

STANDARD 6.4

LEGAL RIGHTS GROUP PRESENTATIONS

I. POLICY

Facilities shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility. ICE/ERO encourages such presentations, which instruct detainees about the immigration system and their rights and options within it.

II. STANDARDS AND PROCEDURES

A. Requests to Make Group Presentations on Legal Rights

Attorneys and legal representatives (including EOIR accredited representatives) interested in making a group presentation on legal rights must submit a written request to ICE/ERO.

Legal assistants/paralegals may conduct a group presentation on legal rights, if the supervising attorney/legal representative is present or he/she prepares a letter identifying the presenter(s) and affirming that the supervisory relationship directly relates to the presentation. The authorizing letter must be presented to ICE/ERO before the presentation can take place.

B. Scheduling Presentations

ICE/ERO will notify the facility upon approving a group presentation. The facility will contact the designated party to arrange a mutually acceptable date and time for the presentation. Presentations will be scheduled during normal legal visiting hours, excluding weekends and holidays. If feasible, group presentations may be conducted daily, immediately before detainees' first Immigration Court appearance.

The facility is not required to arrange presentations for detainees; however, facilities are required to coordinate ICE/ERO approved presentations

C. Detainee Notification and Attendance

At least 48 hours before a scheduled presentation, informational posters shall be prominently displayed in detainee housing units, and each housing unit officer will maintain a sign-up sheet. Detainees planning to attend may register on the sign-up sheet kept by a designated employee.

Presentations are open to all detainees, regardless of the presenter's intended audience, except when a particular detainee's attendance would pose a security risk. If a detainee in segregation cannot attend for this reason, either the detainee or the presenter(s) may request alternative arrangements.

The facility may limit the number of detainees at a single session. Therefore, the presenter must 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 presenter may contact the facility the day before the presentation to determine the number of sessions required.

D. Entering the Facility

The facility shall require all persons seeking entry to present identification in accordance with local policy.

The facility shall admit interpreters to assist attorneys and other legal representatives. ICE/ERO will not be responsible for providing interpreters for presenters.

E. Presentation Guidelines

The facility shall select and provide an environment conducive to the presentation, consistent with security. Once detainees have assembled, the presenters will have a minimum of one hour to make the presentation and to conduct a question-and-answer session.

The facility may require presenters to abide by all rules and regulations for visitors to the facility. Presentations will be conducted in a manner consistent with the security and orderly operation of the facility. Presenters shall not charge a fee nor solicit business during any presentation.

F. Written Materials

Presenters may distribute brief written materials to detainees and to ICE/ERO and/or facility staff at the same time. These materials must have been approved in advance by ICE/ERO. Distribution of unapproved materials will constitute grounds for discontinuation of presentation privileges.

The volume of materials to be distributed must be kept to a minimum. 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.

G. Individual Counseling Following a Group Presentation

The facility shall permit presenters to meet with small groups of detainees to discuss their cases following a group presentation, consistent with security and the orderly operation of the facility. ICE/ERO and facility staff shall not be present during these meetings. Standard 5.5 “Visitation” sets forth the rules and procedures governing one-on-one counseling.

H. Suspension or Termination

The facility may discontinue or temporarily suspend group presentations by any or all presenters, if:

1. They pose an unreasonable security risk;
2. They interfere substantially with the facility’s orderly operation;
3. They deviate from approved material, procedures or presenters; or
4. The facility is operating under emergency conditions.

The facility shall notify the affected presenters, in writing, of the reasons for termination or suspension, and send a copy of the notice to ICE/ERO. The presenters may appeal this decision.

I. Video Presentations

The facility shall play ICE/ERO-approved video presentations on legal rights at the request of ICE/ERO. If technical difficulties arise, the facility shall contact ICE/ERO for equipment options.

The facility shall provide regular opportunities for detainees in the general population to view such videos. The facility shall provide at least one opportunity to view the video for detainees in administrative or disciplinary segregation, unless precluded by security concerns regarding a particular detainee.