handbooks at the facilities. The Detainee Handbooks standard and the legal access standards specify information that should be available to detainees in the handbooks, but the model handbook appended to the standard conflicts with the standards themselves.

The ABA supports promulgating into regulations the standards relating to access to counsel and legal information, and requests that at the conclusion of an audit, if warranted, the Inspector General consider making this recommendation. Alternatively, we request that the Inspector General issue concrete recommendations to DHS for improving compliance with the detention standards.

Thank you for your consideration of this request. Please contact Megan H. Mack at the ABA Commission on Immigration at (202) 662-1006 if you would like any further information.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans".

Robert D. Evans