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## ¿Donde Esta La Biblioteca? It's a Damn Same: Outdated, Inadequate, and Nonexistent Law Libraries in Immigrant Detention Facilities

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¿DÓNDE ESTÁ LA BIBLIOTECA?  
IT'S A DAMN SHAME: OUTDATED, INADEQUATE, AND  
NONEXISTENT LAW LIBRARIES IN IMMIGRANT DETENTION  
FACILITIES

*Without access to information, there is no justice.<sup>1</sup>*

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Submitted to Professor Penny A. Hazelton to fulfill course requirements for Current Issues in Law Librarianship, LIS 595, and to fulfill the graduation requirement of the Culminating Experience Project for MLIS University of Washington Information School Seattle, Washington May 19, 2016.

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<sup>1</sup> PUBLIC LAW LIBRARY OF KING COUNTY, <http://www.kcll.org> (last visited May 11, 2016).

## INTRODUCTION

*“Why do you care about immigrants?”*

Why should we not care about immigrants? It is often implied that immigrants deserve little to no care or assistance from members of the legal profession. As a law librarian and a lawyer, I feel a sense of duty to assist immigrants with access to justice. As lawyers, we are public citizens “having special responsibility for the *quality of justice*,” as public citizens, we should “seek *improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession*,” and finally, we should “*be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.*”<sup>2</sup>

The duties of law librarians are no different than the lawyerly duties mentioned above. Law librarians have a duty to advocate. Libraries exist within larger organization frameworks.<sup>3</sup> As such, librarians need to be visible and proactive by engaging in the legislative process.<sup>4</sup> The American Association of Law Libraries (AALL) is heavily involved in advocacy, and one of the AALL’s main points of advocacy is improving access to information and in turn, improving access to justice:

The primary goal of the “Access to Justice” movement is to improve the quality of participation in the justice system by all. It also envisions an even “playing field” for the disadvantaged by removing barriers to access, such as income, literacy, mobility, and language, for those individuals with civil legal needs...From the earliest days of their profession, law librarians have facilitated access to legal information...in the last part of the 20th century, the public came to rely on public law librarians to locate information to assist them in handling their own cases, without the assistance of counsel. The number of self-represented litigants accessing the courts continues to grow rapidly... As the principal providers of legal information, law libraries are an indispensable part of the services that can be provided to those with legal needs. Law libraries make “The Law” available, and law librarians serve as guides to finding the most relevant legal information.<sup>5</sup>

As law librarians, we also have a duty to improve access to justice, particularly for those disadvantaged members of society. There is currently no population of people more disadvantaged and vulnerable in the United States justice system than immigrants because they are caught between two countries, two legal systems, and oftentimes two different languages, embroiled in a

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<sup>2</sup> MODEL CODE OF PROF’L RESPONSIBILITY Preamble: A Lawyer’s Responsibilities 1 and 6 (AM. BAR ASS’N 1983), [http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_preamble\\_scope.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope.html) (emphasis added).

<sup>3</sup> Alena Ptak-Danchak, *21<sup>st</sup> Century Librarians for 21<sup>st</sup> Century Libraries*, 2012 IATUL PROC.

<sup>4</sup> *Id.* See also, Helen Partridge et al., *Becoming “Librarian 2.0”: The Skills, Knowledge, and Attributes Required by Library and Information Science Professionals in a Web 2.0 World (and Beyond)*, 59 LIBRARY TRENDS No. 1-2, Summer 2010/Fall 2010, at 315-35.

<sup>5</sup> Steven P. Anderson, *Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice*, 3 AALL July 2014, <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf>.

confusing, evolving, and fluid set of laws and a court system that masquerades as a civil system, but in reality functions as a criminal system.<sup>6</sup>

The realm of immigration law involves several different areas of practice and policy, but none is more challenging or troublesome than immigrant detention. The purpose and authority of immigrant detention is to prepare individuals for removal; it is not to punish or rehabilitate.<sup>7</sup> However, despite this distinction, U.S. Immigration and Customs Enforcement (ICE) uses a penal incarceration system for immigrant detention.<sup>8</sup> Immigrants in detention facilities face the same, if not worse, conditions of criminal detainees, but they experience fewer rights and increased challenges to accessing justice. Recent investigations into ICE's immigrant detention facilities has resulted in uncovering shocking conditions, which include negligent deaths, denial of adequate medical care, sexual assaults, and a lack of access to properly equipped law libraries. These conditions amount to multiple barriers immigrants must overcome in seeking access to justice.

*Hopping Hurdles: Negligent Deaths, Denial of Adequate Medical Care, Sexual Assaults, and Lack of Access to Well-Equipped Law Libraries*

The death of detained immigrant Mr. Bah, who died in ICE custody in 2008, is just one example of the extreme negligence and inhumane treatment that has resulted in several detainees' deaths in immigrant detention facilities. According to a Congressional subcommittee hearing in 2012, "Mr. Bah died after emergency surgery for a skull fracture and multiple brain hemorrhages."<sup>9</sup>

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<sup>6</sup> Immigration proceedings are civil proceedings and immigration detention is not punishment. *Zadvydas v. Davis*, 533 U.S. 678, 609 (2001). See also Cesar Cuauhtémoc García Hernández, *Immigration Detention as Punishment*, 61 UCLA L. REV. 1346, 1346-52 (2014) (challenging the assumption that immigration detention is a form of civil confinement "merely because the immigration proceedings of which it is a part are deemed civil").

<sup>7</sup> *Zadvydas*, 533 U.S. at 609. See also Cesar Cuauhtémoc García Hernández, *supra* note 6, at 1346-52 (challenging the assumption that immigration detention is a form of civil confinement "merely because the immigration proceedings of which it is a part are deemed civil").

<sup>8</sup> *Holiday on ICE: The U.S. Dep't of Homeland Sec.'s New Immigration Det. Standards: Hearing Before the Subcomm. on Immigration Policy and Enf't of the Comm. on the Judiciary H. of Reps.*, 112th Cong. 49 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women's Refugee Comm'n). See also U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS (as modified by Feb. 2013 Errata), <https://www.ice.gov/detention-standards/2011>. See generally Cesar Cuauhtémoc García Hernández, *supra* note 6 at 1349:

Whatever the actual reason for detention and despite immigration detention's legal characterization as civil, individuals in immigration confinement are frequently perceived to be no different than individuals in penal confinement... They are represented as a threat to public safety, locked behind barbed wire, often in remote facilities, and subjected to the detailed control emblematic of all secure environments.

<sup>9</sup> *Holiday on ICE* 112th Cong. 55 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women's Refugee Comm'n):

"It began about 8 a.m.," ... Guards called a medical emergency after a detainee saw Mr. Bah collapse near a toilet, hitting the back of his head on the floor. When he regained consciousness, Mr. Bah was taken to the medical unit... He was handcuffed and placed in leg restraints on the floor with medical approval, "to prevent injury," a guard reported... Mr. Bah... "began to regurgitate on the floor of medical,"... [and] was taken in shackles to a solitary confinement cell with instructions that

Government documents detail how he was treated by guards and government employees: shackled and pinned to the floor of the medical unit as he moaned and vomited, then left in a disciplinary cell for more than 13 hours, despite repeated notations that he was unresponsive and intermittently foaming at the mouth.<sup>10</sup>

Denial of adequate medical care is a critical concern in immigrant detention facilities, and it is also well documented,<sup>11</sup> “Reports are based on hundreds of interviews with detainees, direct observations, and conversations with jail and immigration officials over the past decade.”<sup>12</sup> Historically, ICE’s medical policies for immigrant detainees have generally been limited to treating “emergencies that are ‘threatening to life, limb, hearing or sight.’”<sup>13</sup> This has led to several deficiencies in ICE medical care, which has resulted in countless cases in which needed medical services are denied because “life-threatening consequences are not considered imminent.”<sup>14</sup>

Deficiencies include difficulty accessing medical records; delayed or denied care; shortage of qualified staff; unsanitary facilities; improper care of mentally ill patients; inadequate care of physically disabled patients; denial of and inattention to administration of prescription medication; lack of translations; abusive behavior by some clinic staff; and threats of transfer in retaliation for complaints.<sup>15</sup>

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he be monitored. . . Inside the cell, a supervisor removed Mr. Bah’s restraints. He was unresponsive to questions asked by the Public Health Service Officer on duty, a report said, adding: “The detainee sat up in his bed and moan and he fell to his left side and hit his head on the bed rail.” . . . The watching began. . . he could not be roused to eat lunch or dinner, and at 7:10p.m., “he began to breathe heavily and started foaming slightly at the mouth,” a guard wrote. “I notified medical at this time.” However, the nurse on duty rejected the guard’s request to come check. . . About 10:30 p.m., more than 14 hours after Mr. Bah’s fall, the same nurse, on rounds, recognized the gravity of his condition: “unresponsive on the floor inconsistent with foamy brown vomitus noted around the mouth.” Smelling salts were tried. Mr. Bah was carried back to the medical unit on a stretcher. Just before 11, someone at the jail called 911. When an ambulance left Mr. Bah at the hospital, brain scans showed he had a fractured skull and hemorrhages at all sides of his swelling brain.

<sup>10</sup> Nina Bernstein, *Few Details on Immigrants Who Died in Custody*, N.Y. TIMES, May 5, 2008, <http://www.nytimes.com/2008/05/05/nyregion/05detain.html>.

<sup>11</sup> Women’s Refugee Commission, *Politicized Neglect: A Report from Etowah County Detention Center* (Mar. 2012), [http://www.womensrefugeecommission.org/resources/doc\\_download/809-politicized-neglect-a-report-from-etowah-county-detention-center](http://www.womensrefugeecommission.org/resources/doc_download/809-politicized-neglect-a-report-from-etowah-county-detention-center); Women’s Refugee Commission, *Migrant Women and Children at Risk: In Custody in Arizona* (Oct. 2010), [http://www.womensrefugeecommission.org/resources/doc\\_download/656-migrant-women-and-children-at-risk-in-custody-in-arizona](http://www.womensrefugeecommission.org/resources/doc_download/656-migrant-women-and-children-at-risk-in-custody-in-arizona); Women’s Refugee Commission & Lutheran Immigration and Refugee Service, *Locking Up Family Values: The Detention of Immigration Families* (Feb. 2007), [http://www.womensrefugeecommission.org/resources/doc\\_download/150-locking-up-family-values-the-detention-of-immigrant-families](http://www.womensrefugeecommission.org/resources/doc_download/150-locking-up-family-values-the-detention-of-immigrant-families); Women’s Refugee Commission & Dr. Susan MacNamara, *Letter to ICE Regarding Our Visit to Willacy* (Apr. 6, 2010), available on file from the WRC.

<sup>12</sup> *Holiday on ICE* 112th Cong. 54-55 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women’s Refugee Comm’n).

<sup>13</sup> *Id.* at 57.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 54-55.

ICE justifies these medical deficiencies by reinforcing the idea that immigrant detainees are somehow entitled to fewer rights than federal prisoners,<sup>16</sup> “We are in the deportation business... Obviously, our goal is to remove individuals ordered to be removed from our country... We address their health care issues to make sure they are medically able to travel and medically able to return to their county.”<sup>17</sup> According to experts in penal detention systems, this standard would unquestionably be “unacceptable even in the bureaus of prisons system.”<sup>18</sup> However, immigrant detainees continue to be treated and afforded with lesser rights because they are considered to be lesser people than prisoners in the penal detention system.

Sexual assaults in immigrant detention facilities have been documented to occur during intake, detention, and even during transport and removal. According to Human Rights Watch, “While immigration detention authorities have for decades insisted that sexual assaults are not common and are adequately addressed, evidence continues to indicate otherwise.”<sup>19</sup>

On Aug. 4, 2011, a guard pleaded guilty to forcing a female immigration detainee at the Willacy detention center in Texas into a guard bathroom and having intercourse with her. Although the detainee immediately complained, internal e-mails show that officials did not put the guard on leave until eight months later.<sup>20</sup>

According to the testimony of Michelle Brane before a Congressional subcommittee hearing in 2012 (Director of Detention and Asylum Program, Women’s Refugee Commission), visits to detention facilities over the span of fifteen years resulted in conflicting understandings of the governing policy regarding reporting and response to sexual assaults, what constitutes a sexual assault, and varying procedures to avoid or prevent assault.<sup>21</sup>

While lack of access to a well-equipped law library may seem minor in comparison to these negligent deaths, sub-par medical care, and sexual assaults, ICE’s prohibition on access to legal information and law libraries results in barring immigrant detainees’ access to justice:

Access to justice includes affordable legal services; readily available legal information and forms; the ability to bring a case to trial without hiring an attorney; the unbundling of legal services; fair treatment and equality in the justice system

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<sup>16</sup> *Holiday on ICE* 112th Cong. 57 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women’s Refugee Comm’n).

<sup>17</sup> Caitlin Webber, *ICE Officials’ Testimony on Detainee Medical Care Called into Question*, CONG. Q. POL. (June 16, 2008).

<sup>18</sup> *Holiday on ICE* 112th Cong. 57 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women’s Refugee Comm’n).

<sup>19</sup> HUMAN RIGHTS WATCH, DETAINED AND AT RISK (Aug. 2010), [www.hrw.org/sites/default/files/reports/us0810webwcover.pdf](http://www.hrw.org/sites/default/files/reports/us0810webwcover.pdf).

