

## **Louisiana and the Growing Crisis in Immigrant Representation**

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Across the country, bar associations, judges, non-profit legal providers, faith communities, government officials and other stakeholders are struggling to address the gaps in legal representation facing immigrants and asylum seekers. Multiple statistical studies have confirmed that legal representation is a critical factor in whether an individual is successful or not in their immigration or asylum proceedings. But roughly half of those in immigration court proceedings are unrepresented, and representation rates fall far lower for those held in immigration detention. The federal government does not fund representation in immigration proceedings, except in very limited circumstances. Non-profit legal service providers are overwhelmed and do not have the resources to meet the representation needs of indigent asylum seekers and immigrants.

These challenges are particularly acute in Louisiana, where the immigrant population has grown markedly in the years since Hurricane Katrina. The state is also home to several large immigration detention facilities, located far from urban centers where non-profit legal organizations or pro bono attorneys might potentially be recruited. The representation rates for immigrants held at these facilities fall below the already low national average.

At the same time, the Gulf Coast region has dealt with several calamities over the last decade, starting with Hurricane Katrina in 2005, and then followed by Hurricanes Rita, Gustav and Ike, and then finally, the devastating BP oil spill of 2010. These destructive events have strained local resources and created a demand for indigent legal representation on a variety of social welfare issues including reconstruction fraud, family law matters, oil spill claims, and homelessness. Louisiana's legal community, largely based in New Orleans and Baton Rouge, generously stepped up and offered its assistance when possible, though the indigent legal needs have always far exceeded the capacity of donated efforts. Much of the focus on civil legal services has been devoted to these important causes over the last decade, while the immigration legal needs have largely gone unnoticed and underserved.

As bar associations, judges, legal services organizations and other stakeholders struggle to address these challenges, they must first have a clear sense of the particular immigration representation needs. This

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paper presents an overview of some of the representation gaps facing immigrants in Louisiana. It is a preliminary review, based on some statistical information and on discussions and interviews with lawyers, government officials, community-based organizations and faith groups. This overview is intended to facilitate discussions at the March 28, 2014 symposium entitled *Left Out in Louisiana: Addressing the Crisis in Immigration Representation*.

### **The National Backdrop and Challenge**

Across the United States, many immigrants who are in immigration court removal proceedings (commonly known as deportation proceedings) are often unrepresented, usually because they cannot afford competent counsel, there is no local pro bono counsel available, or they cannot access a lawyer due to being held in a remote detention facility. Nationally, approximately 56% of all immigrants are represented in their immigration court proceedings, though for detained immigrants, a mere 16% have representation.<sup>2</sup> While government-funded counsel is provided to defendants in the criminal justice system, the U.S. government generally does not fund legal representation in immigration proceedings, as discussed below.<sup>3</sup> This means that immigrant respondents, including those with legitimate claims to relief or lawful immigration status, are often appearing *pro se*. They are left to navigate the complex U.S. immigration law system on their own.

Many of these respondents are facing an uphill battle as they try to comprehend court procedures they don't understand, make sense of legal statutes in a language that is not their native tongue, or litigate their case on their own against trained government attorneys. Some of these respondents will fall victim to incompetent paid attorneys or worse, scrupulous non-attorneys that present themselves as being trained in the law (commonly referred to as "notarios") that are in fact engaged in the unauthorized practice of law.

The stakes are very high for immigrants who are appearing *pro se* in immigration court proceedings. They could be removed to a home country where they may face persecution or permanent separation from U.S.-based family members. As detailed below, multiple statistical studies have confirmed that asylum seekers who are represented are more likely to receive a grant of immigration status or some other relief from

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<sup>2</sup> American Bar Association Commission on Immigration, *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency and Professionalism in the Adjudication of Removal Cases*, Executive Summary (Feb. 2010), available at: [http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration\\_reform\\_executive\\_summary\\_012510.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration_reform_executive_summary_012510.authcheckdam.pdf)

<sup>3</sup> There is a growing recognition of the need for government funded counsel, particularly in cases involving vulnerable individuals. In the April 2013 decision in *Franco-Gonzalez v Holder* (C.D. Cal. Apr. 24, 2013), a district court judge ordered the federal government to provide counsel to detained immigrants with mental disabilities if they are facing deportation. Just prior to the decision, the Departments of Justice and Homeland Security announced they would issue nationwide policies providing protections for individuals with serious mental disorders. More *Franco* materials available at AIC Legal Action Center: <http://www.legalactioncenter.org/litigation/relevant-decisions>. The bipartisan Senate immigration bill, S. 744, also contained provisions that, if passed, would allow for appointed counsel for certain vulnerable populations.

