

Congress of the United States
Washington, DC 20515

April 19, 2018

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions,

We are writing to demand that the Department of Justice reverse its decision to end the Legal Orientation Program (LOP). On April 10, 2018, community partners and nonprofit legal service providers received notification that the Department of Justice would be halting the Legal Orientation Program in just twenty days, on April 30, 2018. The Legal Orientation Program provides critical legal information to individuals in immigration detention throughout the United States. This innovative model has a demonstrated track record for both improving Immigration Court efficiency and promoting access to justice. To suspend this program under the auspices of conducting further evaluation is short-sighted and would destroy an indisputably effective program that has been successfully operating for the last fifteen years. Any evaluation could and should take place *while the program continues to operate* and provide critical services.

The Legal Orientation Program was initiated in 2003, during the administration of George W. Bush. Initially started with six pilot sites, LOP now operates at 38 sites throughout the United States.¹ Through group orientations, individual orientations, self-help workshops, and referrals to pro-bono attorneys, LOP educates detained immigrants about their rights and the immigration court process so that they can make informed decisions about their legal cases.

According to the Executive Office for Immigration Review, “Experience 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.”²

The Legal Orientation Program has demonstrated that it is cost-effective and that it promotes greater efficiency in the Immigration Court system. The Department of Justice concluded in a 2012 study that this program is an efficient way to promote due process and cut through the large backlog of cases, one of the most significant issues facing the immigration courts today.³ The study concluded that individuals who participated in the Legal Orientation Program completed their detained immigration court proceedings an average of 12 days faster than those who did not

¹ <https://www.vera.org/projects/legal-orientation-program/overview>

² <https://www.justice.gov/eoir/legal-orientation-program>

³ https://www.justice.gov/sites/default/files/eoir/legacy/2013/03/14/LOP_Cost_Savings_Analysis_4-04-12.pdf

participate in the program.⁴ This same study found that the program created a net savings for the government of nearly \$18 million—meaning, every \$1 the government spent on the Legal Orientation Program saved \$4.⁵

In addition to its promotion of judicial efficiency, the Legal Orientation Program represents the very best of our country's values: a legal system with a commitment to justice for all and a commitment to due process. Individuals in immigration detention—including asylum-seekers, victims of human trafficking and other crimes, women, refugees, and others — do not have the right to court-appointed counsel in immigration removal (deportation) proceedings.⁶ Yet immigration removal proceedings are incredibly complicated and procedurally complex court hearings, often involving cases where an individual's very life is on the line. Despite these high stakes, studies show that nationally over 84 percent of immigrants in civil immigration detention are unrepresented by an attorney.⁷ The Legal Orientation Program provides basic and essential information for the vast majority of individuals in immigration detention who will not have an attorney to represent them in what may be the most important legal decision of their lives.

The Department of Justice's decision to abruptly halt the Legal Orientation Program is contrary to both the government's interests in Immigration Court efficiency, and contrary to our country's values of due process and fundamental fairness. We therefore demand that you reverse your decision and allow the Legal Orientation Program to continue its vital work. If a further evaluation is desired, this evaluation may be more appropriately conducted while the Legal Orientation continues to operate, not after it is dismantled across the country.

Sincerely,



Jared Polis
Member of Congress



Norma J. Torres
Member of Congress

⁴ Id.

⁵ Id.

⁶ See Immigration and Nationality Act Section 240(b)(4)(A), (“the alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings”).

⁷ Eagly & Shafer, “A National Study of Access to Counsel in Immigration Court,” 164 *U. Pa. L. Rev.* 1 (Dec. 2015).