<sup>20</sup> U.S. DEP’T OF JUST., OFF. OF PUB. AFF., FORMER WILLACY DETENTION CENTER CONTRACT SECURITY OFFICER PLEADS GUILTY TO SEXUAL ABUSE OF A FEMALE DETAINEE IN TEXAS (Aug. 4, 2011), <http://www.justice.gov/opa/pr/2011/August/11-crt-1016.html>.

<sup>21</sup> *Holiday on ICE* Cong. 60-61 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women’s Refugee Comm’n).

regardless of social standing; and confidence that the outcome will be fair and just. It is all these things and more.<sup>22</sup>

Without access to information, there can be no justice.<sup>23</sup> Providing immigrant detainees with meaningful access to well-equipped law libraries will empower them to represent themselves, give them the ability to address the wrongs they suffer at the negligent hands of ICE detention facilities, and it will ensure them fair treatment and equality in the justice system. Law libraries serve as the bridge to the judicial system, and ICE has currently closed the gate on that bridge by refusing to provide all immigrant detainees with meaningful access to well-equipped law libraries.

### *Roadmap*

This article proposes that *all* immigrant detainees should have meaningful access to a well-equipped law library, legal materials, and equipment. The article begins with an overview of the current lack of access to law libraries in immigrant detention facilities. The article then moves on to discuss the ongoing development of pending legislation, which would create a statutory right for an immigrant detainee to have meaningful access to a properly equipped law library. Finally, the article explores what it truly means to be a “properly equipped law library” and what level of access should be guaranteed to immigrant detainees.

## I. ¿DÓNDE ESTÁ LA BIBLIOTECA? WHERE IS THE LIBRARY?

### A. *First, the Numbers*

Immigrants are currently detained in about 250 plus ICE authorized facilities across the country,<sup>24</sup> and that number continues to rise.<sup>25</sup> ICE currently operates “the largest detention and supervised release program in the country”<sup>26</sup> and “immigration detention represents the single most common confinement that occurs in the United States.”<sup>27</sup> The government detains as many

<sup>22</sup> AALL, *Law Libraries and Access to Justice: A Report of the American Association of Law Libraries Special Committee on Access to Justice*, 5 (July 2014), <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf>.

<sup>23</sup> PUBLIC LAW LIBRARY OF KING COUNTY, <http://www.kccl.org> (last visited May 11, 2016).

<sup>24</sup> *Holiday on ICE* 112th Cong. 93 (2012) (written statement of The Am. Civ. Liberties Union).

<sup>25</sup> “In 2002, the former INS detained 202,000 individuals. By 2010, that number increased by 80% to 363,000. Whereas detention beds in FY 2003 number 18,000, the current level of 34,000 is an 89% increase, with nearly half of those beds contracted from private prison companies.” *Id.* at 93. *See also*, Donald Kerwin & Serena Yi-Ying Lin, *Immigrant Detention: Can ICE Meet Its Legal Imperatives and Case Management Responsibilities?* MIGRATION POLICY INSTITUTE, 7 (Sept. 2009), <http://www.migrationpolicy.org/pubs/detentionreportSept1009.pdf>; DHS OFF. OF IMMIGR. STAT., IMMIGR. ENFORCEMENT ACTIONS: 2010, 4 (June 2011), <http://www.dhs.gov/xlibrary/assets/statistics/publications/enforcement-ar-2010.pdf>; DHS, OFF. OF INSPECTOR GEN., DETENTION AND REMOVAL OF ILLEGAL ALIENS 5 (Apr. 2006), [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_06-33\\_Apr06.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_06-33_Apr06.pdf); and DETENTION WATCH NETWORK, THE INFLUENCE OF THE PRIV. PRISON INDUSTRY IN THE IMMIGR. DETENTION BUS., 1 (May 2011), <http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/PrivatePrisonPDF-FINAL%205-11-11.pdf>.

<sup>26</sup> *Holiday on ICE* 112th Cong. 51 (2012) (testimony of Michelle Brane, Dir., Detention & Asylum Program, Women’s Refugee Comm’n). *See also*, DHS, OFF. OF IMMIGR. STAT., ANN. REP.: IMMIGR. ENFORCEMENT ACTIONS: 2010 (June 2011), <http://www.dhs.gov/xlibrary/assets/statistics/publications/enforcement-ar-2010.pdf>; and ICE, FACT SHEET: DETENTION MGMT. (Nov. 10, 2011), <http://www.ice.gov/news/library/factsheets/detention-mgmt.htm>.

<sup>27</sup> Cesar Cuauhtémoc Garcia Hernandez, *supra* note 6 at 1382.

as 400,000 aliens annually,<sup>28</sup> many of whom *must* be detained under law.<sup>29</sup> In addition to a growing immigrant detainee population, annual “federal expenditures on ICE detention have grown 134% in the past seven years, from \$864 million to \$2.02 billion.<sup>30</sup> The Obama Administration’s FY2012 request amounts to expenditure of \$5.5 million per day on ICE detention.”<sup>31</sup>

The average length of time that immigrant detainees are held administratively in ICE detention is thirty days.<sup>32</sup> While detained, immigrants require language assistance, access to information about available relief, and adequate access to legal materials.<sup>33</sup> However, the majority of immigrants currently housed in ICE’s detention have limited or no access to legal materials.<sup>34</sup> Countless visits to immigrant detention facilities around the country have resulted in reports of limited access to legal services and a lack of access to adequate law libraries:<sup>35</sup>

A recent visit to the Harwell Detention Center found several serious problems including a lack of access to an adequate law library and that what little legal materials are available are out-dated.<sup>36</sup> People detained also report a lack of access to telephones to call legal service providers and inadequate visitation procedure for non-legal visits... 'None of the detainees who we interviewed during our visit to

<sup>28</sup> DHS, OFF. OF IMMGR. STAT., IMMGR. ENFORCEMENT ACTIONS: 2013 (Sept. 2014), [https://www.dhs.gov/sites/default/files/publications/ois\\_enforcement\\_ar\\_2013.pdf](https://www.dhs.gov/sites/default/files/publications/ois_enforcement_ar_2013.pdf).

<sup>29</sup> “In 2009, 66 percent of the detained population was subject to mandatory detention.” *Holiday on ICE* 112th Cong. 87 (2012) (testimony of Dr. Dora Schriro, Commissioner, NYC Dep’t of Correction, and author, *A Report on the Preliminary Assessment of ICE Detention Policies and Practices and A Recommended Course of Action for Systems Reform*).

<sup>30</sup> HUMAN RIGHTS FIRST, JAILS AND JUMPSUITS: TRANSFORMING THE U.S. IMMIGRATION DETENTION SYSTEM – A TWO-YEAR REVIEW, iii (2011), <https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF-Jails-and-Jumpsuits-report.pdf>. See also NAT’L IMMGR. FORUM, THE MATH OF IMMGR. DETENTION: RUNAWAY COSTS FOR IMMGR. DETENTION DO NOT ADD UP TO SENSIBLE POLICIES (Aug. 2013), <https://immigrationforum.org/blog/themathofimmigrationdetention/>.

<sup>31</sup> *Holiday on ICE* 112th Cong. 140 (2012) (written statement of The Advocates for Human Rights). See also, HUMAN RIGHTS FIRST, *supra* note 30 at i.

<sup>32</sup> *Holiday on ICE* 112th Cong. 86 (2012) (testimony of Dr. Dora Schriro, Commissioner, NYC Department of Correction, and author, *A Report on the Preliminary Assessment of ICE Detention Policies and Practices and A Recommended Course of Action for Systems Reform*).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 53 (testimony of Michelle Brane, Dir., Detention and Asylum Program, Women’s Refugee Commission).

<sup>35</sup> *Id.*

<sup>36</sup> For example, the investigative visit occurred in 2014, but the *Immigration Law and Crimes* treatise was the 2008 edition:

The numerous changes in immigration law, procedure, remedies and jurisprudence, of course, are not reflected in this outdated version. The State Department Human Rights reports available in the library dated from 2005, although currently country conditions materials are crucial for any immigrant seeking asylum, withholding of removal or relief under the Convention Against Torture.

Letter from Denise Gilman & Barbara Hines of the Immigration Clinic at the University of Texas School of Law to Deborah Achim, Field Office Director, Enforcement and Removal Operations, Immigration and Customs Enforcement, San Antonio Field Office, U.S. Department of Homeland Security (May 15, 2014), <http://grassrootsleadership.org/sites/default/files/uploads/Harwell%20letter.pdf>.

the Harwell Detention Center knew that the legal library existed,' said Susan Nelson, an immigration attorney in Waco, Texas.<sup>37</sup>

In addition to limited, inadequate, or no access to law libraries, investigative reports have also uncovered how ICE immigrant detention facilities obstruct immigrants' access to legal assistance:

For example, at [Stewart Detention Center](#) in Lumpkin, Georgia – the largest detention facility in the country – detainees encounter restricted access to the law library, limited access to a shared phone, and a lack of private space to hold legal meetings. Making matters worse, all attorney-client meetings are “no-contact,” meaning that detainees are physically separated from their attorneys by a plexiglass wall, thereby impeding communication and delaying the processing of legal paperwork.<sup>38</sup>

Based on current research and site evaluations, it is unclear how many of the current 250 plus ICE immigrant detention facilities actually have a law library. It is also unclear how many of those existing law libraries meet current ICE guidelines and the definition of a “properly equipped” law library. For purposes of this paper, a survey meant to evaluate the existence, quality of access to and quality of services provided in ICE immigrant detention facility law libraries was contemplated. However, after completing research on the matter, it was determined that an adequate and comprehensive survey could not be completed within the time allotted for this paper due to the expected slow response time from each ICE immigrant detention facility.<sup>39</sup> However, a comprehensive survey that evaluates the existence, access to and quality of law libraries in all 250 plus ICE immigrant detention facilities should be completed as soon as possible. Such a survey has been developed and provided in Appendix A of this paper.

Guaranteeing access to adequately equipped law libraries is of the utmost importance for immigrant detainees as immigrant detainees, unlike criminal inmates, are not entitled to a court-appointed lawyer due to the civil nature of the system,<sup>40</sup> and 84% of immigrant detainees do not have an attorney.<sup>41</sup> Furthermore, the use of remote immigrant detention facilities and the overuse of detainee transfers between ICE detention centers severely curtails detainees' access to legal

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<sup>37</sup> Cristina Parker, *Attorneys sound the alarm as ICE continues to detain immigrants in sub-standard Waco facility*, GRASSROOTS LEADERSHIP, June 9, 2014, <http://grassrootsleadership.org/blog/2014/06/attorneys-sound-alarm-ice-continues-detain-immigrants-sub-standard-waco-facility>.

<sup>38</sup> Seth Garfinkel, *A Look at Immigrant Detention Facilities: Abuses and Proposed Reform*, IMMIGRATION IMPACT (Nov. 19, 2012), <http://immigrationimpact.com/2012/11/19/a-look-at-immigrant-detention-facilities-abuses-and-proposed-reform/>.

<sup>39</sup> U.S. Administrative Agencies are notorious about their slow response time to requests for information. See Stephanie Lan Chin, *Library Services in U.S. Immigration Detention Facilities*, SJSU SCHOLARWORKS (2010), [http://scholarworks.sjsu.edu/etd\\_theses](http://scholarworks.sjsu.edu/etd_theses). See also AMNESTY INTERNATIONAL, USA: JAILED WITHOUT JUSTICE 53 (Mar. 25, 2009), <http://www.amnestyusa.org/research/reports/usa-jailed-without-justice> (of the 243 facilities housing detainees that were surveyed, only 21 responded.)

<sup>40</sup> The Sixth Amendment right to counsel – including one of its critical features, the right to appointed counsel – does not apply to immigrants charged as removable. Cesar Cuauhtémoc Garcia Hernandez, *supra* note 6 at 1395.

<sup>41</sup> *Holiday on ICE* 112th Cong. 52 (2012) (testimony of Michelle Brane, Dir., Detention and Asylum Program, Women's Refugee Commission). See also, S. Lewis & Paromita Shah, *Detaining America's Immigrants: Is this the Best Solution?*, DETENTION WATCH NETWORK, <http://www.immigrationpolicy.org/just-facts/detaining-americas-immigrants-best-solution>.

services and it impedes their ability to challenge their detention and deportation: “Advocates in Minnesota reported in 2009 that it takes attorneys an average of six days to make initial contact with their clients in immigration detention.”<sup>42</sup> Without an attorney and without reliable access to legal representation, immigrant detainees have even more of a need to access a well-equipped law library.

However, not everyone agrees that immigrant detainees have a need, a right, or any sort of vested interest in meaningful access a well-equipped law library. Immigrant detention, and the evolution and reformation of ICE’s detention standards, have slowly developed under the strain of bi-partisan political discourse, which has resulted in a split view of the basic rights immigrant detainees are entitled. For example, on February 28<sup>th</sup>, 2012, ICE released 400 pages of new Performance-Based National Detention Standards (PBNDS), which included a section dedicated to ensuring immigrant detainees’ access to law libraries. In reaction to these new standards, the Subcommittee on Immigration Policy and Enforcement of the Committee on the Judiciary House of Representatives called a hearing to debate the merits of these revised standards, arguing that the new detention standards read more like hospitality guidelines for immigrants; the hearing was shamelessly titled “Holiday on ICE: The U.S. Department of Homeland Security’s New Immigration Detention Standards.”<sup>43</sup> Several committee members expressed outrage over the expense of a new ICE detention facility, which, among other amenities, included a library with free internet access.<sup>44</sup>

The “Holiday on ICE” subcommittee hearing may just have been a political stunt, but the message behind it is dangerous and reflects the rhetoric of several prominent U.S. leaders today;<sup>45</sup> “it suggests that the 30,000 vulnerable people in our jails and detention centers should have little

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<sup>42</sup> *Holiday on ICE* 112th Cong. 54 (2012) (testimony of Michelle Brane, Dir., Detention and Asylum Program, Women’s Refugee Commission). See also, JACOB CHIN ET AL., ATTORNEYS’ PERSPECTIVES ON THE RIGHTS OF DETAINED IMMIGRANTS IN MINNESOTA (Nov. 2009), <http://lawprofessors.typepad.com/files/final-cura-article-11-10-09.pdf>.