removal as compared to those who go through these proceedings without counsel.<sup>4</sup> Recently, Chief Judge Robert A. Katzmann, of the U.S. Court of Appeals for the Second Circuit, testified before the New York City Council Oversight Hearing on the topic of deportation proceedings. He remarked, “In all too many cases, I had the feeling that if only the immigrant had competent counsel at the very beginning of immigration proceedings, where the record is made and the die is cast, the result might have been different, and the noncitizen might have secured relief that would have allowed her to remain in the United States.”<sup>5</sup>

### **Snapshot: Louisiana’s Immigrant Population**

Southern Louisiana’s immigrant population existed long before Hurricane Katrina and was estimated to mostly be made up of Latinos (primarily Hondurans) and Vietnamese. Louisiana Appleseed estimates that 60,000 to 100,000 Latinos lived in this region prior to Hurricane Katrina.<sup>6</sup> However, the reconstruction boom in the storm’s aftermath brought in a new migrant labor population that continues to grow today, and the Latino population alone is now estimated to be closer to 100,000 to 150,000,<sup>7</sup> hailing from various parts of Central America, not just Honduras. These immigrants literally rebuilt New Orleans after the storm. One study reports that Latino workers contributed to making 87% of the households habitable in six parishes around the city after Hurricane Katrina.<sup>8</sup>

The Immigration Policy Center reports that Louisiana was home to 173,778 immigrants in 2011, which is nearly the population of Jackson, Mississippi.<sup>9</sup> Local service providers report that they are seeing a cross-section of nationalities now, including some immigrants and asylum seekers from African, South American and Middle Eastern countries.

### **The Immigration Legal Needs of Louisiana’s Immigrants**

With the growth of Louisiana’s immigrant population in recent years, the need for legal representation in connection with immigration proceedings in the state has become more pressing. As detailed below, there are significant gaps in legal representation for indigent immigrants in Louisiana in a number of types of

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<sup>4</sup> New York Immigrant Representation Study, *Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings* (Dec 2011), page 19. Available at: [http://www.cardozolawreview.com/content/denovo/NYIRS\\_Report.pdf](http://www.cardozolawreview.com/content/denovo/NYIRS_Report.pdf); Jaya Ramji-Nogales, Andrew I. Schoenholtz and Philip G. Schrag, *Refugee Roulette: Disparities in Asylum Adjudication* 60 STAN. L. REV. 295 (2007); Jaya Ramji-Nogales, Andrew I. Schoenholtz and Philip G. Schrag, *Lives in the Balance: Asylum Adjudication by the Department of Homeland Security*, New York: NYU Press 2014.

<sup>5</sup> *Testimony of Robert A. Katzmann, Chief Judge, U.S. Court of Appeals for the Second Circuit, “Examining Models for Providing Legal Services for Immigrants in Deportation Proceedings,”* delivered to the New York City Council Oversight Hearing on February 25, 2014; U.S. Commission on International Religious Freedom, *Report on Asylum Seekers in Expedited Removal, Executive Summary* (Feb. 2005). Available at:

[http://www.uscirf.gov/sites/default/files/resources/stories/pdf/asylum\\_seekers/execsum.pdf](http://www.uscirf.gov/sites/default/files/resources/stories/pdf/asylum_seekers/execsum.pdf)

<sup>6</sup> Louisiana Appleseed, *Immigrant Banking: Reaching the Latino Population in Louisiana*. (2008) Available at:

<http://appleseednetwork.org/wp-content/uploads/2012/05/LA-Appleseed-Immigrant-Banking-Report1.pdf>

<sup>7</sup> Id.

<sup>8</sup> American Immigration Council, Immigration Police Center, *New Americans in Louisiana* (May 2013). Available at:

<http://www.immigrationpolicy.org/just-facts/new-americans-louisiana>

<sup>9</sup> Id.

immigration matters, including: applications for asylum; immigrants eligible for U and T visas (which is a specialized relief for crime and trafficking victims); minor immigrant children that qualify for Special Immigrant Juvenile Status (SIJS); applications for naturalization; representation in immigration court proceedings (including cancellation of removal requests/family unity, asylum, and other forms of relief). There is also, as discussed in the next section of this paper, an acute need for legal representation for immigrants who are held in immigration detention in Louisiana, including representation in custody hearings, in immigration court removal proceedings, and “post-order” representation. These areas were identified through a review of statistical information, and through interviews and discussions with legal experts, non-profit attorneys, representatives of groups that work with immigrant communities, and current and former government officials.

