

116TH CONGRESS
1ST SESSION

H. R. 1045

To provide for improvements in the treatment of detainees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. FOSTER (for himself, Mr. DEUTCH, Ms. NORTON, Mr. CARSON of Indiana, Ms. LOFGREN, Mr. NADLER, Mrs. WATSON COLEMAN, Ms. OMAR, Ms. MOORE, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Mr. GONZALEZ of Texas, Ms. JAYAPAL, Ms. SCHAKOWSKY, Mr. RASKIN, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for improvements in the treatment of detainees,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigrant Detainee
5 Legal Rights Act”.

6 **SEC. 2. OFFICE OF LEGAL ACCESS PROGRAMS.**

7 (a) ESTABLISHMENT OF OFFICE OF LEGAL ACCESS
8 PROGRAMS.—The Attorney General shall establish and

1 maintain, within the Executive Office for Immigration Re-
2 view, an Office of Legal Access Programs to develop and
3 administer a system of legal orientation programs to make
4 immigration proceedings more efficient and cost-effective
5 by educating aliens regarding administrative procedures
6 and legal rights under United States immigration law and
7 to establish other programs to assist in providing aliens
8 access to legal information. The Attorney General shall
9 submit a plan to Congress not later than 180 days after
10 the enactment of this Act including a schedule to develop
11 and deploy legal orientation programs for all detainees not
12 later than 1 year after the enactment of this Act. The
13 Attorney General shall seek input from nongovernmental
14 organizations and stakeholders in developing this plan.

15 (b) LEGAL ORIENTATION PROGRAMS.—The legal ori-
16 entation programs—

17 (1) shall provide programs to assist detained
18 aliens in making informed and timely decisions re-
19 garding their removal and eligibility for relief from
20 removal in order to increase efficiency and reduce
21 costs in immigration proceedings and Federal cus-
22 tody processes and to improve access to counsel and
23 other legal services;

24 (2) shall ensure that programs and written no-
25 tice of rights are available in English and the five

1 most common native languages spoken by the de-
2 tainees held in custody at that location during the
3 preceding fiscal year;

4 (3) shall identify unaccompanied alien children,
5 aliens with a serious mental disability, and other
6 particularly vulnerable aliens for consideration by
7 the Attorney General pursuant to section 292(c) of
8 the Immigration and Nationality Act, as added by
9 section 3502(c); and

10 (4) may provide services to detained aliens in
11 immigration proceedings under sections 235, 238,
12 240, and 241(a)(5) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1225, 1228, 1229a, and
14 1231(a)(5)) and to other aliens in immigration and
15 asylum proceedings under sections 235, 238, and
16 240 of the Immigration and Nationality Act (8
17 U.S.C. 1225, 1228, and 1229a).

18 (c) PROCEDURES.—The Secretary of Homeland Se-
19 curity, in consultation with the Attorney General, shall es-
20 tablish procedures that ensure that legal orientation pro-
21 grams are available for all detained aliens within 5 days
22 of arrival into custody and to inform such aliens of the
23 basic procedures of immigration hearings, their rights re-
24 lating to those hearings under the immigration laws, infor-
25 mation that may deter such aliens from filing frivolous

1 legal claims, and any other information deemed appro-
2 priate by the Attorney General, such as a contact list of
3 potential legal resources and providers.

4 (d) RULE OF CONSTRUCTION.—Nothing in this sub-
5 section shall be construed to create any substantive or pro-
6 cedural right or benefit that is legally enforceable by any
7 party against the United States or its agencies or officers
8 or any other person.

9 (e) FUNDING.—There shall be appropriated such
10 sums as may be necessary to carry out this section.

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