<sup>43</sup> *Holiday on ICE* 112th Cong. (2012).

<sup>44</sup> *Id.* at 11-12 (statement of Lamar Smith, Chairman, Comm. on the Judiciary). See also *Id.* at 33 (statement of Jessica M. Vaughan, Policy Dir., Center for Immgr. Studies) (“Descriptions of the brand-new ICE detention facility in Karnes City, Texas evoke images of college campuses where parents pay room and board of \$10,000 or more a year, not facilities that temporarily hold people who have violated U.S. laws.”); and Brian Bennett, *A kinder, gentler immigrant detention center*, LOS ANGELES TIMES, Mar. 17, 2012, <http://articles.latimes.com/2012/mar/17/nation/la-na-detention-salad-bar-20120318> (“Behind tall walls, the grassy compound offer inmates... a library with Internet access.”)

<sup>45</sup> See Russell Berman, *Donald Trump’s Call to Ban Muslim Immigrants*, THE ATLANTIC (Dec. 7, 2015), <http://www.theatlantic.com/politics/archive/2015/12/donald-trumps-call-to-ban-muslim-immigrants/419298/> (Republican presidential frontrunner, Donald Trump, demands a “total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what’s going on”); *Holiday on ICE* 112th Cong. 35 (2012) (statement of Jessica M. Vaughan, Policy Dir., Center for Immgr. Studies):

With a few exceptions, the small number who remain in ICE detention facilities for long periods are there because they continue to challenge their deportation. And they often do so because they are given false hope by open-borders advocacy groups intent on using such people as pawns in a political effort to hamper enforcement of American immigration laws. The humane thing to do would be to make clear to these illegal aliens that immigration to the United States is a false dream for them and help them return home and get on with their lives.

See also *Id.* at 34 (“‘ICE is a country club compared to anything else,’ one career federal detention manager told me.”)

right to proper medical care, that their very lives are luxuries, and that it is not our responsibility to protect them.”<sup>46</sup> However, it is important to note that the 2011 PBNDS include basic provisions for treatment that bring ICE detention standards closer to a minimum level of compliance with legal obligations of a civil detention system, and they are consistent with what is available in the Federal prison system and law.<sup>47</sup>

To imply that basic civil rights protections, including ensuring access to an adequate and well-equipped law library, are a holiday for immigrant detainees or an undue burden on ICE is simply wrong. However, these new standards are insufficient to hold accountable the hundreds of detention facilities under ICE contract. The 2011 PBNDS do not have the force of law, they are not enforceable, and as such they do not require uniform implementation across the disparate types of facilities nationwide where ICE currently holds detainees.

### ***SEARCHING FOR A STATUTORY RIGHT***

#### *Development and Evolution of the 2011 Performance-Based National Detention Standards*

When ICE was formed, the agency developed and operated its immigrant detention system under a set of National Detention Standards (NDS), which were based upon the policies and procedures that existed at the time in September 2000.<sup>48</sup> In 2008, ICE undertook a revision of these standards to clarify the results or outcomes to be accomplished by adherence to the NDS requirements and to improve safety, security, and conditions of confinement for detainees.<sup>49</sup> On February 27, 2012, ICE released the updated 2011 Performance-Based National Detention Standards (PBNDS) in “keeping with its commitment to reform the immigration detention system:”

The Performance-Based National Detention Standards 2011 (PBNDS 2011) reflect ICE's ongoing effort to tailor the conditions of immigration detention to its unique purpose while maintaining a safe and secure detention environment for staff and detainees, and represent an important step in detention reform.... PBNDS 2011 is crafted to improve medical and mental health services, increase access to legal services and religious opportunities, improve communication with detainees with limited English proficiency, improve the process for reporting and responding to complaints, reinforce protections against sexual abuse and assault, and increase recreation and visitation.<sup>50</sup>

The final and most recent round of revisions was released in February 2013, when ICE released a list of minor corrections and clarifications to the text of PBNDS 2011.<sup>51</sup>

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<sup>46</sup> *Holiday on ICE* 112th Cong. 15 (2012) (statement of John Conyers, Jr., Member, Comm. on the Judiciary, and reprint of Edwidge Danticat, *Detention Is No Holiday*, N.Y. TIMES, Mar. 27, 2012).

<sup>47</sup> *Id.* at 50 (testimony of Michelle Brane, Dir., Detention and Asylum Program, Women’s Refugee Commission).

<sup>48</sup> ICE, ICE DETENTION STANDARDS: FACT SHEET (Feb. 24, 2012), <https://www.ice.gov/factsheets/facilities-pbnlds>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS (as modified by Feb. 2013 Errata), <https://www.ice.gov/detention-standards/2011>.

As currently written, Chapter 6.3 of the 2011 PBNDS,<sup>52</sup> entitled “Law Libraries and Legal Materials,” seeks to protect immigrant detainees’ rights by “ensuring their access to courts, counsel and comprehensive legal materials.”<sup>53</sup> Chapter 6.3 discusses expected outcomes of these standards for law libraries and legal materials, as well as expected practices that must occur in order for the outcomes to be achieved. For example, one expected practice under Chapter 6.3 of the 2011 PBNDS is the maintenance of up-to-date legal materials by ensuring that every law library in immigrant detention facilities “shall contain the materials listed in ‘Appendix 6.3A: List of Legal Reference Materials for Detention Facilities’ (unless any are found to be out of print) and may also include the optional legal reference materials in ‘Appendix 6.3B: Optional Legal Reference Materials.’”<sup>54</sup> However, at the time of initial publication of these standards in 2012, as well as at the time of revision in 2013, the mandatory list of legal reference materials for detention facilities as referenced in Appendix 6.3A was already *years* out-of-date with reference to materials as old and outdated as 1992.<sup>55</sup> The list of legal reference materials in Appendix 6.3A of the 2011 PBNDS continues to be out-of-date as it has not been revised since 2013.

Beyond requiring outdated legal reference materials, the 2011 PBNDS continues to be plagued by other key deficiencies. For example, the 2011 PBNDS do not have the force of law; “they are internal ICE policies, drafted without the opportunity for public comment, and as such are not legally binding on the agency.”<sup>56</sup> Furthermore, ICE continues to refuse to ensure that the 2011 PBNDS are applied uniformly to all detainees in its custody:

ICE’s facilities, which include private prisons, contracts with state and local jails (known as Intergovernmental Service Agreements or IGSA’s), as well as ICE-owned facilities, operate under widely varying detention standards, with prior versions dating from 2000 and 2008. ICE still makes extensive use of facilities that do not even have its 2008 standards in operation. No ICE detention facility presently operates under the 2011 PBNDS.<sup>57</sup>

The PBNDS also do not provide any requirement that outside parties verify implementation. Therefore, there is no guarantee that ICE will do a better job of self-policing and ensuring uniform implementation of the 2011 PBNDS than it has thus far.<sup>58</sup>

The 2011 PBNDS are a bare minimum requirement and standard for the operation and oversight of ICE’s immigrant detention facilities.<sup>59</sup> Although they are a start, more needs to be done beyond the 2011 PBNDS to ensure that immigrant detention truly operates as a civil system, that detention is used as a last resort, and that immigrant detention is not modeled on the criminal

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<sup>52</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *SUPRA* NOTE 51 AT 401.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 403.

<sup>55</sup> *Id.* at 410-13.

<sup>56</sup> Louisa Stannow, *When Good Isn’t Enough*, THE HUFFINGTON POST (Mar. 6, 2012), [http://www.huffingtonpost.com/lovisa-stannow/when-good-isnt-enough\\_b\\_1317745.html](http://www.huffingtonpost.com/lovisa-stannow/when-good-isnt-enough_b_1317745.html).

<sup>57</sup> *Holiday on ICE* 112th Cong. 94 (2012) (written statement of The Am. Civ. Liberties Union).

<sup>58</sup> *Id.* at 102-103.

<sup>59</sup> *Id.* at 63 (testimony of Michelle Brane, Dir., Detention and Asylum Program, Women’s Refugee Commission).

incarceration system.<sup>60</sup> Detained immigrants cannot depend on internal agency policies such as the 2011 PBNDS that lack the force of law. Detained immigrants deserve a statutory right that protects their access to justice through ensuring detained immigrants' access to well-equipped law libraries.

### *2012 ABA Civil Immigration Detention Standards*

In response to ICE's 2011 PBNDS, the American Bar Association (ABA) developed their 2012 *Civil Immigration Detention Standards* with the intent of providing the U.S. Department of Homeland Security (DHS) with "a blueprint for developing civil detention standards, particularly those that implicate access to justice and other ABA priorities."<sup>61</sup> The intention behind the development of the *2012 ABA Civil Immigration Detention Standards* was to assist DHS and ICE in their efforts to reform the U.S. immigration detention system, to move away from the use of jails and jail-like facilities to house immigrant detainees, and to comprehensively transition from a detention system based on the penal model to a truly civil detention system.<sup>62</sup>

Chapter VII of the *2012 ABA Civil Immigration Detention Standards*, entitled "Access to Legal Services," suggests that immigrant detainees should have access to "updated legal materials including current relevant codes, regulations, court rules, self-help materials, and legal forms. Sufficient private space should be set aside to enable residents to conduct legal research."<sup>63</sup> Chapter VII also suggests that each immigrant detention facility should maintain a law library that includes "computer terminals with access to legal materials. The latter may be provided via on-line services like LexisNexis or Westlaw... The law library should include updated editions (in hardcopy) of the relevant codes, regulations, operating instructions, case reporters, treatises, self-help materials, model pleadings, court procedures, and other legal material."<sup>64</sup>

While they are an improvement on the 2011 PBNDS, the *2012 ABA Civil Immigration Detention Standards* have several shortcomings. First, the *2012 ABA Civil Immigration Detention Standards* refer to "relevant" materials that should be included in immigrant detention facility law libraries without actually specifying which materials are or should be considered relevant for immigrant detainees; this gives DHS and ICE too much discretion when developing their law library collections. Second, similar to the 2011 PBNDS, the *2012 ABA Civil Immigration Detention Standards* lack the force of law. The *2012 ABA Civil Immigration Detention Standards* acknowledge this challenge and suggest that "Congress should enact legislation to implement and fund compliance with these standards."<sup>65</sup> However, as discussed above, the current political rhetoric surrounding immigration and immigration reform is indicative that comprehensive immigrant detention facility reforms are not likely to occur in the near future, despite the introduction of H.R. 2314 in May 2015.

### *Accountability in Immigration Detention Act of 2015, H.R. 2314, 114<sup>th</sup> Cong. (2015-2016)*

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<sup>60</sup> *Holiday on ICE* 112th Cong. 63 (2012) (testimony of Michelle Brane, Dir., Detention and Asylum Program, Women's Refugee Commission).

<sup>61</sup> AMERICAN BAR ASSOCIATION, *ABA CIVIL IMMIGRATION DETENTION STANDARDS* 2 (2012), <http://www.americanbar.org/content/dam/aba/administrative/immigration/abaimmdetstds.pdf>.

<sup>62</sup> *Id.* at 1-2.

<sup>63</sup> *Id.* at 27.

<sup>64</sup> *Id.* at 27-28.

<sup>65</sup> *Id.* at 5.

H.R. 2314, the Accountability in Immigration Detention Act of 2015, was introduced in the House on May 13, 2015.<sup>66</sup> The purpose and scope of this bill is to “ensure the humane treatment of persons detained pursuant to the Immigration and Nationality Act.”<sup>67</sup> Section 2 of the Bill, “Minimum Detention Center Standards,” outlines minimum detention requirements in subsection (b), where it specifies legal access:

(14) Legal Access. – All detainees shall have access to a properly equipped law library, legal materials and equipment to facilitate the preparation of documents. All detainees shall have meaningful access to law libraries, legal materials, and equipment. Special consideration shall be given to detainees facing deadlines or time constraints.<sup>68</sup>

To ensure that immigration detention facilities are safe, humane, and constitutional, immigrant detention standards should be established by statute. Congress needs to pass legislation, such as H.R. 2314, that sets forth basic detention requirements intended to ensure the humane treatment of immigrant detainees.<sup>69</sup> However, even though mandating access to a law library in statute would be an improvement upon the 2011 PBNDS, H.R. 2314 remains overly vague. What does a properly equipped law library in an immigrant detention facility look like? What legal materials and equipment must the law library contain? What does meaningful access to a law library look like in an immigrant detention facility?

**“PROPERLY EQUIPPED” LAW LIBRARIES AND “MEANINGFUL ACCESS” TO LAW LIBRARIES IN IMMIGRANT DETENTION FACILITIES**  
*“Properly Equipped” Law Libraries in Immigrant Detention Facilities*

Beyond having print and electronic access to the materials listed in *Appendix B. Sample List of Immigrant Detention Facility Law Library Materials*<sup>70</sup> and *Appendix C. Web Resources*,<sup>71</sup> law libraries in immigrant detention facilities must meet several other criteria in order to be considered “properly equipped:”

(1) All materials in the law library must be up-to-date.<sup>72</sup>

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<sup>66</sup> Accountability in Immigration Detention Act of 2015, H.R. 2314, 114th Cong. (2015-2016).