*Representation in Immigration Court in New Orleans.* Currently, there are 5,851 immigration cases pending before the New Orleans Immigration Court.<sup>10</sup> Many of these individuals are unrepresented. In fact, statistics provided by the Executive Office of Immigration Review Headquarters report that in fiscal year 2012, about 50% of the respondents before the New Orleans court did not have representation. At a symposium sponsored by Loyola Law and Human Rights First in November 2012, Judge Wayne Stogner – who was serving as the U.S. immigration judge at the New Orleans immigration court at the time – detailed how lack of representation can slow down cases in immigration courts.<sup>11</sup> Based on interviews and discussions with local legal experts, non-profits and immigration attorneys, indigent immigrants in immigration court proceedings in New Orleans likely need representation in several types of immigration court cases, including asylum, withholding of removal and cancellation of removal.<sup>12</sup> Immigration court proceedings are adversarial proceedings, and the government is represented by an Immigration and Customs Enforcement (ICE) “trial attorney” who acts in many ways as a prosecutor. Multiple studies, as noted above, have confirmed that immigrants and asylum seekers in immigration court proceedings are much more likely to receive relief when they are represented in these proceedings. Yet there is essentially nowhere for indigent immigrants in these immigration court proceedings to turn to secure representation as there is no non-profit attorney funded and thus able to take on cases for representation from the New Orleans immigration court on a full time basis.

*Asylum:* As detailed below, multiple statistical studies have documented the fact that legal representation makes a tremendous difference in whether an individual is granted asylum or not. Asylum is an immigration status through which the United States protects individuals who have fled from persecution or have well-founded fears of persecution in their home countries. These cases often require

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<sup>10</sup> Transactional Records Access Clearinghouse, Immigration Court Backlog Tool, Data as of February 2014.

Available at: [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/)

<sup>11</sup> Human Rights First, *Key Takeaways from the New Orleans Dialogue on Detention*. January 2013. Available at:

[http://www.humanrightsfirst.org/wp-content/uploads/pdf/nola\\_dod\\_fact\\_sheet.pdf](http://www.humanrightsfirst.org/wp-content/uploads/pdf/nola_dod_fact_sheet.pdf)

<sup>12</sup> Cancellation of removal is a form of relief that can prevent the separation of immigrant families if the immigrant qualifies under certain parameters, depending on whether they already have or don't have, legal permanent residency. The eligibility criteria looks at the length of time the immigrant has lived in the United States, significant family ties (U.S. citizen or other legal permanent resident family members) and the resulting hardship to them if the immigrant is deported, good moral character on behalf of the immigrant, and a showing that favorable discretion is merited.

documentation of human rights conditions, political, religious or other activities of the claimant, medical evaluations to confirm effects of torture, and other forms of evidence that are much easier to identify and provide with the help of a lawyer. Lawyers and others who have engaged with refugee communities in Louisiana reported their concern that some individuals who are eligible for asylum are likely not even applying for that relief because of the lack of legal representation in asylum and immigration matters for those who are indigent. The low number of individuals applying for asylum may in part indicate that some individuals who are eligible for asylum are not even aware of this legal relief; or may be aware that there is asylum relief, but may not feel able to apply for it without legal guidance.

In the New Orleans Immigration Court, there were 129 completed asylum cases in fiscal year 2012, though more asylum cases were certainly pending at the time.<sup>13</sup> Only 38 of those 129 asylum cases were granted.<sup>14</sup> For those who are in immigration detention, the Executive Office of Immigration Review (EOIR) reports that there were only 66 asylum cases completed at Oakdale Immigration Court in fiscal year 2012.<sup>15</sup> At the time, the court had an overall docket of over 5,500 completed cases.<sup>16</sup> Of those 66 asylum cases, only 3 were granted or approved for relief.<sup>17</sup> In terms of “affirmative” applications for asylum – those that are filed initially with U.S. Citizenship and Immigration Services (USCIS) rather than with the immigration courts - USCIS data for fiscal year 2013 indicates that only 12 affirmative applications were filed by New Orleans metropolitan-area residents, and of those, only 5 cases had legal representation.<sup>18</sup> The statistics for 2012 are quite similar.<sup>19</sup> Louisiana law school clinic programs and immigration lawyers in the state report that they have seen far more than 12 viable claims during their interview, intake or outreach processes in a one year period, so the low filing statistic reported by USCIS may indeed indicate that eligible individuals are not applying for asylum. One non-profit legal provider reported receiving regular phone calls from asylum seekers in search of legal representation, but the group was not able to take on asylum cases for representation (nor a number of other types of immigration cases) due to lack of funding. Currently, only one law school clinic in New Orleans takes on a few asylum cases a year for indigent asylum seekers. There is no full time non-profit attorney representing asylum seekers in New Orleans. In Baton Rouge, a small number of asylum cases are taken on by the LSU Law School Clinic and by the Catholic Charities office there, but attorneys there report that additional capacity is needed to meet the need.

