

INS DETENTION STANDARD

GROUP PRESENTATIONS ON LEGAL RIGHTS

I. POLICY

Facilities holding INS detainees 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. INS 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.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. Requests to Make Group Presentations on Legal Rights

Attorneys and legal representatives (including accredited representatives) interested in making a group presentation on legal rights must submit a written request to INS, in accordance with Attachment A.

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 INS before the presentation can take place.

B. Scheduling Presentations

The District Director will notify the OIC upon approving a group presentation. The OIC 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 the detainee's first Immigration Court appearance.

If attorneys or other legal representatives make no requests, or INS does not approve the requests, the facility is not required to arrange presentations.

C. Detainee Notification and Attendance

At least 48 hours before a scheduled presentation, informational posters (see Attachment A) shall be prominently displayed in the housing units, and each housing unit control officer will hold 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, and both he/she and the presenter(s) so request, alternative arrangements shall be made.

The OIC 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 OIC 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 an official form of picture identification (such as a 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. If such documentation is not readily available to attorneys licensed in a particular state, they must indicate where they are licensed as an attorney and how that fact may be verified.

The facility shall admit interpreters to assist attorneys and other legal representatives. INS will not be responsible for providing interpreters for presenters. For admission criteria and procedures refer to the Visitation Standard.

SPCs/CDFs shall require presenters to arrive at least 30 minutes before the presentation's scheduled start. As a general rule, the parties of the presenters' will not exceed four persons (including interpreters and legal assistants). The facility may waive this rule upon advance receipt of a written request.

After check-in, presenters will be escorted to the site of the presentation. Facility staff will escort the detainees to that location.

E. Presentation Guidelines

The facility shall select and provide an environment conducive to the presentation, consistent with security. Once the detainees have been assembled, the presenters will have one hour to make the presentation and to conduct a question-and-answer session. The OIC may extend this time period on a case-by-case basis.

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.

At their discretion, INS and/or facility officials may observe and monitor presentations, assisted by interpreters as necessary. INS and facility personnel will not interrupt a presentation, except for security purposes or if the allotted time has expired.

F. Written Materials

Presenters may distribute brief written materials to detainees and to INS/facility staff at the same time. These materials must have been approved in advance by INS, as described in Attachment A. 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 OIC determines that the written materials are too voluminous for distribution at the presentation, they 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. INS and facility staff shall not be present during these meetings. The "Visitation" standard 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 OIC shall notify the affected presenters, in writing, of the reasons for termination or suspension, send a copy of the notice to the respective INS District Director. (The presenters may appeal this decision, as described in Attachment A.)

I. Videotaped Presentations

The facility shall play INS-approved videotaped presentations on legal rights, at the request of outside organizations. If not technically feasible, the facility shall contact INS for equipment options. (The procedures for submitting videotaped presentations for INS approval are described in Attachment A.)

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

The facility shall maintain tapes in good condition. In the event that a tape is stolen, destroyed, or otherwise becomes unusable, the facility shall promptly notify INS. INS will obtain a replacement from the originating person or organization.


J. Availability of Policy

A copy of this policy, including the attachments, shall be available upon request.

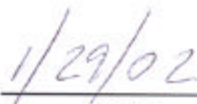
IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention
Facilities: 3-ALDF-3E-02


Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs



Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations



Date

Attachment A

INS Requirements for Presenters for Group Presentations on Legal Rights

A. Requests for Initial Presentations

Attorneys and legal representatives (including accredited representatives) who wish to make a group presentation on legal rights for their first time in a particular facility must submit a written request to INS, as follows: to the INS OIC, for an SPC presentation; to the supervising INS officer, for a CDF presentation; to the appropriate District Director for an IGSA facility. (See Attachment B for addresses of SPCs and CDFs.) In addition, the requestor must send a copy of the group-presentation request to the appropriate INS District Counsel.

The request must reach INS at least 10 days in advance of the proposed presentation. The INS official may allow an initial presentation to take place on shorter notice, at his/her discretion.