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at. § 2(b)(14).

<sup>69</sup> The latest action on H.R. 2314 occurred on June 26, 2015, when the bill was referred to the subcommittee on Immigration and Border Security. Accountability in Immigration Detention Act of 2015, H.R. 2314, 114th Cong. (2015-2016).

<sup>70</sup> See *Infra* Appendix B. Sample List of Immigrant Detention Facility Law Library Materials.

<sup>71</sup> See *Infra* Appendix C. Web Resources.

<sup>72</sup> Up-to-date materials should be the latest available version of all materials included in the law library collection.

- (2) The law library must be in a “designated, well-lit library room,”<sup>73</sup> which is “reasonably isolated from noisy areas”<sup>74</sup> and “large enough to provide reasonable access to all detainees who request its use.”<sup>75</sup>
- (3) The law library must be “furnished with a sufficient number of tables and chairs to accommodate detainees’ legal research and writing needs.”<sup>76</sup>
- (4) The law library must “have an adequate number of computers and printers to support the detainee population.”<sup>77</sup>
- (5) The law library must have “sufficient writing implements, paper, photocopiers and related office supplies shall be provided to detainees to prepare documents for legal proceedings, special correspondence or legal mail.”<sup>78</sup>
- (6) The law library must “provide access to two-hole punches, folders, and, where appropriate, computer disk containers.”<sup>79</sup>

These six requirements, in addition to the materials listed in *Appendix B* and *Appendix C, infra*, are merely suggestions that should be included in statutory language in order for any law library in an immigrant detention facility to be considered “well-equipped.” It is important to note that these lists of requirements and materials are not exhaustive; this is merely a place to start.

#### “Meaningful Access” to Law Libraries in Immigrant Detention Facilities

Beyond simply housing the materials listed in *Appendix B* and *Appendix C, infra*, and complying with the six requirements of maintaining a “well-equipped” law library outlined above, law libraries in immigrant detention facilities must also provide detainees with meaningful access to their materials. Meaningful access is a broad term, however, the following requirements help specify what meaningful access to law library materials in an immigrant detention facility truly looks like:

- (1) Law libraries must have a formal legal orientation program:<sup>80</sup>

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<sup>73</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *supra* note 51 at 402.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 403.

<sup>78</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *supra* note 51 at 403.

<sup>79</sup> *Id.*

<sup>80</sup> Letter from Denise Gilman and Barbara Hines of the Immigration Clinic at the University of Texas School of Law to Deborah Achim, Field Office Director, Enforcement and Removal Operations, Immigration and Customs Enforcement, San Antonio Field Office, U.S. Department of Homeland Security (May 15, 2014), <http://grassrootsleadership.org/sites/default/files/uploads/Harwell%20letter.pdf>.

- a. “Detainees shall be notified of the facility’s rules on law libraries and legal material through the detainee handbook.”<sup>81</sup>
  - b. The legal orientation program and the detainee handbook shall be communicated to detainees in a language and manner the detainee can understand.<sup>82</sup>
  - c. “Facilities should regularly show the ABA Know Your Rights video on video monitors, and also make it available in the law library on demand.”<sup>83</sup>
- (2) Immigrant detention facilities, and in turn their law libraries, must be within a reasonable distance of non-profit legal service organizations, thereby providing immigrant detainees reasonable access to non-profit legal service organizations;<sup>84</sup>
  - (3) Immigrant detainees shall have no less than five hours of access to law libraries, legal materials, and equipment per week;<sup>85</sup>
  - (4) Law libraries shall accommodate, to the extent possible, requests for additional time to use the law library, “including accommodating work schedules when practicable, consistent with the orderly and secure operation of the facility;”<sup>86</sup>
  - (5) Law libraries shall have formally trained professional law librarians on staff to maintain the law library and offer assistance to immigrant detainees;
    - a. “Detainees shall receive assistance where needed (e.g., orientation to written or electronic media and materials; assistance in accessing related programs, forms and materials);”<sup>87</sup>
  - (6) Law libraries shall provide immigrant detainees with access to e-mail “in order to communicate with legal personnel and their families, subject to reasonable security-related restrictions and limitations. The confidentiality of legal communications should be respected;”<sup>88</sup>
  - (7) Law libraries shall overcome and accommodate language barriers in the following manners:

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<sup>81</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *supra* note 51 at 401-402.

<sup>82</sup> *Id.*

<sup>83</sup> AMERICAN BAR ASSOCIATION, ABA CIVIL IMMIGRATION DETENTION STANDARDS 29 (2012), <http://www.americanbar.org/content/dam/aba/administrative/immigration/abaimmdetstds.pdf>.

<sup>84</sup> Letter from Denise Gilman & Barbara Hines of the Immigration Clinic at the University of Texas School of Law to Deborah Achim, Field Office Director, Enforcement and Removal Operations, Immigration and Customs Enforcement, San Antonio Field Office, U.S. Department of Homeland Security (May 15, 2014), <http://grassrootsleadership.org/sites/default/files/uploads/Harwell%20letter.pdf>.

<sup>85</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *supra* note 51 at 401-402.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> ABA CIVIL IMMIGRATION DETENTION STANDARDS *supra* note 83 at 24.

- a. “Residents who are unable to access legal resources or prepare for immigration or other proceedings because of language or reading limitations should have access to alternative services, including confidential translation services.”<sup>89</sup>
  - b. “Detainees who are illiterate, limited-English proficient or disabled shall receive appropriate special assistance.”<sup>90</sup>
- (8) Law Libraries should provide access to legal research tools and materials for those immigrant detainees who are separated for their own protection, “Such residents may be required to use the law library at separate times from the general population. If such residents do not have equal or equivalent access to the law library, legal materials should be brought to them upon request.”<sup>91</sup>

Once again, these eight requirements, in addition to *Appendix B* and *Appendix C, infra*, are merely suggestions of requirements that any law library in an immigrant detention facility should have to meet under a statutory mandate in order to be considered providing “meaningful access” to its immigrant detainees. It is important to note that this list is not exhaustive; this is just a start.

Requirements such as these should be specified and included in statutory language that mandates the existence of access to law libraries in immigrant detention facilities. Until meaningful access to well-equipped law libraries is required by statute, immigrant detainees will continue to face inhumane treatment while in ICE custody.

#### ***FURTHER COMPLICATIONS: UNACCOMPANIED MINOR CHILDREN***

While providing immigrant detainees with meaningful access to well-equipped law libraries will improve detainees’ access to justice and help address the inhumane treatment that they currently suffer while detained by ICE, broader issues serve as a reminder to how complicated and unique is the U.S. immigration civil legal system.

Mandating meaningful access to well-equipped law libraries for immigrant detainees under statutory law serves one particular type of immigrant detainee – a moderately educated adult. But how do you ensure access to justice for the thousands of unaccompanied minor children who currently face deportation in U.S. immigration courts and who are housed in ICE detention facilities? Expecting a child to be able to navigate and use a law library in an immigrant detention facility is unreasonable; therefore, that child will not have meaningful access to a well-equipped law library and the services it provides. In response to the unaccompanied minor child crisis, several immigration attorneys have argued for mandating legal counsel for unaccompanied minor children facing deportation, a right provided to criminal defendants under the Sixth Amendment, but not provided to immigrant detainees. In fact, a class-action lawsuit has been filed and set for a five-day bench trial on September 12, 2016 in Seattle, WA that “could force the government to

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<sup>89</sup> ABA CIVIL IMMIGRATION DETENTION STANDARDS *supra* note 83 at 28.

<sup>90</sup> ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *supra* note 51 at 401-402.

<sup>91</sup> ABA CIVIL IMMIGRATION DETENTION STANDARDS *supra* note 83 at 58.

provide attorneys to thousands of children who face deportation in U.S. immigration courts.”<sup>92</sup> The Department of Justice (DOJ), meanwhile, has argued that “providing legal counsel for every child facing so-called ‘removal’ after being found to be in the U.S. illegally could cripple the entire U.S. immigration system.”<sup>93</sup>

Whether or not providing legal counsel to unaccompanied minor children in immigration deportation proceedings would in fact cripple the U.S. immigration system is debatable and a topic for a different paper, but providing legal counsel to detainees is not a new concept. As previously stated, the immigrant detention system is a civil system, but it is based and modeled on the penal incarceration system. Accused criminals who face incarceration are entitled to a court-appointed attorney, should they so choose;<sup>94</sup> it is not new or novel to suggest that immigrants should be entitled to the same right.<sup>95</sup> However, this summons the bigger question of “do unauthorized immigrants have a right to have rights?”<sup>96</sup>

The purpose in raising the issue of unaccompanied minor children and their access to law libraries is not to attempt to provide a solution or to complicate the focus of this paper, but to acknowledge and shed light on the complex and complicated field of immigration law. Immigrant detention shares similar issues as criminal detention and juvenile detention, and yet it occurs in the sphere of civil law, not criminal law, where immigrants experience lesser rights than criminal detainees. It may seem minor, but ensuring meaningful access to well-equipped law libraries is a substantial step in ensuring immigrant detainees’ access to justice, and addressing some of the complex problems that currently face detainees and the immigration system as a whole.

#### CONCLUSION

We should always care about immigrants. “Immigrants are first and foremost human beings who, regardless of their legal status, deserve our respect.”<sup>97</sup> As such, and as lawyers and law librarians, we need to argue for, lobby for, and participate in legislation that provides practices and mechanisms that are consistent with the ethics demanded by a common humanity.<sup>98</sup> Broken systems must be repaired and justice must be ensured. Today, our immigration system is both broken and lacking in justice. Liberty should be the norm for everyone and detention should always be the last resort.<sup>99</sup>

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<sup>92</sup> Mike Carter, *Seattle trial to impact deportation cases of thousands of immigrant children*, SEATTLE TIMES (Apr. 28, 2016), <http://www.seattletimes.com/seattle-news/suit-to-require-lawyers-for-children-facing-deportation-will-be-heard/>.

<sup>93</sup> *Id.*

<sup>94</sup> U.S. CONST. amend. VI.

<sup>95</sup> See Cesar Cuauhtémoc García Hernández, *supra* note 6.

<sup>96</sup> TOM K. WONG, RIGHTS, DEPORTATION, AND DETENTION IN THE AGE OF IMMIGRATION CONTROL 29 (2015).

<sup>97</sup> JOSEPH NEVINS, OPERATION GATEKEEPER: THE RISE OF THE “ILLEGAL ALIEN” AND THE MAKING OF THE U.S.-MEXICO BOUNDARY 188 (2002).

<sup>98</sup> *Id.*

<sup>99</sup> The ability to engage in meaningful conversation about our broken immigration system reflects on who we are as a nation:

The taking of one’s liberty is a serious matter. The determination to remove an individual is graver still. There is no color of pain to put on the wall or species of flower that can be planted on the grounds of a detention facility to mitigate the enormity of government’s responsibility to the people,

One endeavor of any society is to remove obstacles and make life easier for the generations that follow. America was once known as the “Great Melting Pot;” what will our grandchildren say of us and our immigration policies today? How can we claim on being a leading democratic nation when we refuse and block justice to the most vulnerable populations within our boundaries? It is a damn shame; it is a shame that we as a nation refuse to enable every individual within our borders to access justice by enabling them to represent themselves in court by providing meaningful access to well-equipped law libraries.

ICE’s current immigration detention facilities are sub-par and fail to meet even the minimal requirements of national detention standards. Immigrants are regularly blocked in their search and endeavor for access to justice. Law libraries can serve as a bridge to our judicial system. It is time that we force ICE to re-open that path, ensuring that immigrants are treated with respect and basic human rights, which should include a statutory right to meaningful access to well-equipped law libraries.

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all of the people. There is no amount of movement that can be afforded an alien in a detention facility, no promise that there will be contact visitation that can lessen the consequences that removable aliens face. Let us have this conversation with all of the urgency and the civility that we can muster. To excel in this discourse will convey as much about whom we are as a nation as those who entered or remained here unlawfully.

*Holiday on ICE 112th Cong. 88 (2012) (testimony of Dr. Dora Schriro, Commissioner, NYC Dep’t of Correction, and author, A Report on the Preliminary Assessment of ICE Detention Policies and Practices and A Recommended Course of Action for Systems Reform).*

APPENDIX A. ICE IMMIGRANT DETENTION CENTER SURVEY TO VERIFY IMMIGRANT DETAINEE  
ACCESS TO AND QUALITY OF FACILITIES' LAW LIBRARIES<sup>100</sup>

- (1) Which type of institution best describes your detention facility?
- Intergovernmental Service Agreement (ICSA)-contracted facility
  - Contract Detention Facility
  - ICE-owned Facility
  - Bureau of Prison Facility
  - Other (explain): \_\_\_\_\_
- (2) What is the average daily population of the detention facility?
- 1-24 individuals, of which approximately \_\_\_ individuals are immigrant detainees (i.e., detained by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement).
  - 25-100 individuals, of which approximately \_\_\_ individuals are immigrant detainees (i.e., detained by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement).
  - 101-150 individuals, of which approximately \_\_\_ individuals are immigrant detainees (i.e., detained by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement).
  - 151-500 individuals, of which approximately \_\_\_ individuals are immigrant detainees (i.e., detained by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement).
  - More than 501 individuals, of which approximately \_\_\_ individuals are immigrant detainees (i.e., detained by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement).
- (3) Is there a local or regional law library that provides general library services to the detention facility?
- Yes
  - No
  - Other (Explain):
- (4) Is there a law library that exists and functions within the detention facility?
- Yes
  - No
  - Other (Explain):
- (5) Is there a Library Services Department, of equal standing with other departments, in the detention facility?
- Yes
  - No
  - Other (Explain):

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<sup>100</sup> This survey was compiled in part with the assistance of the survey already completed and constructed by Ms. Lan Chin. See Stephanie Lan Chin, *Library Services in U.S. Immigration Detention Facilities*, SJSU SCHOLARWORKS (2010), [http://scholarworks.sjsu.edu/etd\\_theses](http://scholarworks.sjsu.edu/etd_theses) (Appendix A Survey).