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<sup>13</sup> Fiscal Year 2012 statistics for New Orleans Immigration Court, provided to Human Rights First by the Executive Office of Immigration Review in February 2013 as analyzed by Human Rights First. On file with author.

<sup>14</sup> Id.

<sup>15</sup> Fiscal Year 2012 statistics for Oakdale Immigration Court, provided to Human Rights First by the Executive Office of Immigration Review in February 2013 as analyzed by Human Rights First. On file with author.

<sup>16</sup> Transactional Records Access Clearinghouse, Immigration Court Processing Time by Outcome, Data as of February 2014. Available at:

[http://trac.syr.edu/phptools/immigration/court\\_backlog/court\\_proctime\\_outcome.php](http://trac.syr.edu/phptools/immigration/court_backlog/court_proctime_outcome.php)

<sup>17</sup> Fiscal Year 2012 statistics for Oakdale Immigration Court, provided to Human Rights First by the Executive Office of Immigration Review in February 2013 as analyzed by Human Rights First. On file with author.

<sup>18</sup> Fiscal Year 2013 statistics for New Orleans metropolitan-area asylum filings, provided to Human Rights First by U.S. Citizenship & Immigration Services Headquarters as analyzed by Human Rights First, in October 2013. On file with author.

<sup>19</sup> Id.



*Immigrant Children.* Another representation gap reported by immigration lawyers in Louisiana is the representation of minor immigrant children who may be eligible for Special Immigrant Juvenile Status (SIJS) status, which is a special immigration status available to children under age 18 who have been found by a court to have been abused, abandoned or neglected by their parents or guardians. Unlike in some other cities, there is no non-profit organization in New Orleans or in Baton Rouge that is solely focused on offering this particular kind of specialized legal representation for children. Legal clinics and one legal provider take on at most a few of these cases each year. Local immigration lawyers report that this is a significant representation gap in both New Orleans and Baton Rouge, and potentially elsewhere in the state as well. LSU Law Clinic, based in Baton Rouge, reports that it has been inundated with SIJS claims and it can only take up to two of these cases a year.

*Immigrant Victims of Crime:* Pro bono immigration representation is also needed for immigrant victims in Louisiana, specifically for women and men who qualify for U non-immigrant visa status. U.S. immigration law provides these special visas for individuals who are victims of crime and who cooperate with law enforcement officials. Legal representation is essential in these cases because it involves the collection, analysis and presentation of evidence in order to prove eligibility and it involves working with the victim to obtain a detailed description of his/her victimization. Since many victims are understandably traumatized and emotionally vulnerable after a crime, having representation is essential to securing this specialized form of relief, because the attorney is able to navigate the system for the client and clearly present all elements of the case in order to secure the necessary relief. Catholic Charities of New Orleans offers representation on these matters through their special project at the New Orleans Family Justice Center. Despite having some funding to have one attorney provide this legal representation to eligible indigent immigrants, they still have a waiting list of U-visa applicants that can last several weeks to a few months, depending on their caseload. There are currently 81 immigrant clients (survivors of battery, cruelty or another crime) on Catholic Charities' wait list at the New Orleans Family Justice Center.<sup>20</sup> Delays in securing U visa representation can be harmful for clients because there are a limited number of these special visas available every year;<sup>21</sup> securing evidence and attesting statements about the crime can prove more difficult to do as time goes by and the case files are closed; and also, the client may be facing removal from the country and may not know or be able to petition for this form of relief in time before his/her deportation is ordered.

*Citizenship Applications.* With the support of federal funding, a new project was launched at Catholic Charities of New Orleans in October of 2013 to help provide legal representation to individuals who are currently eligible for U.S. citizenship. This naturalization project is allowing Catholic Charities to offer English language and civics classes to citizenship applicants, as well as legal representation on the naturalization application for low income immigrants that qualify for naturalization. As part of this funding, Catholic Charities has trained 27 local attorneys as well as over 35 community volunteers on naturalization law so they can assist clients pro bono during Citizenship Application Workshops, which are being held periodically. At their most recent workshop in March of 2014, approximately 200

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<sup>20</sup> Information provided to Human Rights First by Catholic Charities of New Orleans.

