118TH CONGRESS
1ST SESSION

H. R. 6839

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2023

Mr. FOSTER (for himself, Mrs. RAMIREZ, Mr. JOHNSON of Georgia, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To provide for improvements in the treatment of detained persons, 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 Detained

5 Persons 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 noncitizens regarding administrative proce-

4 dures and legal rights under United States immigration

5 law and to establish other programs to assist in providing

6 noncitizens access to legal information. The Attorney Gen-

7 eral shall submit a plan to Congress not later than 180

8 days after the enactment of this Act including a schedule

9 to develop and deploy legal orientation programs for all

10 detained persons not later than 1 year after the enactment

11 of this Act. The Attorney General shall seek input from

12 nongovernmental organizations and stakeholders in devel-

13 oping this plan.

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

15 entation programs—

16   (1) shall provide programs to assist noncitizens

17   in or released from custody in making informed and

18   timely decisions regarding their removal and eligi-

19   bility for relief from removal in order to increase ef-

20   ficiency and reduce costs in immigration proceedings

21   and Federal custody processes and to improve access

22   to counsel and other legal services;

23   (2) shall ensure that programs and written no-

24   tice of rights are available in English and the five

25   most common native languages spoken by the de-

1 tained persons held in custody at that location dur-

2 ing the preceding fiscal year;

3   (3) shall identify unaccompanied noncitizen

4 children, noncitizens with a serious mental disability,

5 and other particularly vulnerable noncitizens for con-

6 sideration by the Attorney General pursuant to sec-

7 tion 292(c) of the Immigration and Nationality Act,

8 as added by section 3502(c); and

9   (4) may provide services to noncitizens in immi-

10 gration proceedings under sections 235, 238, 240,

11 and 241(a)(5) of the Immigration and Nationality

12 Act (8 U.S.C. 1225, 1228, 1229a, and 1231(a)(5))

13 and to other noncitizens in immigration and asylum

14 proceedings under sections 235, 238, and 240 of the

15 Immigration and Nationality Act (8 U.S.C. 1225,

16 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 noncitizens in or released from

21 custody within 5 days of arrival into custody and to inform

22 such noncitizens of the basic procedures of immigration

23 hearings, their rights relating to those hearings under the

24 immigration laws, information that may deter such non-

25 citizens from filing frivolous legal claims, and any other

1 information deemed appropriate by the Attorney General,

2 such as a contact list of potential legal resources and pro-

3 viders.

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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