- (6) Is there a written policy covering the library's day-to-day activities and procedures?
- Yes
  - No
  - Other (Explain):
- (7) Is the library funded as a separate line item on the facility's budget?
- Yes
  - No
  - Other (Explain):
- (8) Does the library include a collection of at least 15 titles per inmate (average daily population)?
- Yes
  - No
  - Other (Explain):
- (9) Please check all materials that are available for immigrant detainee use at your facility:
- CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS, CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION (U.S. Government Printing Office 2013). (Constitution Annotated)
  - Aliens and Nationality, 8 U.S.C. (2011).
  - Aliens and Nationality, 8 C.F.R. (2016).
  - BENDER'S IMMIGRATION AND NATIONALITY ACT PAMPHLET (Matthew Bender 2016)
  - BENDER'S IMMIGRATION REGULATIONS SERVICE (Matthew Bender 2015)
  - BENDER'S IMMIGRATION CASE REPORTER (Matthew Bender 2016)
  - IRA J. KURZBAN, KURZBAN'S IMMIGRATION LAW SOURCEBOOK (2016)
  - NATIONAL IMMIGRATION PROJECT & PHILIP HORNIK, IMMIGRATION LAW AND DEFENSE (2016)
  - NATIONAL IMMIGRATION PROJECT ET AL., IMMIGRATION LAW AND CRIMES (2015)
  - IMMIGRANT LEGAL RESOURCE CENTER STAFF ATTORNEYS, GUIDE FOR IMMIGRATION ADVOCATES (2014)
  - DREE K. COLLOPY, AILA'S ASYLUM PRIMER (2015)
  - MICHAEL B. MUSHLIN, RIGHTS OF PRISONERS (2016)
  - RANDY HERTZ & JAMES S. LIEBMAN, FEDERAL HABEAS CORPUS, PRACTICE & PROCEDURE (7<sup>th</sup> ed.)
  - THOMSON REUTERS, FEDERAL CIVIL JUDICIAL PROCEDURE AND RULES (2016)
  - LEXISNEXIS LAW ENFORCEMENT, FEDERAL CRIMINAL LAWS AND RULES (2016)
  - WAYNE LAFAVE ET AL., CRIMINAL PROCEDURE HORNBOOK (2009)
  - KENT OLSON, LEGAL RESEARCH IN A NUTSHELL (2013)
  - THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).
- (10) Staffing (Please circle Yes or No for the appropriate question):

- a. In a facility with an average daily population of less than 25 detainees, is there a member of the administration of the jail who is responsible for maintaining liaison with the local public library? (Yes/No)
  - b. In a facility with an average daily population of 25-100 detainees, is there at least a half-time librarian? (Yes/No)
  - c. In a facility with an average daily population of 101-150 detainees, is there at least a three-quarter time librarian? (Yes/No)
  - d. In a facility with an average daily population of 151-500 detainees, is there at least a full-time librarian with assistant(s)? (Yes/No)
  - e. In a facility with an average daily population of 501-1000 detainees, is there at least 1 library direction and 2 librarian technicians/clerks/specialists? (Yes/No)
  - f. In a facility with an average daily population of 1001-1500 detainees, is there at least 1 library director, 1 assistant librarian, and 2 library technicians/clerks/specialists? (Yes/No)
  - g. In a facility with an average daily population of 1501-2500 detainees, is there at least 1 library director, 1 assistant librarian, and 3 library technicians/clerks/specialists?
  - h. Please list the job title(s) of all individuals responsible for library services in the detention facility and the number of individuals holding each position:  
\_\_\_\_\_.
- (11) If there is a librarian responsible for library services in the detention facility, does the librarian have a master's degree in library science from an ALA accredited college or university?
- a. Yes
  - b. No
  - c. Other (Explain):
- (12) If there is a librarian responsible for library services in the detention facility, does the librarian have a law degree (J.D.) from an ABA accredited school?
- a. Yes
  - b. No
  - c. Other (Explain):
- (13) Are library services to the detainees rendered both in the library and the living units?
- a. Yes
  - b. No
  - c. Other (Explain):
- (14) What are the days and hours during which the library is open and accessible to immigrant detainees? (Check all that apply):
- a. Monday (hours open:\_\_\_)
  - b. Tuesday (hours open:\_\_\_)
  - c. Wednesday (hours open:\_\_\_)
  - d. Thursday (hours open:\_\_\_)
  - e. Friday (hours open:\_\_\_)
  - f. Saturday (hours open:\_\_\_)

- g. Sunday (hours open:\_\_\_\_)
- h. Total number of hours open each week:\_\_\_\_
- (15) Do library materials include materials in non-English languages? If so, please check and indicate the available languages:
- a. Books [Language(s)]:\_\_\_\_\_
- b. Magazines [Language(s)]:\_\_\_\_\_
- c. Newspapers [Language(s)]:\_\_\_\_\_
- d. Other materials: music media such as records, audio tapes, cassettes, films:  
[Language(s)]:\_\_\_\_\_
- (16) Do immigrant detainees have access to computers with internet access?
- a. Yes
- b. No
- (17) How many computers are available for immigrant detainee use in your facility? Please specify the exact number:\_\_\_\_\_.
- (18) What are the days and hours that immigrant detainees have access to computers? (Check all that apply):
- a. Monday (total number of hours of access:\_\_\_\_)
- b. Tuesday (total number of hours of access:\_\_\_\_)
- c. Wednesday (total number of hours of access:\_\_\_\_)
- d. Thursday (total number of hours of access:\_\_\_\_)
- e. Friday (total number of hours of access:\_\_\_\_)
- f. Saturday (total number of hours of access:\_\_\_\_)
- g. Sunday (total number of hours of access:\_\_\_\_)
- (19) Do immigrant detainees have access to email services provided on the internet (such as Gmail, Yahoo! Mail, etc.)?
- a. Yes
- b. No
- (20) Does the library subscribe to and provide access to online legal research databases, such as Westlaw or LexisNexis?
- a. Yes
- b. No
- (21) If the library does subscribe to online legal research databases, please check and indicate the online legal databases that are available to immigrant detainees:
- a. \_\_Westlaw
- b. \_\_LexisNexis
- c. \_\_Bloomberg Law
- d. \_\_Bloomberg BNA
- e. \_\_HeinOnline
- f. \_\_LegalTrac

- g.  ProQuest Congressional
- h.  Other (please specify): \_\_\_\_\_.

APPENDIX B. SAMPLE LIST OF IMMIGRANT DETENTION FACILITY LAW LIBRARY MATERIALS<sup>101</sup>*Primary Source Materials*

- 1) *Constitution of the United States of America: Analysis and Interpretation* (Constitution Annotated), Congressional Research Service, Library of Congress, U.S. Government Printing Office (GPO).
  - a) Contains legal analysis and interpretation of the United States Constitution, based primarily on Supreme Court case law. It is especially useful when researching the constitutional implications of a specific issue or topic. The [Featured Topics and Cases](#) page highlights recent U.S. Supreme Court decisions that demonstrate pivotal interpretations of the Constitution's provisions.
  - b) *Availability*:
    - i) *Print*: 2013 edition available to order through the U.S. Government Bookstore.
    - ii) *Online*: available at the Library of Congress and includes analysis of Supreme Court cases decided through July 1, 2014.<sup>102</sup>
  
- 2) *United States Code, Title 8, Aliens and Nationality*, Thomson Reuters (Annotated)
  - a) Complete text of Title 8 (Aliens and Nationality) of the Code of Federal Regulations
  - b) *Availability*:
    - i) *Print*: Annotated code from Thomson Reuters.
    - ii) *Online*:
      - (1) Possibly available on Westlaw (depending on the subscription)
      - (2) Legal Information Institute of Cornell University Law School.<sup>103</sup>
  
- 3) *Code of Federal Regulations, Title 8, Aliens and Nationality*, Federal Register
  - a) Codification of general and permanent rules.
  - b) *Availability*:
    - i) *Print*: from the U.S. Government Bookstore (GPO).
    - ii) *Online*:
      - (1) e-CFR U.S. GPO;<sup>104</sup>
      - (2) USCIS;<sup>105</sup>
      - (3) Legal Information Institute of Cornell University Law School.<sup>106</sup>

<sup>101</sup> This list is a combination of materials included in the Catholic Legal Immigration Network's *Sample List of Immigration Law Library Resources*, the 2011 ICE PBNDS, and my own suggestions. Materials are divided by title within Primary Source Materials and Secondary Source Materials subsections. See CATHOLIC LEGAL IMMIGRATION NETWORK, INC., SAMPLE LIST OF IMMIGRATION LAW LIBRARY RESOURCES, [https://cliniclegal.org/sites/default/files/library\\_resources\\_2014.pdf](https://cliniclegal.org/sites/default/files/library_resources_2014.pdf). See also, ICE, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, 401 (as modified by Feb. 2013 Errata), <https://www.ice.gov/detention-standards/2011>.

<sup>102</sup> <https://www.congress.gov/constitution-annotated/> (last accessed Apr. 28, 2016).

<sup>103</sup> <https://www.law.cornell.edu/uscode/text/8>, (last accessed Apr. 28, 2016) (current through Pub. L. 114-38 as of Apr. 28, 2016).

<sup>104</sup> [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title08/8tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title08/8tab_02.tpl), (last accessed Apr. 28, 2016) (current through Apr. 27, 2016).

<sup>105</sup> <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/8cfr.html> (last accessed Apr. 28, 2016) (current through Apr. 24, 2013)

<sup>106</sup> <https://www.law.cornell.edu/cfr/text/8> (last accessed Apr. 28, 2016)

- 4) *Bender's Immigration and Nationality Act Set*, Matthew Bender
  - a) Immigration and Nationality Act updated quarterly in one loose-leaf volume.
  - b) *Availability*:
    - i) *Print*: from LexisNexis Matthew Bender Publication.
    - ii) *Online*: Possibly available on LexisNexis (depending on the subscription).
- 5) *Bender's Immigration Regulations Service*, Matthew Bender
  - a) Immigration and Nationality Regulations updated monthly in two loose-leaf volumes
  - b) *Availability*:
    - i) *Print*: from LexisNexis Matthew Bender Publication.
    - ii) *Online*: Possibly available on LexisNexis (depending on the subscription).
- 6) *Bender's Immigration Case Reporter*, Matthew Bender
  - a) Full text of selected current federal court cases, all current BIA and AAO precedent decisions, and selected current BIA and AAO non-precedent decisions, BALCA, OCAHO, PERM and Department of Labor decisions.
  - b) *Availability*:
    - i) *Print*: from LexisNexis Matthew Bender Publication.
    - ii) *Online*: Possibly available on LexisNexis (depending on the subscription).
- 7) *Bender's Immigration Bulletin*, Matthew Bender, 1996 –
  - a) Digests of federal, Attorney General, BIA, and AAO decisions. Formerly part of *Bender's Immigration Case Reporter*
  - b) *Availability*:
    - i) *Print*: From LexisNexis Matthew Bender Publication.
    - ii) *Online*: Possibly available on LexisNexis (depending on the subscription)
- 8) *Administrative Decisions Under Immigration and Nationality Laws*, Board of Immigration Appeals
  - a) Board of Immigration Appeals (BIA) decisions consisting of bound volumes and loose-leaf decisions from 1940 -. Cited as I. & N. Dec. Contains AG, BIA, DHS (AAO), and INS precedent decisions
  - b) *Availability*:
    - i) *Print*: G.P.O.
    - ii) *Online*: Precedent decisions (Vol. 8 and continuing) from the BIA are available at <https://www.justice.gov/eoir/ag-bia-decisions> (last accessed 04/28/2016).
- 9) *Interpreter Releases*, Thomson Reuters/West
  - a) Loose-leaf. Digests and full texts of decisions with some analysis. Current awareness services, describing pending and new legislation. Updated weekly.
  - b) *Availability*:
    - i) *Print*: Thomson Reuters/West 1923-.
    - ii) *Online*: May be available on Westlaw (depending on the subscription)

- 10) *OCAHO Cumulative Topical Index of Published and Indexed Decisions; Cumulative Index of Administrative Law Judge and Chief Administrative Hearing Officer Decisions; OCAHO EFOIA Decision Index*<sup>107</sup>, U.S. Dept. of Justice, Executive Office for Immigration Review
  - a) Cases involving employer sanctions for unlawful employment of foreign nationals, civil documents fraud, and charges of unfair immigration-related employment practices.
  - b) *Availability:*
    - i) *Online:* DOJ, EOIR website.<sup>108</sup>
- 11) *Immigration Litigation Bulletin*-Office of Immigration Litigation (OIL) (U.S. Dept. of Justice, Civil Division)
  - a) Monthly internal publication of OIL. Select issues have been released pursuant to FOIA requests (2010 - ).
  - b) *Availability:*
    - i) *Online:* USDOJ, Civil Division, OIL website.<sup>109</sup>
- 12) *Board of Immigration Appeals Practice Manual and Questions and Answers*, U.S. Dept. of Justice, Executive Office for Immigration Review
  - a) Practice guide for attorneys and representatives before the BIA.
  - b) *Availability:*
    - i) *Print:* USDOJ, EOIR, 1999-.
    - ii) *Online:* EOIR website<sup>110</sup>
- 13) *Agency Interpretations of Immigration Policy: Cables, Memos, and Liaison Minutes*, American Immigration Lawyers Association
  - a) Source for agency interpretations of immigration policy. Updated annually 2002-
  - b) *Availability:*
    - i) *Print:* AILA Agora.
- 14) *Adjudicator's Field Manual*, U.S. DHS, USCIS
  - a) Manual for USCIS field officers concerning policies and procedures of the adjudications program.
  - b) *Availability:*
    - i) *Print:* AILA Agora Bookstore.<sup>111</sup>
    - ii) *Online:* public redacted version, updated through September 10, 2013, on USCIS website.
- 15) *Customs and Border Protection (CBP) Inspector's Field Manual*, CBP
  - a) Contains official policies and procedures for the Inspections program
  - b) *Availability:*

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<sup>107</sup> Includes links to select documents

<sup>108</sup> <http://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions> (last accessed May 19, 2016).

