

117TH CONGRESS
1ST SESSION

H. R. 1340

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. FOSTER (for himself and Mr. DEUTCH) 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
9 maintain, within the Executive Office for Immigration Re-
10 view, an Office of Legal Access Programs to develop and

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

13 (b) LEGAL ORIENTATION PROGRAMS.—The legal ori-
14 entation programs—

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

22 (2) shall ensure that programs and written no-
23 tice of rights are available in English and the five
24 most common native languages spoken by the de-

1 tainees held in custody at that location during the
2 preceding fiscal year;

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

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

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

1 priate by the Attorney General, such as a contact list of
2 potential legal resources and providers.

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

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

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