<sup>21</sup> By statute, USCIS is only allowed to approve 10,000 U visa applications per year. Since 2008, the statutory maximum cap has been met every year before the end of the fiscal year (which is the end of September).

interested citizenship applicants showed up to register up for ESL classes, receive a basic naturalization eligibility screening and access pro bono representation on applications for naturalization. This project is helping to address a long-standing gap in legal representation on naturalization matters in the greater New Orleans area. However, local providers report that a gap still exists, even with this new project, and unfortunately this particular stream of federal funding is only for a 2-year period. When it ends in 2015, the pro bono capacity that has been built up in the area of naturalization representation will disappear if Catholic Charities is not able to secure another source of sustainable funding.

*BIA Appeals and the U.S. Court of Appeals.* Immigration court decisions, including those relating to asylum, can be appealed to the Board of Immigration Appeals (BIA), an appellate board that is part of the Department of Justice's Executive Office for Immigration Review (EOIR). The BIA Pro Bono Project, coordinated by the Catholic Legal Immigration Network Inc., regularly sees in its screening process cases of indigent immigrants in Louisiana, including many who are detained in the state, seeking representation on their appeals. In both Louisiana and nationally, immigration cases also need representation in the federal courts. For instance, when the BIA denies asylum, an asylum seeker can generally file a Petition for Review before the U.S. Court of Appeals. In Louisiana, those petitions go before the Court of Appeals for the Fifth Circuit. Most non-profit legal service providers do not have the capacity to take on federal court litigation. As a result of this gap in representation, some immigrants go unrepresented before the federal courts of appeals and some do not even file petitions for review, even when they have strong grounds for appeal.<sup>22</sup>

*Current Capacity for Legal Representation.* There is a very small number of attorneys at not-for-profit organizations that struggle to serve some portion of the representation needs of Louisiana's immigrants. These individuals are incredibly dedicated and inspiring in their commitment, but they are overstretched. These organizations do not have the staffing and resources needed to address all of the needs for representation for indigent individuals on immigration matters throughout the state. One of these attorneys is based in New Orleans at the Family Justice Center (the position is funded by the New Orleans Catholic Charities office) and she conducts representation for immigrants on crime victim cases (U visa and VAWA applications predominantly). The Catholic Charities in Baton Rouge has three attorneys on staff, but they dedicate 2.0 FTE (full time employee hours) toward operating the Legal Orientation Program that is offered weekly at a detention center located in Jena, LA which is a 3-hour one way drive from their office. These government-funded legal information presentations are important and can help identify individuals in need of legal representation, but they do not constitute representation. The Catholic Charities Office in Baton Rouge reports that it handled 167 cases in the year 2013, and that about 10% of those cases were in immigration court.<sup>23</sup> The majority of their caseload consists of family-based reunification petitions, VAWA, U visas and Deferred Action applications for immigrant youth.<sup>24</sup> In

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<sup>22</sup> John R.B. Palmer, *The Nature and Causes of the Immigration Surge in the Federal Courts of Appeals: A Preliminary Analysis*, 51 N.Y.L. SCH. L. REV. 13, 14 (2006).

<sup>23</sup> Information provided to Human Rights First by Corina Salazar, Director of Refugee & Immigration Services at Catholic Charities of the Diocese of Baton Rouge.

<sup>24</sup> Deferred Action is formally called Deferred Action for Childhood Arrivals (DACA). Individuals who meet certain guidelines may request a deferral of action on their removal case, through an application that they file with USCIS. If granted, it will allow them a 2-year deferral on their removal case as well as employment authorization.

addition, two law school clinics each take on several immigration cases a year. While law school clinics are important for their education of law students and for building a new generation of lawyers interested in serving indigent populations, they are able to take on only a very small number of cases for representation each semester.

*Quality Legal Representation.* As noted above, one significant challenge in the immigration field is the fact that immigrants are sometimes exploited by non-lawyers and inexperienced lawyers who take their money but then provide poor quality or ineffective representation. Some of these non-lawyers are referred to as “notarios” and unscrupulous attorneys or notarios often pop up in areas of the country where there is a dearth of legal services for immigrants, which makes it easy for them to prey on unwitting clients. While the local legal service providers don’t report a huge notario fraud problem in Louisiana, there is a concern that this could become an increasing problem as Louisiana’s immigrant population continues to grow.

### **A Closer Look at the Immigration Detention Representation Gap**

Statistical data and interviews with immigration lawyers as well as former and current government officials, all confirm that there is a very significant gap in legal representation of immigrants held in immigration detention in Louisiana. As detailed below, these representation needs fall into several areas, including representation in custody hearings, in immigration court removal proceedings, and “post-order” representation.