<sup>109</sup> <http://www.justice.gov/civil/links> (2010-) (last accessed May 19, 2016).

<sup>110</sup> <http://www.justice.gov/eoir/board-immigration-appeals-2> (last accessed May 19, 2016).

<sup>111</sup> <https://aila.org/publications> (last accessed May 19, 2016).

- i) *Online*: updated redacted version obtained by Charles Miller via FOIA request available online<sup>112</sup> and from AILA Agora Bookstore.<sup>113</sup>
- 16) *Detention and Deportation Officers' Field Manual*, U.S. DHS, Border and Transportation Security Directorate, Immigration and Customs Enforcement Office of Detention and Removal
- a) Select updates to Manual available at online USCIS FOIA library.
  - b) *Availability*:
    - i) *Online*: USCIS FOIA library<sup>114</sup>
- 17) *Immigration Detention Officer Handbook*, U.S. DOJ, INS 1987-
- a) This looseleaf publication is available through a federal depository library.
  - b) *Availability*:
    - i) *Print*: GPO (federal depository library)
- 18) *Immigration Judge Benchbook*, U.S. DOJ, Office of the Chief Immigration Judge
- a) Provides overview of immigration law focusing on types of hearings (e.g., custody, exclusion, detention), sample decisions, forms and orders used by judges, and Operating Policies and Procedures Memoranda.
  - b) *Availability*:
    - i) *Online*: Obtained by AILA via FOIA request and available from AILA publications.<sup>115</sup>  
(1) An updated interactive online version available on the EOIR website.<sup>116</sup>
- 19) *Foreign Affairs Manual*, U.S. DOS
- a) Contains substantive and procedural guidance concerning citizenship, nationality, and visas. Country-specific visa document requirements.
  - b) *Availability*:
    - i) *Online*: available on DOS website.<sup>117</sup>

#### *Secondary Source Materials*

- 20) *Kurzban's Immigration Law Sourcebook*, Ira J. Kurzban
- a) Legal reference on immigration law. It provides brief history of U.S. immigration law, bringing it up-to-date with expert analysis of the current state of the law, and serve as a quick reference sourcebook for cases, statutes, regulations, and more.
  - b) *Availability*:
    - i) *Print*: 15<sup>th</sup> edition, 2016, available from AILA Agora.<sup>118</sup>
- 21) *Immigration Law and Procedure*, Stanely Mailman, Ron Wada, and Stephen Yale-Loehr

<sup>112</sup> <http://www.ilw.com/immigrationdaily/News/2008,0513-cbp.pdf> (last accessed May 19, 2016).

<sup>113</sup> <https://aila.org/publications> (last accessed May 19, 2016).

<sup>114</sup> <http://www.ice.gov/foia/library> (last accessed May 19, 2016).

<sup>115</sup> <https://aila.org/publications> (last accessed May 19, 2016).

<sup>116</sup> <http://www.justice.gov/eoir/vll/benchbook/index.html> (providing sample scripts, checklists, worksheets, forms, introductory guides, sample orders, and news alerts. Includes virtual law library links to primary documents including cases) (last accessed May 19, 2016).

<sup>117</sup> <http://www.state.gov/m/a/dir/regs/index.htm> (last accessed May 19, 2016).

<sup>118</sup> <http://agora.aila.org/product/detail/2885?sel=description> (last accessed 05/16/2016).

- a) Mutli-volume loose-leaf treatise. Includes reprints of primary sources (including statutes and regulations), agency documents (*BALCA Deskbook*, *INS Manuals*, *INS Examinations Handbook*, *INS Interpretations*, *Foreign Affairs Manual*, U.N. documents), and forms. Updated multiple times per year.
  - b) *Availability*:
    - i) *Print*: LexisNexis Matthew Bender series
    - ii) *Online*: May be available on LexisNexis (depending on the subscription)
- 22) *Immigration Law Service*, Shane Dizon and Nadine Wettstein
- a) Multi-volume looseleaf treatise providing current analysis of immigration law and copies of primary documents (regulations, statutes, Foreign Affairs Manual, Operations Instructions). Updated quarterly 2004-. Includes monthly current awareness service: Immigration Law Advisory
  - b) *Availability*:
    - i) *Print*: available from Thomson Reuters/West.
    - ii) *Online*: Possibly available on Westlaw (depending on the subscription).
- 23) *The AILA Immigration Practice Toolbox*, American Immigration Lawyers Association
- a) Fundamentals of immigration practice areas, and sample forms, letters and templates on CD-ROM
  - b) *Availability*:
    - i) *Print*: 2015 5<sup>th</sup> edition available in AILA Agora Bookstore.
- 24) *Navigating the Fundamentals of Immigration Law and Selected Fundamentals of Immigration Law and Practice* (formerly *Forms & Fundamentals*), American Immigration Lawyers Association
- a) One volume. Described as a “beginners” book with basic, practical information covering all aspects of immigration law. Series of articles with checklists and practice tips.
  - b) *Availability*:
    - i) *Print*: 2015 edition available in AILA Agora Bookstore.
- 25) *Immigration Fundamentals: A Guide to Law and Practice*-Austin T. Fragomen Jr. and Steven C. Bell
- a) One-volume looseleaf updated annually. Textual explanations of all steps and requirements in an immigration case with citations to primary sources and helpful practitioner notes. Reprints select forms with explanations.
  - b) *Availability*:
    - i) *Print*: Practicing Law Institute, 1996-
    - ii) *Online*: Possibly available on Westlaw and LexisNexis (depending on the subscriptions)
- 26) *Immigration Procedures Handbook*, Austin T. Fragomen Jr., Careen Shannon, and Daniel Montalvo
- a) 2 volumes. Updated biannually 1985-. Focus on visa processing, covering all visa categories. Includes sample forms with commentary.
  - b) *Availability*:

- i) *Print*: available from Thomson Reuters/West
  - ii) *Online*: Possibly available on Westlaw (depending on the subscription)
- 27) *Immigration Law and Defense*, National Immigration Project of the National Lawyers Guild (NLG) and Philip Hornik.
- a) 2016, 1st ed. includes forms. Two soft-bound volumes. Supplemented throughout with proven defense strategies, procedural tactics, and astute professional insights, follows the progress of a typical immigration case. The text contains extensive references to judicial decisions and regulations, as well as parallel citations from the Immigration and Nationality Act to USCA.
  - b) *Availability*:
    - i) *Print*: available from Thomson Reuters.
    - ii) *Online*: Possibly available on Westlaw (depending on the subscription).
- 28) *Immigration Law and Crimes*, National Immigration Project of the National Lawyers Guild and Dan Kesselbrenner, Lory D. Rosenberg, and Maria Baldini-Potermin
- a) One-volume looseleaf updated biannually from the National Immigration Project of the NLG and published by West. Discusses the law and procedure involved in representing foreign-born clients in a criminal matter. Includes forms, model pleadings, checklists, references to federal and state statutes, and administrative documents.
  - b) *Availability*:
    - i) *Print*: available from Thomson Reuters/West 1984-.
    - ii) *Online*: Possibly available on Westlaw (depending on the subscription).
- 29) *Guide for Immigration Advocates*, Immigrant Legal Resource Center (ILRC) Staff Attorneys
- a) One loose-leaf volume, published 2014, 19<sup>th</sup> edition. A manual covering the basics of immigration law and researching immigration law; written as a simple guide for paralegals.
  - b) *Availability*:
    - i) *Print*: available from Immigrant Legal Resource Center.<sup>119</sup>
- 30) *Steel on Immigration Law*, Richard D. Steel
- a) 2015 edition. One-volume looseleaf updated annually. Includes forms.
  - b) *Availability*:
    - i) *Print*: available from West Group, 2004-
    - ii) *Online*: Possibly available on Westlaw (depending on the subscription)
- 31) *The VAWA Manual: Immigration Relief for Abused Immigrants*, Evangeline Abriel and Sally Kinoshita
- a) One volume, with CD-ROM, providing practical tips, checklists, and documentation useful for assembling a Violence Against Women Act (VAWA) self-petition.
  - b) *Availability*:
    - i) *Print*: Immigrant Legal Resource Center, 6<sup>th</sup> edition
- 32) *AILA's Immigration Litigation Toolbox*, American Immigration Lawyers Association

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<sup>119</sup> <http://www.ilrc.org/publications/a-guide-for-immigration-advocates> (last accessed 04/30/2016).

- a) CD-ROM title provides practical overview of litigation immigration issues before immigration courts, Board of Immigration Appeals, federal district courts and federal appellate courts. Includes practice advisories, sample motions, pleadings, memos, and briefs.
- b) *Availability:*
- i) *Print:* 2016 5<sup>th</sup> ed. Order from AILA Agora website.
- 33) *Country Reports on Human Rights Practices*, U.S. Department of State
- a) The annual Country Reports on Human Rights Practices – the Human Rights Reports – cover internationally recognized individual, civil, political, and worker rights, as set forth in the [Universal Declaration of Human Rights](#) and other international agreements. The U.S. Department of State submits reports on all countries receiving assistance and all United Nations member states to the U.S. Congress in accordance with the Foreign Assistance Act of 1961 and the Trade Act of 1974. Updated annually.
- b) *Availability:*
- i) *Print:* available from the U.S. Government Bookstore.
- ii) *Online:* U.S. Department of State.<sup>120</sup>
- 34) *Human Rights Watch – World Report*-Human Rights Watch
- a) Review of human rights around the world in one bound volume; updated annually.
- b) *Availability:*
- i) *Print:* order from Human Rights Watch Publication Department.<sup>121</sup>
- ii) *Online:* available for free online (<https://www.hrw.org/world-report/2016>) (last accessed 04/30/2016).
- 35) *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*, United Nations High Commissioner for Refugees (UNHCR)
- a) The Handbook and the Guidelines are intended to guide government officials, judges, practitioners, as well as UNHCR staff applying the refugee definition.
- b) *Availability:*
- i) *Online:* Download 200 page pamphlet for free from <http://www.unhcr.org/3d58e13b4.html> (last accessed 04/30/2016).
- 36) *Affirmative Asylum Procedures Manual (AAPM)*, U.S. DHS, USCIS, Asylum Division
- a) This manual provides information on how to process an affirmative asylum application within an Asylum Office.
- b) *Availability:*
- i) *Online:* download 101 page manual for free from USCIS.<sup>122</sup>
- 37) *The Law of Asylum in the United States*, Deborah Anker

<sup>120</sup> <http://www.state.gov/j/drl/rls/hrrpt/> (last accessed 04/28/2016).

<sup>121</sup> <http://www.hrw.org> (last accessed 04/30/2016).

<sup>122</sup> [https://www.uscis.gov/sites/default/files/USCIS/Refugee%20Asylum%20and%20Int%271%20Ops/Asylum/Affirmative Asylum Procedures Manual December 2015 Public Version.pdf](https://www.uscis.gov/sites/default/files/USCIS/Refugee%20Asylum%20and%20Int%271%20Ops/Asylum/Affirmative%20Asylum%20Procedures%20Manual%20December%202015%20Public%20Version.pdf) (last accessed 04/30/2016) (last updated December 2015).

