



Overview of Detention Standards: Legal Rights Group Presentations

Legal Rights Group Presentations Generally

This detention standard protects detainees' rights by providing all detainees access to information presented by authorized persons and organizations for the purpose of informing them of U.S. immigration law and procedures. Consistent with the security and orderly operation of each facility, ICE encourages such presentations and all dedicated facilities are required to cooperate fully with authorized persons seeking to make such presentations. PBNDS 2011 6.4(I), PBNDS 2008 6.37(I). Legal Rights Group presentations shall also be permitted at non-dedicated facilities. NDS 2019 6.4(I).

Legal Rights Group presentations differ from Legal Orientation Programs (LOPs) in that LOPs are carried out by the Department of Justice Executive Office for Immigration Review (EOIR) and are government-sponsored programs authorized by Congressional appropriations. EOIR carries out LOPs through contracts with non-governmental organizations (NGOs), and in consultation with ICE/ERO. LOPs operate in a limited number of ICE/ERO facilities and, subject to available funding, shall be developed and implemented in other facilities as designated by both EOIR and ICE/ERO. PBNDS 2011 6.4(V)(D), PBNDS 2008 6.37(V)(E).

Requests to Present

Timing of Request: Attorneys or legal representatives interested in making a group presentation on legal rights must submit a written request to ICE/ERO. NDS 2019 6.4(II)(A), PBNDS 2011 6.4(V)(A), PBNDS 2008 6.37(V)(A). For facilities that follow PBNDS 2008, the request must be made at least thirty (30) days prior to the proposed presentation date. PBNDS 2008 6.37(V)(A). The request must be made at least ten (10) days prior to the proposed presentation date at PBNDS 2011 facilities. PBNDS 2011 6.4(V)(A). Short notice requests may be approved at the discretion of the Field Office Director (FOD), or when circumstances arise that compel presentations on shorter notice. PBNDS 2011 6.4(V)(A), PBNDS 2008 6.37(V)(A).

Requests for legal rights presentations shall be accommodated to the greatest extent possible absent significant logistical or security-related concerns. PBNDS 2011 6.4(V)(C).

Content of Request: The written request to hold a group presentation on legal rights must include:

- A. a general description of the intended audience;
- B. a syllabus or outline of the presentation;
- C. a list of any published or unpublished materials proposed for distribution (*additional information provided in "Written Materials" segment*);
- D. an informational poster;
- E. a statement of the languages in which the presentation will be conducted;
- F. the name, date of birth, social security number (or passport number if social security number is not available), profession and specific function of each person requesting permission to enter the facility (including interpreters) (*additional information provided in "Who May Present" segment*);
- G. certification that each person making the presentation is an attorney, legal representative, legal assistant or interpreter;
- H. a proposed date (or range of dates) for the presentation;
- I. a telephone number and contact person;
- J. if a party contains more than four persons (including legal assistants and interpreters), a special request must be made.

PBNDS 2011 6.4(V)(A), PBNDS 2008 6.37(V)(A)

Who May Present

An attorney and/or legal representative may give the legal rights presentation along with one or more legal assistants. Legal assistants may assist with the presentation if the legal representative or supervising attorney submits a letter affirming that their presence is directly related to the presentation. NDS 2019 6.4(II)(A), PBNDS 2011 6.4(V)(F), PBNDS 2008 6.37(V)(G).

Presentation parties may not exceed four persons, including legal assistants, supervised law students and interpreters; however, a facility may waive this rule upon advance receipt of a written request. PBNDS 2011 6.4(V)(F), PBNDS 2008 6.37(V)(G).



ICE/ERO is not responsible for providing interpreters for presenters. NDS 2019 6.4(II)(D), PBNS 2011 6.4(V)(F), PBNS 2008 6.37(V)(G).

The final list of presenters for the legal rights presentation must be given to the facility no less than five days before the presentation. PBNS 2011 6.4(V)(B).

Notification of Decision Regarding Presentation

Request Denied: If the request for a presentation is denied, after consultation with the respective Chief Counsel, the FOD shall provide the requestor a written explanation and submit a copy to the Detention Standard Compliance Unit within the Detention Management Division of ICE/ERO Headquarters. PBNS 2008 6.37(V)(D).

