

United States Senate

WASHINGTON, DC 20510

April 18, 2018

The Honorable Jeff Sessions
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Sessions:

We write to express our strong opposition to reports of your decision to suspend the Legal Orientation Program (“LOP”) and Immigration Court Helpdesk Program (“ICH”).¹ The decision belies the Department of Justice’s (“DOJ”) stated goal of reducing the backlogs in our immigration courts. Halting LOP and the ICH will severely undermine due process for people who are facing deportation but cannot afford an attorney. These include asylum seekers, families, and other vulnerable people who have extremely limited understanding of U.S. immigration law.

The purported reason for the programs’ suspension is so the Executive Office for Immigration Review (“EOIR”) can “conduct efficiency reviews which have not taken place in six years.”² While we support efforts to engage in oversight, we do not agree that a review of the programs requires you to bring LOP, nor the ICH to a standstill. The Department’s own website states that since 2003, the Executive Office for Immigration Review has carried out LOP and that “[e]xperience has shown that the LOP has had positive effects on the immigration court process: detained individuals make wiser, more informed, decisions and are more likely to obtain representation; non-profit organizations reach a wider audience of people with minimal resources; and, cases are more likely to be completed faster, resulting in fewer court hearings and less time spent in detention.”³

Given this Administration’s goal of reducing the immigration court backlogs, it does not follow that the Department would suspend a program which has been shown to do just that. Specifically, a 2012 evaluation of LOP found that “detained aliens’ participation in the LOP significantly reduced the length of their immigration court proceedings. On average during FY2009-2011 detained aliens who participated in the LOP completed their detained immigration court proceedings an average of 12 days faster than those who did not participate in the LOP.”⁴ By improving efficiencies in the court system and reducing detention, LOP has saved American taxpayers millions of dollars.

¹ https://www.washingtonpost.com/local/immigration/justice-dept-to-halt-legal-advice-program-for-immigrants-in-detention/2018/04/10/40b668aa-3cfc-11e8-974f-aacd97698cef_story.html?utm_term=.4a9062b42a3c

² *Id.*

³ <https://www.justice.gov/eoir/legal-orientation-program> (accessed 4/11/18)

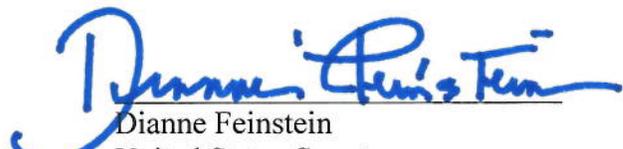
⁴ https://www.justice.gov/sites/default/files/eoir/legacy/2013/03/14/LOP_Cost_Savings_Analysis_4-04-12.pdf

Moreover, an immigration court official told the *Washington Post* that the review will examine whether LOP and the ICH duplicates efforts within the court system.⁵ The official noted that immigration judges are already required to inform immigrants of their rights before a hearing.⁶ Surely, the Department cannot be serious with this contention. A judge spending a few minutes informing an immigrant of his or her rights does not equate to a program like LOP that “hold[s] hour-long group information sessions with detainees to explain their rights, how the court process works and their possible defenses to deportation in federal law, such as seeking asylum if they are in fear for their lives”, or, like the ICH, offer individual and group information sessions, self-help workshops, and outreach to pro bono attorneys.⁷ The LOP also includes services whereby lawyers “meet with detainees individually and refer detainees to free or low-cost lawyers.”⁸ These are not services that an immigration judge provides to immigrants facing deportation.

As you know, access to counsel in an immigration case can make a profound difference on the outcome. Studies show that represented immigrants in detention who had a custody hearing were four times more likely to be released from detention (44 percent with counsel versus 11 percent without).⁹ Yet, less than half of immigrants are able to find representation.¹⁰ Given these dire statistics, it is deeply troubling that you would seek to degrade due process protections for these immigrants. Thus, we request that you immediately restart the Legal Orientation Program and Immigration Court Helpdesk Program. Thank you in advance for your consideration.

Sincerely,


Robert Menendez
United States Senator


Dianne Feinstein
United States Senator


Mazie K. Hirono
United States Senator


Catherine Cortez Masto
United States Senator

⁵ https://www.washingtonpost.com/local/immigration/justice-dept-to-halt-legal-advice-program-for-immigrants-in-detention/2018/04/10/40b668aa-3cfc-11e8-974f-aacd97698cef_story.html?utm_term=.4a9062b42a3c

⁶ *Id.*

⁷ *Id.*; <https://www.vera.org/projects/immigration-court-helpdesk/learn-more>

⁸ *Id.*

⁹ <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>

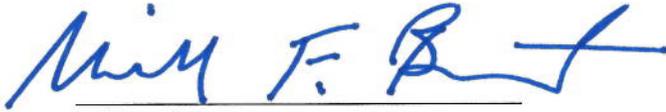
¹⁰ *Id.*



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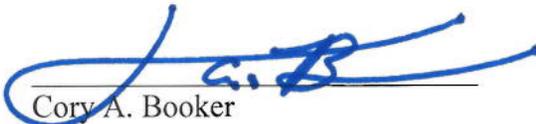
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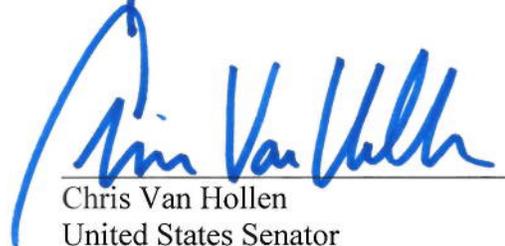
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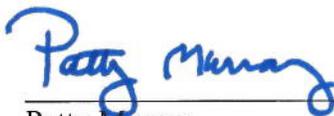
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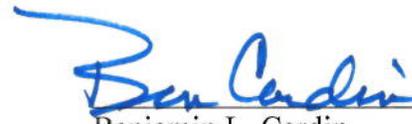
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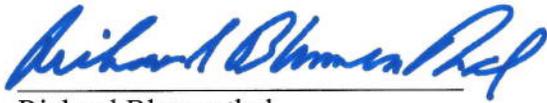
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Maria Cantwell
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Bernard Sanders
United States Senator