Every day the United States detains approximately 34,000 immigrants in immigration detention facilities across the country, often in remote locations far from a detainee’s family members and community, as well as from legal service providers or lawyers. In recent years, the United States has detained well more than 400,000 individuals in immigration detention over the course of each year. The representation challenges presented in immigration detention are particularly acute in Louisiana. The state is home to several large facilities used for immigration detention and all of these facilities are located hours away from major cities. U.S. immigration authorities currently utilize approximately 1,670 detention beds in Louisiana, meaning that several thousand immigrants are cycled through those facilities in any given year.<sup>25</sup> The main detention facilities utilized by U.S. Immigration & Customs Enforcement (ICE) are:

- Tensas Parish Detention Center, a 350 bed facility (that usually operates with a maximum daily immigrant detainee population of 100), located in Waterproof, LA (4.5 hour drive from New Orleans),
- LaSalle Parish Detention Center, a 1170 bed facility, located in Jena, LA (5 hour drive from New Orleans)

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<sup>25</sup> The number of beds varies as some of these facilities hold both ICE immigrant detainees and also a corrections population. According to local legal service providers, the following facilities hold: LaSalle Detention Facility in Jena, LA (1170); South Louisiana Detention Center in Basile, LA (800 beds, but average daily population is closer to 400); Waterproof County Jail in Waterproof, LA (350, but average daily population is closer to 100). Adding up the daily population numbers brings the approximate total to 1,670.



- South Louisiana Detention Center, an 800 bed facility (that usually operates with a maximum daily immigrant detainee population of 350-400), located in Basile, LA (3.5 hour drive from New Orleans).
- A new unnamed facility, planned to have 400 beds, to be operated by the GEO Group facility, scheduled to open in Alexandria, LA near the airport (3 hour drive from New Orleans) in late 2014. This facility will serve as a 72-hour staging facility for detainees being placed on flights for deportation from the United States.<sup>26</sup>
- ICE had also housed 850 immigrant detainees at the Oakdale Federal Correctional Complex (3.5 hour drive from New Orleans) for many years, but has ceased detaining individuals there since late 2013.

With the new facility opening, the state of Louisiana will have just over 2,000 beds for immigrant detainees by the end of 2014.

The impact of detention on an immigrant or asylum seeker is devastating, and this impact is compounded and exacerbated by the impact that detention has on the ability to obtain competent legal counsel. Access to counsel for immigrants, detained and non-detained, is a nationwide crisis. Across the country, only approximately 20% of the population in immigration detention has a lawyer, and the statistics in Louisiana are particularly dire. The proportion of those in detention with counsel at some stage of their proceedings falls to around 13%.<sup>27</sup> There are currently no non-profit organizations providing full-time legal representation at several of these facilities. The law clinics are sometimes able to take two or three cases each at these facilities for legal representation during the course of an academic year. Catholic Charities in Baton Rouge takes on the largest number of detained cases of any provider in the state, but they report that at most, only 10% of their caseload (or about 16-17 cases per year) are detained clients that are held at the Basile and Jena detention facilities.<sup>28</sup> Based on interviews and discussions with Louisiana lawyers who visit these facilities, as well as with current and former government officials, the individuals held at these detention facilities have a range of potential forms of relief, including in some cases claims to U.S. citizenship, asylum, protection under the Convention Against Torture, cancellation of removal, and withholding of removal. Even immigrants in “post-order” situations sometimes have valid claims for citizenship or other relief from removal.

There is also a significant gap in representation for indigent immigrants in connection with their immigration court custody hearings – known as “bond hearings.” Through these hearings, some eligible detained immigrants can seek release from detention, typically through payment of a bond. Currently there are no non-profit legal providers who are staffed to have a full-time attorney to represent detained

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<sup>26</sup> The GEO Group, *Press Release: The GEO Group Announces Contract for New 400-Bed Immigration Transfer Center in Louisiana* (Sept. 9, 2013).

<sup>27</sup> Lenni B. Benson and Russell R. Wheeler, *Report for the Administrative Conference of the United States: Enhancing Quality and Timeliness in Immigration Removal Adjudication* (June 2012). Available at: <http://www.acus.gov/sites/default/files/documents/Enhancing-Quality-and-Timeliness-in-Immigration-Removal-Adjudication-Final-June-72012.pdf>

<sup>28</sup> Information provided to Human Rights First by Corina Salazar, Director of Refugee & Immigration Services at Catholic Charities of the Diocese of Baton Rouge.

immigrants in connection with these hearings. Immigrants who meet the eligibility criteria and are released as a result of these hearings can then find counsel more easily. Some may travel to join family in other parts of the country, where it may be less difficult to secure counsel. In addition to the lack of attorney staffing to represent these immigrants, another impediment has been the difficulty of securing the commitment from the immigration court to permit “limited appearances” for purposes of bond hearings only.