Request Granted: If a request for a legal rights group presentation is granted, the FOD shall notify the facility administrator, who shall telephone the listed contact person to arrange a mutually acceptable date and time for the presentation. PBNS 2011 6.4(V)(B), PBNS 2008 6.37(V)(B).

PBNS 2011 facilities should provide the below information to the legal representative contact at least five (5) days prior to the schedule presentation. If it is a short notice request, as much of the below information as possible should be provided.

- A. number of immigration detainees in custody at the facility and the number of residential areas (or "pods") in which they are housed;
- B. countries of origin of those detainees; and
- C. gender breakdown of immigration detainees.

PBNS 2011 6.4(V)(B)

Scheduling Presentations

Timing: Presentations must be scheduled during normal visiting hours, excluding weekends and holidays. NDS 2019 6.4(II)(B), PBNS 2011 6.4(V)(C), PBNS 2008 6.37(V)(E).

Frequency: If feasible, presentations may be conducted daily, immediately before detainees' first immigration court appearances and/or under other circumstances, such as after an influx of detainees subsequent to an ICE enforcement action or a transfer of detainees from one facility to another. PBNS 2011 6.4(V)(C), PBNS 2008 6.37(V)(E).

Entry to Facility by Presenters

Facility staff shall require each person seeking entry to present an official form of picture identification (e.g. driver's license or state identification card). Attorneys must also present state-issued bar cards or, in states where these are not available, other proof of bar membership. Provided the presenter has made a special request, the facility may admit interpreters and legal assistants to assist attorneys and other legal representatives. NDS 2019 6.4(II)(D), PBNS 2011 6.4(V)(G), PBNS 2008 6.37(V)(H).

The facility may require presenters to arrive at least 30 minutes before the scheduled start of the presentation. After check-in, facility staff shall escort the presenters to the presentation site and shall escort the detainees to that location. PBNS 2011 6.4(V)(G), PBNS 2008 6.37(V)(H).

Presentation Guidelines

Location: The facility shall select and provide a private environment that is conducive to the presentation and is consistent with the security and good order of the facility. NDS 2019 6.4(II)(E), PBNS 2011 6.4(V)(H), PBNS 2008 6.37(V)(I).

Time Allotted: Once detainees have been assembled, presenters shall ordinarily be granted a minimum of one hour for the presentation and additional time for a question-and-answer session. NDS 2019 6.4(II)(E), PBNS 2011 6.4(V)(H), PBNS 2008 6.37(V)(I). The facility administrator may extend that time period on a case-by-case basis. PBNS 2011 6.4(V)(H), PBNS 2008 6.37(V)(I).

Fee: Presenters may neither charge any fee nor solicit business for remuneration during any presentation. NDS 2019 6.4(II)(E), PBNS 2011 6.4(V)(H), PBNS 2008 6.37(V)(I).

Staff Attendance: At their discretion, ICE/ERO and/or facility staff may observe and monitor presentations, assisted by interpreters as necessary. ICE/ERO and facility personnel shall not interrupt a presentation, except to maintain safety and security, or if the allotted time has expired. PBNS 2011 6.4(V)(H), PBNS 2008 6.37(V)(I).

Detainee Notification of and Attendance at Presentations

Notification: The requestor must provide a one-page poster (no larger than 8.5 x 11 inches) to inform detainees of the general nature and contents of the presentation, the intended audience, and the language(s) in which the presentation will be



conducted. If the poster is in a language other than English, an English translation must be provided. PBNS 2011 6.4(V)(E), PBNS 2008 6.37(V)(F).

Once approved by an ICE representative, designated facility staff shall prominently display the informational posters provided by the presenter in the housing units at least 48 hours before the scheduled presentation. NDS 2019 6.4(II)(C), PBNS 2011 6.4(V)(E), PBNS 2008 6.37(V)(F).

Detainees with disabilities, and those who are limited English proficient (LEP) or illiterate shall be notified of the presentation in a language and manner they understand. PBNS 2011 6.4(V)(E).