The written request must contain the following information:

1. A general description of the intended audience, e.g., Chinese exclusion cases, Spanish-speaking deportation cases;
2. A syllabus or outline of the presentation;
3. An informational poster as described in Section III.B, below;
4. A statement of the languages in which the presentation will be conducted;
5. The name, profession, and specific function of each person requesting permission to enter the facility;
6. A representation that each person making the presentation is an attorney, legal representative (including accredited representative), or legal assistant;
7. A proposed date (or range of dates) for the presentation; and
8. A telephone number and contact person.

B. Informational Poster

The requestor must provide a one-page poster to inform detainees of the general nature of the presentation. The poster should indicate the intended audience, briefly describe the contents of the presentation, and state the languages in which the presentation will be conducted.

The poster should instruct detainees to contact the housing officer if they wish to attend. English translations must be provided for poster text in other languages. Posters may not exceed 8.5 by 11 inches.

An INS representative will review the poster within three business days, to ensure that it meets the requirements above and that its posting will not endanger the security or orderly operation of the facility. INS will contact the person listed in the request if additional information is required.

If INS finds the leaflet objectionable, the District Counsel will inform the contact person of the INS objections. INS will make a good faith effort to work with the requestor to develop mutually acceptable materials.

C. Written Materials

Presenters may distribute brief written materials designed to inform detainees of U.S. immigration law and procedure, if approved by INS. The request must list any materials proposed for distribution. The list may include published and unpublished literature. If the material is in a language other than English, an English translation must be provided. The requestor must provide a copy of any unpublished material. Unpublished material must have a cover page that:

1. identifies the submitter and the preparer of the material;
2. states clearly that INS did not prepare, and is not responsible for, the contents of the material; and
3. contains the date of preparation.

The INS may object to materials in whole or in part, if they pose a threat to the security or good order of the facility, or if they contain misstatements of immigration law, procedure, or INS policy. The District Counsel will consult with the appropriate INS officials to determine if the material is acceptable. The District Counsel will inform the contact person of any INS objections. INS will make a good faith effort to work with the requestor to determine mutually acceptable materials.

The presenter must simultaneously provide facility staff with a copy of all materials distributed to detainees. Distribution of any materials that have not been approved will constitute grounds for discontinuation of presentation privileges.

D. Grant/Denial of Requests

If the request is granted, the INS will notify the facility's Officer-in-Charge. The OIC will telephone the contact person listed in the request and arrange a mutually acceptable date and time for the presentation.

If the request is denied after consultation with District Counsel, INS will provide a written explanation to the requestor. A copy of the written denial will be sent to the appropriate INS Headquarters division(s), through official channels.

E. Requests for Subsequent or Recurring Presentations

To request INS permission to conduct additional presentations or access on a continuing basis, the requestor may submit a brief letter referring to previously submitted materials, noting any proposed changes in the content or personnel, and identifying the proposed dates or continuing period. Those presenters granted recurring access must notify INS in writing in advance of any subsequent proposed changes.

F. Suspension or Termination

As described in Section III.H. of the standard, a facility may temporarily suspend or discontinue group presentations by presenters for specific reasons. The OIC shall notify the affected presenters in writing of the reasons for termination or suspension, and send a copy of the notice to the respective INS District Director. The District Director shall send a copy of the notice to the District Counsel and to the appropriate INS Headquarters division(s), through official channels.

The presenters may appeal this decision to the District Director in writing. The District Director shall consider this appeal promptly, and shall consult with the District Counsel and the OIC. The District Director shall follow-up with the facility, discussing the security or other concerns that caused the suspension or termination and means of addressing them so that the discontinued presentations may resume. In his/her written response, the District Director shall provide the presenters with the reasons for his/her decision on the appeal, and inform them of the means, if any, to rectify the situation.

G. Videotaped Presentations

INS encourages qualified individuals and organizations to submit videotaped presentations on legal rights for INS review. If INS accepts a tape, presenters may provide it to individual detention facilities for viewing by detainees as specified in Section III.I of the standard.

The requestor shall submit the videotape, along with a transcript in English and in the language(s) used on the tape, to the INS District Director and also to the INS District Counsel. The videotaped presentation must clearly identify its preparer, and it must clearly state that the INS did not prepare, and is not responsible for, the contents.

INS will decide whether to accept the videotape within 45 days of the District Director's receipt. INS will notify the submitter as to the decision.