The detained immigrant docket in Louisiana is largely heard at the Oakdale Immigration Court which is located within the Oakdale Federal Correctional Complex Center, over 3 hours from New Orleans and 2 hours from Baton Rouge. The distance from urban centers, where lawyers are typically located, most likely contributes to the very low representation rate of 13%, much lower than the already low representation rate of around 50% for the non-detained immigration court docket in New Orleans.<sup>29</sup> The Oakdale Immigration Court docket is stark in terms of the sheer numbers coming before the court and the extremely small percentage of cases that have representation. In 2012, Oakdale immigration judges completed 6,542 detained cases.<sup>30</sup> Only 16% of those cases had representation at some point in the process.<sup>31</sup> In 2011, the completed detained docket totaled 9,728 and only 14% had representation.<sup>32</sup> In 2010, the docket totaled 7,668 with only 10% representation.<sup>33</sup>

Many immigrant detainees in Louisiana also do not have access even to legal information presentations. These presentations can provide detainees with a range of basic legal information, including the reasons for their detention, the forms of relief that may be available in general, how to request release on bond, and potential referrals to pro bono counsel (if and when there is actually potential counsel to actually take on cases.) The Department of Justice funds Legal Orientation Presentations (LOPs) at some immigration detention facilities across the country. These presentations have been demonstrated to improve efficiency and be cost-effective. In fact, a 2012 Department of Justice study showed that for those who received LOPs in Fiscal Years 2009-2011, LOP reduced case processing times by an average of 12 days, and time spent in detention by 6 days. The study found that accounting for the cost of providing the services, the net savings to the government were nearly \$18 million.<sup>34</sup> Currently, LaSalle Parish Detention Center in Jena is the only facility in Louisiana that receives weekly visits from a non-profit legal service provider through the federally funded LOP program.<sup>35</sup> Catholic Charities of Baton Rouge currently operates the

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<sup>29</sup> Fiscal Year 2012 statistics for New Orleans Immigration Court and Oakdale Immigration Court, provided to Human Rights First by the Executive Office of Immigration Review, as analyzed by Human Rights First, in February 2013. On file with author.

<sup>30</sup> Id.

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> April 4, 2012 EOIR report transmitted on July 2, 2012 by the Department of Justice to the Chairwoman and Ranking Member of the Senate Committee on Appropriations’ Subcommittee on Commerce, Justice, Science, and Related Agencies.

<sup>35</sup> Catholic Charities of Baton Rouge is the LOP provider at this site and conducts LOP presentations every Monday.

LOP program in Jena, and in 2013 they offered group presentations to 2,000 detainees and follow-up individual orientations to about 900 of those detainees.<sup>36</sup>

The Vera Institute of Justice administers the distribution of LOP funds, and the program is currently being presented at 25 different detention centers across the United States. The programming offers four levels of service: group orientations, individual orientations, self-help workshops and referrals to pro bono attorneys.<sup>37</sup> A limitation of this funding, however, is that an LOP attorney cannot accept cases that come to them through this program. A referral must be made to another legal service provider, which in Louisiana, can be difficult to come by.

There is no LOP program at the Basile facility nor the Waterproof facility, and during the many years it held immigration detainees, there was no LOP program at the Oakdale facility. The South Louisiana Detention Center in Basile currently receives monthly legal information presentations (that are not LOP) by the LSU Law Clinic.<sup>38</sup> In addition, the Loyola Law School Clinic visits the Tensas Parish Detention Center in Waterproof, but those visits have recently been reduced to every other month due to a reduction of resources.<sup>39</sup> These visits are sometimes referred to as “know your rights presentations” (KYR) as they provide individuals with information about their legal options. While these KYR visits are very helpful to the limited number of individuals that these dedicated law clinics can meet during their monthly visit, they are not a substitute for regular funded LOP presentations each week for new arrivals at the facility

### **Consequences of Under-Representation and the Need for Representation**

If unable to secure counsel, immigrants are then forced to navigate a complex set of laws on their own. Most immigrants in detention, especially those without a lawyer, are unable to understand their rights, their legal options for relief, or their potential eligibility for a bond hearing. Instead they remain detained at a national average cost of \$164/day to the U.S. taxpayer. In Louisiana, that daily housing rate is reportedly even cheaper at \$75/day, which has been attributed to the lower costs of both property value and labor rates in the state.<sup>40</sup> Without a lawyer to advise them and file relief applications, they may be deported quickly before even understanding whether or not they had a viable claim.

