Dear Attorney General Sessions,

We write to express our strong opposition to the recent announcement that the Department of Justice is terminating the Legal Orientation Program (LOP) and the Immigration Help Desk program (ICH). The termination of these programs would undermine fairness and the right to due process in our immigration court proceedings, all while slowing case processing, and increasing costs for the Executive Office for Immigration Review. Additionally, these actions directly contradict the express direction of Congress.

The Legal Orientation Program (LOP) and Immigration Help Desk Program (ICH) provide vital resources to individuals facing proceedings in immigration courts. The LOP program provides individuals in detention with in-person briefings on immigration court procedures as well as basic legal information and resources. Studies have shown that these programs save our immigration courts time and money\(^1\), and in fact, the Justice Department’s own website states that: “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.”\(^2\) Given this body of evidence, we were shocked to hear about the Department’s plans—which were brought to our attention not by the Department, but by concerned advocates.

The stated reasoning 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.”\(^3\) While we support efforts to engage in regular oversight, that does not justify the termination of these programs during that process. Previous reviews, including the 2012 review, were effectively conducted without interrupting the operation of the LOP program.\(^4\)

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\(^2\) https://www.justice.gov/oir/legal-orientation-program
\(^3\) https://www.washingtonpost.com/local/immigration/justice-dept-to-halt-legal-advice-program-for-immigrants-in-detention/2018/04/10/40b668aa-3fcf-11e8-974f-aaad97699c87_story.html?utm_term=.4a9062b42a3c
\(^4\) It should be noted that the last review was conducted at the request of the Appropriations Committee. https://www.justice.gov/sites/default/files/oir/legacy/2013/03/14/LOP_Cost_Savings_Analysis_4-04-12.pdf
Lastly, the Department’s announcement that it is terminating these programs runs counter to the very clear direction of Congress. The reports accompanying both the House and Senate Commerce, Justice, Science Appropriations bills for fiscal year 2018 included clear expectations that the LOP program be continued in fiscal year 2018 at no less than the fiscal year 2017 level. In fact, the House report stated, “The recommendation sustains the current legal orientation program and related assistance, such as the information desk pilot,”5 while the Senate specified that, “the Committee's recommendation maintains the fiscal year 2017 level of no less than $10,400,000 for LOP.”6 The language in each of these reports was approved by the fiscal year 2018 Omnibus Appropriations Act (Public Law 115-141).7

Recent efforts at the Department with regard to U.S. immigration courts raise serious concerns about the Department’s commitment to fairness, due process, and constitutional requirements. In this case, these efforts also directly contradict the express direction of Congress in House Report 115-231, Senate Report 115-139, and Public Law 115-141 and its accompanying Explanatory Statement. Our expectation is that these programs will be resumed consistent with congressional intent. We look forward to your response.

Sincerely,

Mike Quigley
Member of Congress

Jose E. Serrano
Member of Congress

Nita Lowey
Member of Congress

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5 H. Rept. 115-231
6 S. Rept. 115-139
7 "Sec. 4. Explanatory Statement. The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about March 22, 2018, and submitted by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference." Division B of the explanatory statement begins as follows: “Report language included in House Report 115-231 ("the House report") or Senate Report 115-139 ("the Senate report") that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House report and the Senate report address a particular issue not specifically addressed in the explanatory statement, the House report and the Senate report should be read as consistent and are to be interpreted accordingly."
Marcy Kaptur
Member of Congress

David Price
Member of Congress

Rosa L. DeLauro
Member of Congress

Lucille Roybal-Allard
Member of Congress

Barbara Lee
Member of Congress

Betty McCollum
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Chellie Pingree
Member of Congress

Matt Cartwright
Member of Congress

Grace Meng
Member of Congress

Mark Pocan
Member of Congress

Jerrold Nadler
Member of Congress

Zoe Lofgren
Member of Congress

Gene Green
Member of Congress

Eddie Bernice Johnson
Member of Congress

Dina Titus
Member of Congress
Ted Deutch  
Member of Congress

Frederica S. Wilson  
Member of Congress

Kurt Schrader  
Member of Congress

Judy Chu  
Member of Congress

Luis V. Gutiérrez  
Member of Congress

Steve Cohen  
Member of Congress

Adam B. Schiff  
Member of Congress

Jan Schakowsky  
Member of Congress

Alcee L. Hastings  
Member of Congress

Joe Courtney  
Member of Congress

Al Green  
Member of Congress

Marcia L. Fudge  
Member of Congress

Albio Sires  
Member of Congress

Linda T. Sanchez  
Member of Congress

Carolyn B. Maloney  
Member of Congress

Lloyd Doggett  
Member of Congress
Peter Welch
Member of Congress

Nydia M. Velázquez
Member of Congress

Jerry McNerney
Member of Congress

Adam Smith
Member of Congress

Gwen Moore
Member of Congress

Karen Bass
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Elijah E. Cummings
Member of Congress

Eleanor Holmes Norton
Member of Congress

André Carson
Member of Congress

Diana DeGette
Member of Congress

Kathy Castor
Member of Congress

Jared Polis
Member of Congress

Norma J. Torres
Member of Congress

Adriano Espaillat
Member of Congress

Grace F. Napolitano
Member of Congress
Filemon Vela
Member of Congress

Jamie Raskin
Member of Congress

Denny Heck
Member of Congress

Colleen Hanabusa
Member of Congress

Jacky Rosen
Member of Congress

John Lewis
Member of Congress

Pramila Jayapal
Member of Congress

A. Donald McEachin
Member of Congress

Ruben J. Kihuen
Member of Congress

Anna G. Eshoo
Member of Congress

Frank Pallone, Jr.
Member of Congress

Jimmy Panetta
Member of Congress

Daniel T. Kildee
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Michelle Lujan Grisham
Member of Congress

Donald M. Payne, Jr.
Member of Congress
John Yarmuth
Member of Congress

Tom O'Halleran
Member of Congress

Alan Lowenthal
Member of Congress

Debbie Dingell
Member of Congress

Mark DeSaulnier
Member of Congress

Katherine Clark
Member of Congress