INS may object to all or part of the videotape, if:

1. the material would present a threat to the security or good order of a facility;
2. it contains misstatements of INS policy, immigration procedure, or law; or
3. any part of the videotape is inconsistent with this Detention Standard.

If INS objects to the videotape, it will promptly inform the submitter in writing of the objections and their basis. The INS and the presenter will then discuss the objections in order to come to an agreement on mutually acceptable material. If agreement cannot be reached at the District level, the issues in dispute will be raised with the Region, and, if necessary, with INS Headquarters.

Once INS has accepted a tape, the submitter may modify or revise it at any time by submitting a new tape and transcripts. If INS believes that aspects of the presentation have become dated or inaccurate, INS may discontinue showing the videotape and promptly send written notice to the submitter.

Written and videotaped material intended for national presentation may be sent to the Headquarters Office of Field Operations and Headquarters Office of General Counsel. Material will be processed within the above-established time frames. Headquarters-approved material may be used in any facility housing INS detainees.

Attachment B

Addresses of Detention Facilities

Service Processing Centers

INS Owned and Operated

Aguadilla SPC
(Former Ramey Base)
Corner Belt and Gun Street
Aguadilla, PR 00604
787-890-3611 (AGU)

Batavia Federal Detention Center
4250 Federal Drive
Batavia, NY 14020
716-344-5101

El Centro SPC
1115 North Imperial Avenue
El Centro, CA 92243
619-353-2170 (ECC)

El Paso SPC
8915 Montana Street
El Paso, TX 79925
915-540-7342 (EPC)

Florence SPC
3250 North Pinal Parkway Ave.
Florence, AZ 85232
520-868-5862 (FLO)

Joint Federal Facilities

Federally Owned and Operated (With Bureau of Prisons)

Oakdale II Federal Detention Center
P. O. Box 960
Oakdale, LA 71463
318-335-0713 (OAK)

Krome North SPC
18201 SW 12th Street
Miami, FL 33194
305-552-7022 (KRO)

Port Isabel SPC
Buena Vista Road
Route 3, Box 341
Los Fresnos, TX 78566
210-233-4431 (PIC)

San Pedro SPC
2001 Seaside Avenue
Terminal Island
San Pedro, CA 90731
310-732-0777 (SPP)

Varick Street SPC
201 Varick Street
New York, NY 10014
212-620-3449 (VRK)

Contractor Owned and Operated (With Bureau of Prisons)

Corrections Corp. of America
4465 East Hanna Road
Eloy, AZ 85231 (EAZ)
520-466-2000

Contract Detention Facilities

Contractor Owned and Operated

Wackenhut Corrections Corp.
11901 E. 30th Avenue
Aurora (Denver), CO 80010
303-361-0701 (DEN)

Wackenhut Corrections Corp.
182-22 150th St
Jamaica (Queens), NY 11413
718-244-7956

Corrections Corp. of America
15850 Export Plaza
Houston, TX 77032
713-987-0358 (HOU)

Corrections Corp. of America
R.R. 4, Box 125-A
Highway 59 East
Laredo, TX 78041
210-727-4772 (LAR)

Corrections Corp. of America
625 Evans Street
Elizabeth, NJ 07201
201-622-7165 (ELZ)

Corrections Corp. of America
446 Alta Road, POB 390130
San Diego, CA 92149
619-557-5850

INS Owned/Contractor-Operated

CSC Inc.
815 Airport Way, South
Seattle, WA 98134
206-467-6030 (SEA)

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: Facilities housing INS detainees 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. INS encourages such presentations, which instruct detainees about the immigration system and their rights and options within it

GROUP LEGAL RIGHTS PRESENTATION			
Components	Yes	No	Remarks
1. Do attorneys/accredited representatives submit written requests to make group legal rights presentations? a. If yes, do they submit requests to facility OIC? b. Do they submit requests to INS? c. If submitted to OIC, does OIC forward to INS/notify submitter of proper procedure?			
2. After OIC receives DD' s goahead for a group presentation, does a designated staff member contact group rep. to arrange date and time? a. If yes, which staff member? b. If yes, how many days (average) before staff contacts group rep?			
3. Do group rights presentations take place weekdays? a. During "legal visitation" hours?			
4. How often does INS reviewer object to presenter' s informational poster? a. When does INS notify presenter of the objection(s)? b. Who contacts presenter to discuss objections? c. Does INS/contract staff monitor presentations after requiring changes to information provided on poster, to ensure compliance w/approved content?			