- a) Addresses issues of asylum law: standard of proof, evidentiary requirements, persecution, grounds, bar. Detailed procedures for asylum, withholding, and Convention Against Torture relief.
  - b) *Availability:*
    - i) *Print:* 2016 ed. available from Thomson Reuters/West
    - ii) *Online:* possibly available on Westlaw (depending on the subscription)
- 38) *Asylum Case Law Sourcebook*-Gerald Scipp
- a) Summaries of reported U.S. federal court cases (and select BIA decisions) on political asylum, organized by subject. Covers cases reported from the enactment of Refugee Act of 1980 to current.
  - b) *Availability:*
    - i) *Print:* 2015 15<sup>th</sup> ed. available from Thomson Reuters/West
    - ii) *Online:* possibly available on Westlaw (depending on the subscription)
- 39) *AILA's Asylum Primer, 7<sup>th</sup> edition*, Dree K. Collopy
- a) Comprehensive, practical guide to U.S. asylum law and procedure.
  - b) *Availability:*
    - i) *Print:* One softbound volume, released August 2015. Order from American Immigration Lawyers Association.<sup>123</sup>
- 40) *Immigration Law and the Family*, Sarah B. Ignatius and Elisabeth S. Stickney
- a) 1995- One-volume updated annually from the National Immigration Project of the NLG and published by West. Explains the impact of family status on immigration and visa issuance and benefits. Includes forms and sample letters
  - b) *Availability:*
    - i) *Print:* available from Thomson Reuters/West.
    - ii) *Online:* possibly available on Westlaw (depending on the subscription).
- 41) *Families & Immigration: A Practical Guide*, Angie Junck et al.
- a) One volume with CD-ROM providing overview designed for attorneys, including relevant agency memos, charts, guidelines, sample completed and blank forms and instructions, and sample request letters.
  - b) *Availability:*
    - i) *Print:* 4<sup>th</sup> ed. Available from Immigrant Legal Resource Center
- 42) *Special Immigrant Juvenile Status and Other Immigration Options for Children & Youth*, Angie Junck et al.
- a) Practical resource covering eligibility, adjustment of status, state juvenile courts, other forms of relief including U visa, VAWA, asylum, family-based immigration, and TPS. Includes sample forms, motions, orders, and letters.
  - b) *Availability:*
    - i) *Print:* 4<sup>th</sup> ed. available from Immigrant Legal Resource Center.
- 43) *Rights of Prisoners, 3<sup>rd</sup> Edition*, Michael B. Mushlin

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<sup>123</sup> <http://agora.aila.org/product/detail/2521> (last accessed 04/30/2015).

- a) Provides practitioners, judges, and corrections officials with a balanced and comprehensive treatment of prisoners' rights issues. It covers the law affecting prisoners and their rights, and the latest developments resulting from the increase in prison litigation.
  - b) *Availability:*
    - i) *Print:* three volumes, copyright 2009-2016 available from Thomson Reuters.<sup>124</sup>
    - ii) *Online:* possibly available on Westlaw (depending on the subscription).
- 44) *The Department of Homeland Security: A Compilation of Government Documents Relating to Executive Reorganization*, Compiled by Peggy Roebuck Jarrett. William S. Hein, 2003 and 2006 supp.
- a) Full-text collection of selected executive, congressional, and agency documents related to the creation of the DHS
    - i) *Availability:*
      - (1) *Print:* looseleaf
      - (2) *Online:* HeinOnline (Hein's electronic documents reprint series)
- 45) *Legislative History of American Immigration Policy, 1798-1965*, Edward Prince Hutchinson
- a) *Availability:*
    - i) *Print:* University of Pennsylvania Press 1981
- 46) *IIRAIRA: Selected Legislative History of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, American Immigration Lawyers Association
- a) *Availability:*
    - i) *Print:* Released 1997. Order from American Immigration Lawyers Association.
- 47) *Immigration and Nationality Acts: Legislative Histories and Related Documents*, William S. Hein, 1987-
- a) The first series (17 vols. plus supplements), edited by Oscar Trelles and James Bailey, covers 1952-1978. The second series (23 vols.), edited by Igor Kavass and Bernard Reams, covers through the Immigration Act of 1990. Select volumes available on HeinOnline
  - b) *Availability:*
    - i) *Online:* select volumes available on HeinOnline
- 48) *Hardship in Immigration Law: How to Prepare a Winning Case in Waiver and Cancellation of Removal Cases*, Nora Privitera
- a) Manual includes legal overview, checklists, charts, worksheets, forms, relevant memos and cases.
  - b) *Availability:*
    - i) *Print:* 13<sup>th</sup> ed. available from Immigrant Legal Resource Center
- 49) *Litigating Immigration Cases in Federal Court*, Robert Pauw
- a) One volume provides practical guidance on federal litigation including jurisdictional issues, review, due process, retroactivity, preparing documents, and sample pleadings.
  - b) *Availability:*

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<sup>124</sup> <http://legalsolutions.thomsonreuters.com/law-products/Treatises/Rights-of-Prisoners-4th/p/100008943> (last accessed 04/30/2016).

i) *Print*: 2013 3<sup>rd</sup> ed. available from AILA Agora bookstore.

50) *Ethics Manual*, U.S. DOJ, EOIR

- a) Applies to members of the BIA and Administrative Law Judges employed by EOIR. An annotated version of the Standards of Conduct for Executive Branch Employees
- b) *Availability*:
- i) *Online*: available on the EOIR website.<sup>125</sup>

51) *Immigration Court Practice Manual*, U.S. DOJ, EOIR

- a) Updated February 29, 2016. In 2006, the Director of the EOIR was instructed by the Attorney General to create an Immigration Court Practice Manual, in consultation with the immigration judges, providing uniform Immigration Court procedures, recommendations, and requirements. As of 2008, this Manual replaced local immigration court procedures.
- b) *Availability*:
- i) *Online*: available on EOIR website.<sup>126</sup>

52) *Federal Habeas Corpus, Practice & Procedure, 7<sup>th</sup> Edition*, Randy Hertz & James S. Liebman

- a) Two-volume loose-leaf treatise set consisting of practical advice and analysis of U.S. Supreme Court cases.
- b) *Availability*:
- i) *Print*: available from LexisNexis.<sup>127</sup>
- ii) *Online*: Possibly available online at LexisNexis (depending on the subscription).

53) *Federal Civil Judicial Procedure and Rules*, Thomson Reuters/West

- a) Allows you to quickly and easily check exact rules, make an objection, and appropriately respond to an opponent's objection.
- b) *Availability*:
- i) *Print*: available from Thomson Reuters.<sup>128</sup>
- ii) *Online*: Possibly available online at Westlaw (depending on the subscription).

54) *Federal Criminal Laws and Rules*, LexisNexis Law Enforcement

- a) Covers all the federal criminal laws and court rules contained in the United States Code Service. Contents include selected provisions of the U.S. Constitution, Title 18 (Crimes), and selected statutes from 12 other titles of the USCS. Also included are all the critical forms necessary for a federal crimes case.
- b) *Availability*:
- i) *Print*: available from LexisNexis.<sup>129</sup>
- ii) *Online*: Possibly available online at LexisNexis (depending on the subscription).

<sup>125</sup> <http://www.justice.gov/eoir/statspub/handbook.pdf> (last accessed May 19, 2016).

<sup>126</sup> [http://www.justice.gov/eoir/vll/OCIJPracManual/ocij\\_page1.htm](http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm) (last accessed May 19, 2016)

<sup>127</sup> <http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&prodId=7228#> (last accessed 04/30/2016).

<sup>128</sup> <http://legalsolutions.thomsonreuters.com/law-products/Court-Rules/Federal-Civil-Judicial-Procedure-and-Rules-2016-ed/p/102128555> (last accessed 04/30/2016).

<sup>129</sup>

<http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&prodId=prod-us-bundle-22463-epub> (last accessed 04/30/2016)

55) *Criminal Procedure (Hornbook)*, LaFave, Israel, and King

- a) Analyzes the law governing all major steps in the criminal justice process, beginning with investigation and ending with post-appeal collateral attacks. All major themes are covered, with emphasis upon those basic issues deemed most significant in the case law and literature. Because of their special importance, leading Supreme Court opinions are given in-depth treatment.
- b) *Availability*:
  - i) *Print*: available from West Academic.

56) *Legal Research in a Nutshell (11<sup>th</sup> Edition)*, Kent Olson

- a) This comprehensive but succinct guide covers major Internet resources as well as online databases and library materials, with almost a hundred illustrations of print and online sources.
- b) *Availability*:
  - i) *Print*: paperback volume available from West Academic.

57) *Black's Law Dictionary, 10<sup>th</sup> Edition 2014*, Thomson West

- a) The most authoritative, comprehensive law dictionary.
- b) *Availability*:
  - i) *Print*: available from Thomson West
  - ii) *Online*: May be available on Westlaw (depending on the subscription).

58) *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 20<sup>th</sup> ed. 2015), Columbia Law Review Ass'n et al. eds.

- a) Uniform system of legal citation
- b) *Availability*:
  - i) *Print*: 20<sup>th</sup> edition, 2015.

APPENDIX C. WEB RESOURCES<sup>130</sup>

|   |  |
|---|--|
| <b><i>Legal Research</i></b>                                | <ul style="list-style-type: none"> <li>▪ <a href="#">Cornell Legal Information Institute: Basics of Legal Research</a></li> <li>▪ <a href="#">Federal Statutes: What Are They and Where to Find Them</a></li> <li>▪ <a href="#">USCIS Immigration and Naturalization Laws and Regulations</a></li> <li>▪ <a href="#">DOL Law Library - Immigration Collection</a></li> <li>▪ <a href="#">House Internet Law Library</a> (United States Code (USC))</li> <li>▪ <a href="#">U.S. Public and Private Laws</a></li> <li>▪ <a href="#">INA/USC Conversion Table</a></li> <li>▪ <a href="#">Federal Register</a></li> <li>▪ <a href="#">Code of Federal Regulations</a> (CFR)</li> <li>▪ <a href="#">Regulations.gov</a></li> <li>▪ <a href="#">Fedworld Information Network</a></li> <li>▪ <a href="#">Government Printing Office (GPO)</a></li> <li>▪ <a href="#">Google Scholar</a></li> <li>▪ <a href="#">Westlaw</a> (optional)<sup>131</sup></li> <li>▪ <a href="#">LexisNexis</a> (optional)<sup>132</sup></li> </ul> |
| <b><i>Policy Research</i></b>                               | <ul style="list-style-type: none"> <li>▪ <a href="#">American Immigration Council's Immigration Policy Center</a></li> <li>▪ <a href="#">Migration Policy Institute</a></li> <li>▪ <a href="#">Brookings Institution</a></li> <li>▪ <a href="#">Syracuse University Transactional Records Access Clearinghouse (TRAC)</a></li> <li>▪ <a href="#">RAND</a></li> <li>▪ <a href="#">The Urban Institute</a></li> <li>▪ <a href="#">University of California Migration Dialogue</a></li> </ul>   |
| <b><i>Executive Agencies:<br/>Department of Justice</i></b> | <ul style="list-style-type: none"> <li>▪ <a href="#">Immigration Court Contact Information</a></li> <li>▪ <a href="#">BIA Members</a></li> <li>▪ <a href="#">Office of Special Counsel for Unfair Immigration-Related Employment Practices (Civil Rights Division)</a></li> <li>▪ <a href="#">Executive Office for Immigration Review (EOIR)</a> <ul style="list-style-type: none"> <li>➤ <a href="#">EOIR Forms</a></li> <li>➤ <a href="#">EOIR Virtual Law Library</a></li> <li>➤ <a href="#">Attorney General and BIA Precedent Decisions</a></li> <li>➤ <a href="#">Operating Policies and Procedures Memoranda (OPPMs)</a></li> <li>➤ <a href="#">Uniform Docketing System Manual</a></li> </ul> </li> </ul>  |

<sup>130</sup> This list was compiled with the assistance of a list already prepared by the American Immigration Lawyers Association. AILA DOC. No. 05030199 (Jan. 26, 2016), <http://www.aila.org/infonet/web-resources>

<sup>131</sup> Subscriptions to commercial legal research databases, such as Westlaw, are becoming more and more cost prohibitive, particularly for public and government law libraries. With the advancement of free legal research materials online, subscriptions to commercial legal research may one day become fully optional. Until that day arrives, my recommendation is that at least one public access subscription to Westlaw be purchased for each law library, with one computer terminal having access to the database with a two-hour per patron limit for each day.

<sup>132</sup> Subscriptions to commercial legal research databases, such as LexisNexis, are becoming more and more cost prohibitive, particularly for public and government law libraries. With the advancement of free legal research materials online, subscriptions to commercial legal research may one day become fully optional. Until that day arrives, my recommendation is that at least one public access subscription to LexisNexis be purchased for each law library, with one computer terminal having access to the database with a two-hour per patron limit for each day.

