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AMERICAN BAR ASSOCIATION

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April 26, 2006

Walter LeRoy  
Acting Chief, Detention Standards Compliance Unit  
Office of Detention and Removal Operations  
US Immigration and Customs Enforcement  
801 I St., NW, Suite 900  
Washington, DC 20536

**RE: Legal Orientation Program at Port Isabel Detention Center**

Dear Mr. LeRoy:

I am writing to request confirmation of a new policy with regard to the Legal Orientation Program ("LOP") at the Port Isabel Detention Center (PIDC). As you may be aware, the South Texas Pro Bono Asylum Representation Project (ProBAR), a project of the American Bar Association, conducts live, daily LOPs for all newly arrived detainees at PIDC, and has been doing so since 1998. ProBAR conducts these presentations pursuant to the National Detention Standards, in close coordination with ICE officers and through funding from the Department of Justice's Executive Office for Immigration Review (EOIR). As you know, the LOP program began after a Department of Justice pilot project concluded that rights presentations make removal proceedings more efficient and save resources for the government.

According to ProBAR, as of April 10, 2006, only people in INA §240 proceedings at PIDC are being allowed to attend the LOPs. The vast majority of people detained at PIDC are in expedited removal or reinstatement of removal proceedings, and this policy change drastically reduces the number of detainees who benefit from legal information sessions. Although these individuals are in non §240 proceedings, there is some limited relief available to them at this stage including fear interviews, U visas, T visas, and potential claims to citizenship. The presentations benefit the facility because they prevent anxiety among the detainee population and facilitate ICE's compliance with the *Orantes* injunction and the National Detention Standards.

The Standards require facilities to permit groups such as ProBAR to provide LOPs "for the purpose of informing [detainees] of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility. [ICE] encourages such presentations, which instruct detainees about the immigration system and their rights and options within it. All facilities shall fully cooperate with authorized persons seeking to make such presentations." [See ICE National Detention Standard on "Group Presentations on Legal Rights," 9/20/00]. While the Standard provides that the OIC may limit the number of detainees at a single session, the Standard goes on to say that the presenter must therefore "be prepared to conduct several presentations, depending on the number of interested detainees or the need to separate groups of detainees for safety and security." The Standards do not impose limitations on attendance based on what type of proceedings detainees are in.

I would appreciate clarification as to whether this policy will continue to remain in effect at PIDC, and if it will be implemented at additional facilities in the future. Thank you for your time and attention to this matter, and we look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Irena Lieberman", with a long horizontal flourish extending to the right.

Irena Lieberman  
Director