ICE/ERO and/or facility staff shall notify detainees in segregation in advance of the presentations and provide those detainees the opportunity to attend. PBNS 2011 6.4(V)(E).

Sign-Up Sheets: Each housing unit officer shall provide a sign-up sheet at least 48 hours in advance of a presentation for detainees who plan to attend. NDS 2019 6.4(II)(C), PBNS 2011 6.4(V)(E), PBNS 2008 6.37(V)(F). However, detainees who fail to sign up shall not be deprived of the opportunity to attend a presentation for that reason. PBNS 2011 6.4(V)(E), PBNS 2008 6.37(V)(F).

Who May Attend: Presentations are open to all detainees, regardless of the presenters intended audience, except when a particular detainee's attendance would pose a security risk. If a detainee in segregation would pose a security risk, staff shall make alternate arrangements, if the detainee or presenter so request. NDS 2019 6.4(II)(C), PBNS 2011 6.4(V)(E), PBNS 2008 6.37(V)(F).

Number of Attendees/Presentations: The facility administrator may limit the number of detainees attending a single session based on the number of interested detainees or the need to separate groups of detainees for safety and security. Therefore, the presenter must be prepared to conduct several presentations, and shall be advised to contact the facility administrator the day before the presentation to determine the number of sessions that shall be required. NDS 2019 6.4(II)(C), PBNS 2011 6.4(V)(E), PBNS 2008 6.37(V)(F).

Written Materials

Generally: If approved in advance by ICE/ERO, presenters may distribute brief written materials that inform detainees of U.S. immigration law and procedure. Presenters shall distribute materials to detainees and ICE/ERO and/or facility staff at the same time. The volume of materials must be kept to a minimum. NDS 6.4(II)(F), PBNS 2011 6.4(V)(I), PBNS 2008 6.37(V)(J).

Request: The request for a presentation must include a copy of any published or unpublished material that the presenters wish to distribute during their presentation, with a cover page that:

- identifies the submitter and the preparer of the material;
- includes the date of preparation; and
- states clearly that ICE/ERO did not prepare, and is not responsible for, the contents of the material.

PBNS 2011 6.4(V)(I), PBNS 2008 6.37(V)(J)

If the material is in a language other than English, an English translation must be provided. PBNS 2011 6.4(V)(I), PBNS 2008 6.37(V)(J).

Facilities can object to the distribution in part or whole of written materials if they pose a threat to the security or good order of the facility, or contain misleading or inaccurate statements of immigration law, procedure, or ICE/ERO policy. PBNS 2011 6.4(V)(I), PBNS 2008 6.37(V)(J).

Inclusion in Law Library: At the request of the presenter and with the requisite approval in accordance with detention standards, copies of the presentation materials may be included in the law library. PBNS 2011 6.4(V)(I), PBNS 2008 6.37(V)(J). If the facility determines that the written materials are too voluminous for distribution at the presentation, the materials shall be made available to detainees in the facility's law library. NDS 6.4(II)(F), PBNS 2011 6.4(V)(I), PBNS 2008 6.37(V)(J).

Post-Presentation Individual Counseling

Following a group presentation, the facility shall permit the presenters to meet with small groups of detainees to discuss their cases as long as meetings do not interfere with facility security and orderly operations. NDS 6.4(II)(G), PBNS 2011 6.4(V)(J), PBNS 2008 6.37(V)(K).

ICE/ERO and facility staff may not be present during these meetings. NDS 6.4(II)(G), PBNS 2011 6.4(V)(J), PBNS 2008 6.37(V)(K).



Electronic Presentations

General: ICE/ERO encourages qualified individuals and organizations to submit electronically formatted presentations (e.g., videotape, DVD) on legal rights. ICE/ERO must review and approve these presentation(s) prior to dissemination. If ICE/ERO approves an electronic presentation(s), the originators may provide that presentation to individual detention facilities for viewing by detainees. PBNDS 2011 6.4(V)(L), PBNDS 2008 6.37(V)(M).