GROUP LEGAL RIGHTS PRESENTATION

Components	Yes	No	Remarks
5. Do posters announcing presentations appear in common areas at least 48 hours in advance? a. Are posters up in all housing units? b. Are sign-up sheets available and accessible?			
6. If the OIC denies a detainee permission to attend a presentation, does he/she document the reason(s)? a. For what reasons, other than security, is permission denied?			
7. Does the OIC limit the number of detainees at a single session? a. If yes, are presenters prepared to conduct several presentations to reach all interested detainees?			
8. Have detainees in segregation and unable to attend for security reasons requested separate sessions with presenters? a. If presenters are willing, does OIC facilitate alternative arrangements in every case? b. If the presenters are not willing are the reasons documented? Where?			
9. Does the OIC require presenters to repeat a presentation for different groups? a. Average number of groups per presentation? b. Average presentation length?			
10. Does the facility require all persons seeking entry to present an official form of picture identification (such as a driver's license or state identification card). a. Does facility ever waive rule that persons seeking entry provide photo-ID? b. If yes, who makes decision?			

GROUP LEGAL RIGHTS PRESENTATION

Components	Yes	No	Remarks
11. Does facility ever waive rule that attorneys seeking entry provide photo-ID and state-issued bar cards or, in states not issuing bar cards, other proof of bar membership? a. If yes, who makes the decision? b. If no, does staff offer the attorney the opportunity to name licensing entity and provide means of verifying this fact?			
12. Does facility permit legal assistants or paralegals to conduct legal presentations without the supervising attorney/legal representative being present? a. Is a letter from the supervising attorney/legal representative required?			
13. Does the facility admit interpreters to assist attorneys and other legal representatives? a. Any special procedures for admitting interpreters/translators?			
14. Are presenters required to arrive at least 30 min. in advance of the presentation?			
15. Do the presenters have one hour to make the presentation and to conduct a question-and-answer session?			
16. Does the OIC have the authority to extend this time period on a case-by-case basis?			
17. Does facility enforce policy prohibiting presenters from charging fees or soliciting business during a presentation?			
18. How often do staff members interrupt group presentations for a reason other than security or time limit? a. For what reasons?			
19. Does staff permit presenters to distribute INS-approved materials? a. Standard procedure for verifying INS approval before distribution? b. Any instances of staff preventing distribution of approved material?			

GROUP LEGAL RIGHTS PRESENTATION			
Components	Yes	No	Remarks
20. Does the facility permit presenters to meet with small groups of detainees to discuss their cases after the group presentation? a. If yes, is INS/facility staff present during these meetings?			
21. Has OIC suspended any group's presentation privileges? a. If yes, did OIC provide presenters with written notification, including reasons for suspension? b. Did OIC send copy of notice to DD?			
22. Does the facility play INS-approved videotaped presentations on legal rights, at regular opportunities, at the request of outside organizations? a. If no for technical reasons, does OIC contact INS for equipment options? b. If yes, does the facility provide a viewing opportunity to detainees in administrative or disciplinary segregation? c. Does the facility maintain tapes in good condition? d. If videotape warrants replacement, does OIC promptly notify INS to obtain a replacement from the originating person or organization?			
23. Is a copy of the Group Legal Rights Presentation policy, including attachments, available upon request?			

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

GROUP LEGAL RIGHTS PRESENTATIONS

Verification Sources:

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

Source	Time	Date	Location
A. Reviewing written request(s) to make Group Legal Presentation(s)			
B. Observing a Group Legal Presentation			
C. Observing a Video Presentation			
D. Reviewing the facility's Group Legal Presentation Policy and Procedures			
E. Detainee and Staff Interviews			
F. Other (specify)			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks: (Record significant facts, observations, alternate source used for verification, etc.)

Auditor's Signature

Date