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|  | <ul style="list-style-type: none"> <li>➤ <a href="#">OCAHO Decision Index</a></li> <li>➤ <a href="#">Office of Immigration Litigation Bulletin</a></li> </ul>  |
| <i>Executive Agencies:<br/>Department of Homeland Security</i> | <ul style="list-style-type: none"> <li>▪ <a href="#">CIS Ombudsman</a></li> <li>▪ <a href="#">DHS FOIA Contact Information by Agency</a></li> <li>▪ <a href="#">Immigration Statistics</a></li> <li>▪ <a href="#">U.S. Citizenship and Immigration Services (USCIS)</a> <ul style="list-style-type: none"> <li>➤ <a href="#">Find a USCIS Office</a></li> <li>➤ <a href="#">USCIS Case Status Online</a></li> <li>➤ <a href="#">USCIS Forms</a></li> <li>➤ <a href="#">USCIS Processing Time Reports</a></li> <li>➤ <a href="#">USCIS International Immigration Offices</a></li> <li>➤ <a href="#">Adjudicator's Field Manual</a></li> <li>➤ <a href="#">USCIS Policy Memoranda</a></li> <li>➤ <a href="#">USCIS Policy Manual</a></li> <li>➤ <a href="#">AAO Non-Precedent Decisions</a></li> <li>➤ <a href="#">AAO Precedent Decisions</a></li> <li>➤ <a href="#">USCIS Asylum Resources</a></li> <li>➤ <a href="#">USCIS Immigrant Investor Regional Centers</a></li> </ul> </li> <li>▪ <a href="#">U.S. Customs and Border Protection (CBP)</a> <ul style="list-style-type: none"> <li>➤ <a href="#">CBP Organizational Chart</a></li> <li>➤ <a href="#">CBP Contact Information</a></li> <li>➤ <a href="#">CBP Headquarters Contact Information</a></li> <li>➤ <a href="#">CBP Locate a Port of Entry</a></li> <li>➤ <a href="#">CBP Preclearance Locations</a></li> <li>➤ <a href="#">CBP FOIA</a></li> <li>➤ <a href="#">Electronic System for Travel Authorization</a></li> <li>➤ <a href="#">Trusted Traveler Programs</a></li> </ul> </li> <li>▪ <a href="#">Immigration and Customs Enforcement (ICE)</a> <ul style="list-style-type: none"> <li>➤ <a href="#">ICE Enforcement and Removal Operations</a></li> <li>➤ <a href="#">ICE Field Offices</a></li> <li>➤ <a href="#">ICE Homeland Security Investigation Principal Field Offices</a></li> <li>➤ <a href="#">ICE Principal Legal Advisors Office</a></li> <li>➤ <a href="#">Students and Exchange Visitor Program (SEVP)</a></li> <li>➤ <a href="#">ICE Detention Facility Locator</a></li> </ul> </li> </ul> |
| <i>Executive Agencies:<br/>Department of Labor</i>             | <ul style="list-style-type: none"> <li>▪ <a href="#">DOL Application Filing Websites</a> <ul style="list-style-type: none"> <li>➤ <a href="#">iCERT Visa Portal System</a></li> <li>➤ <a href="#">Permanent (PERM) Online System</a></li> </ul> </li> <li>▪ <a href="#">Office of Administrative Law Judges</a></li> <li>▪ <a href="#">Employment and Training Administration</a> <ul style="list-style-type: none"> <li>➤ <a href="#">Office of Foreign Labor Certification</a> <ul style="list-style-type: none"> <li>▪ <a href="#">Online Wage Library</a></li> <li>▪ <a href="#">ETA Organizational Chart</a></li> <li>▪ <a href="#">ETA Regional Offices</a></li> <li>▪ <a href="#">Foreign Labor Certification Contact Information</a></li> <li>▪ <a href="#">OFLC Performance Data Online Resource Page</a></li> </ul> </li> </ul> </li> <li>▪ <a href="#">Other DOL Information and Tools</a></li> </ul>   |

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|   | <ul style="list-style-type: none"> <li>➤ <a href="#">DOL Organizational Chart</a></li> <li>➤ <a href="#">BALCA En Banc Decisions</a></li> <li>➤ <a href="#">Occupational Employment Statistics</a> <ul style="list-style-type: none"> <li>▪ <a href="#">O*Net Online</a></li> <li>▪ <a href="#">Dictionary of Occupational Titles</a></li> <li>▪ <a href="#">Occupational Outlook Handbook</a></li> </ul> </li> </ul>  |
| <b><i>Executive Agencies:<br/>Department of State</i></b> | <ul style="list-style-type: none"> <li>▪ <a href="#">DOS Organizational Chart</a></li> <li>▪ <a href="#">DOS Telephone Directory</a></li> <li>▪ <a href="#">DOS Key Officers Telephone Directory</a></li> <li>▪ <a href="#">DOS Organizational Telephone Directory</a></li> <li>▪ <a href="#">DOS List of Websites for U.S. Embassies, Consulates &amp; Diplomatic Missions</a></li> <li>▪ <a href="#">Bureau of Consular Affairs</a></li> <li>▪ <a href="#">Visa Bulletin</a></li> <li>▪ <a href="#">Visa Reciprocity Tables</a></li> <li>▪ <a href="#">Country Reports on Human Rights Practices</a></li> <li>▪ <a href="#">Foreign Affairs Manual</a></li> <li>▪ <a href="#">Find a J-1 Program Sponsor</a></li> <li>▪ <a href="#">J-1 Waiver Review Division Case Tracking</a></li> <li>▪ <a href="#">DOS Forms</a></li> <li>▪ <a href="#">DOS Visa Status Check</a></li> <li>▪ <a href="#">Visa Wait Times</a></li> <li>▪ <a href="#">List of Designated Foreign Terrorist Organizations</a></li> <li>▪ <a href="#">Intercountry Adoptions</a></li> <li>▪ <a href="#">DOS Adoption Alerts and Notices</a></li> <li>▪ <a href="#">Bureau of Educational and Cultural Affairs Exchanges Programs</a></li> </ul> |
| <b><i>Legislative Research</i></b>                        | <ul style="list-style-type: none"> <li>▪ <a href="#">U.S. House of Representatives</a></li> <li>▪ <a href="#">House Internet Law Library</a></li> <li>▪ <a href="#">U.S. Senate</a></li> <li>▪ <a href="#">Thomas (Library of Congress)</a></li> <li>▪ <a href="#">National Conference of State Legislatures</a> <ul style="list-style-type: none"> <li>➤ <a href="#">Immigration</a></li> </ul> </li> </ul>   |
| <b><i>Judicial Research</i></b>                           | <ul style="list-style-type: none"> <li>▪ <a href="#">Supreme Court Decisions</a> <ul style="list-style-type: none"> <li>➤ <a href="#">Cornell Legal Information Institute</a></li> <li>➤ <a href="#">FindLaw.Com's Supreme Court Page</a></li> </ul> </li> <li>▪ <a href="#">Federal Judicial Center</a></li> <li>▪ <a href="#">U.S. Courts of Appeals &amp; District Courts</a> <ul style="list-style-type: none"> <li>➤ <a href="#">First Circuit</a> [Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island]</li> <li>➤ <a href="#">Second Circuit</a> [Connecticut, New York, Vermont]</li> <li>➤ <a href="#">Third Circuit</a> [Delaware, New Jersey, Pennsylvania, Virgin Islands]</li> <li>➤ <a href="#">Fourth Circuit</a> [Maryland, North Carolina, South Carolina, Virginia, West Virginia]</li> <li>➤ <a href="#">Fifth Circuit</a> [Louisiana, Mississippi, Texas]</li> <li>➤ <a href="#">Sixth Circuit</a> [Kentucky, Michigan, Ohio, Tennessee]</li> <li>➤ <a href="#">Seventh Circuit</a> [Illinois, Indiana, Wisconsin]</li> </ul> </li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>➤ <a href="#">Eighth Circuit</a> [Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota]</li> <li>➤ <a href="#">Ninth Circuit</a> [Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, Washington] <ul style="list-style-type: none"> <li>▪ <a href="#">Ninth Circuit Immigration Outline</a></li> </ul> </li> <li>➤ <a href="#">Tenth Circuit</a> [Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming]</li> <li>➤ <a href="#">Eleventh Circuit</a> [Alabama, Florida, Georgia]</li> <li>➤ <a href="#">District of Columbia Circuit</a></li> <li>➤ <a href="#">Federal Circuit</a></li> <li>▪ State Courts <ul style="list-style-type: none"> <li>➤ <a href="#">National Center for State Courts</a> <ul style="list-style-type: none"> <li>▪ <a href="#">State Court Websites</a></li> </ul> </li> </ul> </li> </ul>   |
| <b><i>Human Rights, Civil Rights, and Refugees</i></b> | <ul style="list-style-type: none"> <li>▪ <a href="#">American Civil Liberties Union (ACLU)</a> <ul style="list-style-type: none"> <li>➤ <a href="#">Immigration</a></li> </ul> </li> <li>▪ <a href="#">Anti-Defamation League</a></li> <li>▪ <a href="#">Amnesty International</a></li> <li>▪ <a href="#">DIANA - International Human Rights Database</a></li> <li>▪ <a href="#">Center for World Indigenous Studies Library</a></li> <li>▪ <a href="#">UNDP Human Development Reports</a></li> <li>▪ <a href="#">Human Rights Watch</a></li> <li>▪ <a href="#">Human Rights First</a></li> <li>▪ <a href="#">Physicians for Human Rights</a></li> <li>▪ <a href="#">Southern Poverty Law Center</a></li> <li>▪ <a href="#">United Nations High Commissioner for Refugees (UNHCR)</a></li> <li>▪ <a href="#">Vera Institute of Justice</a></li> <li>▪ <a href="#">Freedom House Country Reports</a></li> <li>▪ <a href="#">DOS Report on International Religious Freedom</a></li> <li>▪ <a href="#">DOS Report on Human Rights</a></li> <li>▪ <a href="#">University of Michigan Refugee Case Law Search</a></li> <li>▪ <a href="#">Refworld, the Leader in Refugee Decision Support</a></li> <li>▪ <a href="#">DWN Detention Center Map</a></li> <li>▪ <a href="#">U.C. Hastings Center for Gender and Refugee Studies</a></li> <li>▪ <a href="#">Office of Refugee Resettlement</a></li> </ul> |
| <b><i>Children's Issues</i></b>                        | <ul style="list-style-type: none"> <li>▪ <a href="#">ABA Center on Children and the Law</a></li> <li>▪ <a href="#">U.S. Committee For Refugees and Immigrants Immigrant Children's Legal Program (ICLP)</a></li> </ul>   |
| <b><i>Immigration Related Organizations</i></b>        | <ul style="list-style-type: none"> <li>▪ <a href="#">Catholic Legal Immigration Network</a></li> <li>▪ <a href="#">Detention Watch Network</a></li> <li>▪ <a href="#">Hebrew Immigrant Aid Society</a></li> <li>▪ <a href="#">Immigration Legal Resource Center (ILRC)</a></li> <li>▪ <a href="#">National Immigration Forum</a></li> <li>▪ <a href="#">NAFSA: Association of International Educators</a></li> <li>▪ <a href="#">National Immigration Law Center (NILC)</a></li> <li>▪ <a href="#">National Immigrant Justice Center</a></li> <li>▪ <a href="#">National Immigration Project</a></li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>▪ <a href="#">National Network for Immigrant and Refugee Rights (NNIRR)</a></li> <li>▪ <a href="#">Northwest Immigrant Rights Project (NWIRP)</a></li> <li>▪ <a href="#">National Network for Immigrant and Refugee Rights</a></li> <li>▪ <a href="#">New York State Defenders Association (NYSDA) Criminal Defense</a></li> <li>▪ <a href="#">Immigration Advocates Network</a></li> <li>▪ <a href="#">U.S. Committee for Refugees and Immigrants</a></li> </ul> |
| <b><i>International</i></b>                        | <ul style="list-style-type: none"> <li>▪ <a href="#">Embassies</a></li> <li>▪ <a href="#">Foreign Consulates in the U.S.</a></li> </ul>  |
| <b><i>Pro Bono</i></b>                             | <ul style="list-style-type: none"> <li>▪ <a href="#">ABA Commission on Immigration Policy, Practice, and Pro Bono</a></li> <li>▪ <a href="#">ImmigrationLawHelp.org</a></li> <li>▪ <a href="#">EOIR Office of Legal Access Programs</a></li> <li>▪ <a href="#">The Pro Bono Institute</a></li> <li>▪ <a href="#">ProBAR: South Texas Pro Bono Asylum Representation Project</a></li> <li>▪ <a href="#">Probono.net</a></li> </ul>  |
| <b><i>General<br/>Litigation<br/>Resources</i></b> | <ul style="list-style-type: none"> <li>▪ <a href="#">U.S. Courts: Federal Court Basics</a></li> <li>▪ <a href="#">Geographic Boundaries of Federal Courts</a></li> <li>▪ <a href="#">Federal Judicial Center</a></li> <li>▪ <a href="#">The Shriver Center's Federal Practice Manual for Legal Aid Attorneys</a></li> <li>▪ <a href="#">American Immigration Council's Legal Action Center</a></li> </ul>  |

## APPENDIX D. TABLE OF SELECTED ABBREVIATIONS

|       |   |
|-------|---|
| AALL  | American Association of Law Libraries   |
| AAO   | Administrative Appeals Office, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security           |
| ABA   | American Bar Association  |
| AG    | U.S. Attorney General   |
| AILA  | American Immigration Lawyers Association  |
| ATDs  | Alternatives to Detention   |
| BIA   | Board of Immigration Appeals, Executive Office for Immigration Review, U.S. Department of Justice                       |
| CBP   | U.S. Customs and Border Protection, U.S. Department of Homeland Security  |
| DHS   | U.S. Department of Homeland Security  |
| DOJ   | U.S. Department of Justice  |
| DOS   | U.S. Department of State  |
| EOIR  | Executive Office for Immigration Review, U.S. Department of Justice   |
| FOIA  | Freedom of Information Act  |
| FY    | Fiscal Year   |
| GPO   | U.S. Government Publishing Office   |
| ICE   | U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security  |
| IGSA  | Intergovernmental Service Agreements  |
| INS   | U.S. Immigration and Naturalization Service, U.S. Department of Justice (abolished in March 2003)                       |
| NDS   | National Detention Standards  |
| NLG   | National Lawyers Guild  |
| OCAHO | Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, U.S. Department of Justice |
| OIL   | Office of Immigration Litigation, U.S. Department of Justice, Civil Division  |
| PBNDs | Performance-Based National Detention Standards  |

|       |   |
|-------|---|
| USCIS | U.S. Citizenship and Immigration Services |
| VAWA  | Violence Against Women Act                |