An electronic presentation shall not be considered a replacement or substitute for an in-person or live presentation, when available. PBNDS 2011 6.4(V)(L)(2).

Requests for Approval: The requestor must submit the electronic presentation(s), along with a transcript in English and in the language(s) used in the presentation(s), to both the Field Office Director and the respective ICE Office of Chief Counsel. PBNDS 2011 6.4(V)(L)(1), PBNDS 2008 6.37(V)(M)(1).

The electronic presentation(s) must clearly identify the originator and must clearly state that ICE/ERO did not prepare the presentation(s) and is not responsible for the contents. PBNDS 2008 6.37(V)(M)(1).

Grounds for Rejection: ICE/ERO may reject all or part of an electronic legal rights presentation if the material may present a threat to the facility's safety, security or good order; the presentation contains misleading or inaccurate statements of ICE/ERO policy, immigration procedure or law; or any part is inconsistent with the legal rights group presentation detention standard. PBNDS 2011 6.4(V)(L)(1), PBNDS 2008 6.37(V)(M)(1).

Detainee Viewing: The facility shall provide regularly scheduled and announced opportunities for detainees to view or listen to electronic presentation(s). At a minimum, the presentation shall be made available to the general population once a week. The facility shall also provide detainees in administrative or disciplinary segregation for more than one week at least one opportunity to view pre-approved presentation(s) during their placement in segregation, unless precluded by security concerns regarding a particular detainee. NDS 2019 6.4(II)(I), PBNDS 2008 6.37(V)(M)(2), PBNDS 2011 6.4(V)(L)(2).

Technology: If it is not technically feasible to show such pre-approved electronic presentations, the facility shall contact ICE/ERO for equipment options. NDS 2019 6.4(II)(I), PBNDS 2011 6.4(V)(L)(2), PBNDS 2008 6.37(V)(M)(2).

Maintenance: The facility shall check the operability of the presentation once a week at minimum. In the event that electronic copies of the presentation(s) are stolen, destroyed or otherwise become unusable, the facility shall promptly request that ICE/ERO obtain replacement copies of the presentation(s) from the originator. PBNDS 2011 6.4(V)(L)(2), PBNDS 2008 6.37(V)(M)(2).

Suspension or Termination of Presentations

Reasons for suspension or termination: The facility may discontinue or temporarily suspend group presentations by any or all presenters, if: the presentation or presenters pose an unreasonable security risk; the presentation or presenters interfere with the facility's orderly operation; the presentation deviates materially from approved presentation materials or procedures; or the facility is operating under emergency conditions. NDS 2019 6.4(II)(H), PBNDS 2011 6.4(V)(K), PBNDS 2008 6.37(V)(L).

Notification: The facility administrator shall notify the affected presenters in writing of the reasons for the termination and suspension, and shall send a copy to the respective ICE/ERO Field Office Director. NDS 2019 6.4(II)(H), PBNDS 2011 6.4(V)(K), PBNDS 2008 6.37(V)(L).

Appeals: A presenter may appeal a suspension or termination in writing to the Field Office Director. The Field Office Director shall promptly consider the appeal and consult with the respective ICE Office of Chief Counsel and the facility administrator to determine means of addressing the concerns causing the suspension/termination. The Field Office Director shall inform the presenter of the decision regarding the appeal, and shall explain the rationale behind the decision and the means, if any, to rectify the situation (PBNDS 2008 6.37(V)(L)) within 30 days of receiving the appeal PBNDS 2011 6.4(V)(K).

Contact Information

In the event that your supervisor, DSM, or other field officer is unable to answer your question, you can reach out to the Legal Access team at headquarters by emailing [\[redacted\]@ice.dhs.gov](mailto:(b)(7)(E)@ice.dhs.gov)

Additional Information on InSight

ERO Legal Access Resource Center: Tools and resources for legal access issues may be found here.

Disability Accommodations Resource Center: Tools and resources in dealing with cognitively impaired detainees, deaf/hard of hearing, sign language resources, and other resources can be found here.

ERO Language Access Resource Center: Language line information, tools for identifying languages, including indigenous languages, and other resources.