The consequences of deportation are extreme and inexorable and can mean permanent family separation from U.S. citizen or permanent resident spouses and children and possibly, persecution, torture or death in the case of a would-be asylum-seeker that is removed to a persecutory home country. The impact of representation cannot be underscored enough. The impact of legal representation on outcomes of asylum

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<sup>36</sup> Information provided to Human Rights First by Corina Salazar, Director of Refugee & Immigration Services at Catholic Charities of the Diocese of Baton Rouge.

<sup>37</sup> Vera Institute of Justice, Legal Orientation Program Webpage. Available at: <http://www.vera.org/project/legal-orientation-program>

<sup>38</sup> In 2013, LSU Law Clinic reports that 1,222 immigrant detainees at the Basile facility attended a group “Know Your Rights” presentation. The clinic also conducted 202 individual counseling sessions at the Basile facility in 2013.

<sup>39</sup> Information provided in March of 2014 by Loyola New Orleans College of Law’s Immigration Clinic. In 2013, approximately 500 immigrant detainees at the Tensas facility attended “Know Your Rights” presentations provided by the Loyola clinic.

<sup>40</sup> Information provided by Professor Hiroko Kusuda of Loyola New Orleans College of Law’s Immigration Clinic.

and immigration cases has been documented in multiple statistical studies. The New York Immigration Representation Study Group, led by Chief Judge Robert Katzmann of the Court of Appeals for the Second Circuit, found that the two most important variables affecting the ability to secure a successful outcome in a case are having representation and being free from detention.<sup>41</sup> A study by the bipartisan U.S. Commission on International Religious Freedom (USCIRF) found that asylum seekers without a lawyer had a much lower chance of being granted asylum (2%) than those with an attorney (25%). A recent academic study also found that the Department of Homeland Security (of which the USCIS Asylum Offices fall under) granted asylum 19 percent more often to represented asylum seekers compared to *pro se* applicants.<sup>42</sup> In *Refugee Roulette*, a landmark critique of the U.S. asylum system, concluded that “whether an asylum seeker is represented in court is the single most important factor affecting the outcome of her case.”<sup>43</sup> The lack of legal representation also has a significant impact on the immigration courts and the adjudication system. The American Bar Association has found that representation for immigrants helps reduce the delays and costs of the adjudication process and that increased representation would lead to “more just outcomes for noncitizens.”<sup>44</sup>

Some question why immigrants need legal representation, especially when they are so-called “law-breakers” that are processed in administrative proceedings for their civil law violations. The answer is that representation is indeed needed for the following reasons: (1) immigration law is infamously complex and goes through constant changes with some pointing out that it is more complicated than the tax code;<sup>45</sup> (2) unlike other types of administrative hearings, immigration court proceedings are adversarial in that the U.S. government is always represented by experienced prosecutors, many of whom pursue removal of the immigrant respondent aggressively; and (3) the immigration judges are not judicially independent but subordinate to the Attorney General, and constantly overworked with a crushing case load with severely limited resources.<sup>46</sup>

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<sup>41</sup> New York Immigrant Representation Study, *Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings* (Dec 2011), page 19. Available at:

[http://www.cardozolawreview.com/content/denovo/NYIRS\\_Report.pdf](http://www.cardozolawreview.com/content/denovo/NYIRS_Report.pdf);

<sup>42</sup> Jaya Ramji-Nogales, Andrew I. Schoenholtz and Philip G. Schrag, *Lives in the Balance: Asylum Adjudication by the Department of Homeland Security*, page 133. New York: NYU Press 2014

<sup>43</sup> Jaya Ramji-Nogales, Andrew I. Schoenholtz and Philip G. Schrag, *Refugee Roulette: Disparities in Asylum Adjudication* 60 STAN. L. REV. 295 (2007), p.340.

<sup>44</sup> American Bar Association Commission on Immigration, *Reforming the Immigration System: Proposals to promote independence, fairness, efficiency and professionalism in the adjudication of removal cases: Executive Summary* (Feb. 2010), available at:

[http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration\\_reform\\_executive\\_summary\\_012510.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration_reform_executive_summary_012510.authcheckdam.pdf)

<sup>45</sup> *Castro O’Ryan v. INS*, 847 F.2d 1307, 1312 (9<sup>th</sup> Cir. 1987).

<sup>46</sup> American Bar Association Commission on Immigration, *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency and Professionalism in the Adjudication of Removal Cases*, Executive Summary (Feb. 2010), available at:

[http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration\\_reform\\_executive\\_summary\\_012510.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration_reform_executive_summary_012510.authcheckdam.pdf); “In a crowded immigration court, seven minutes to decide a family’s future”

(Washington Post, Feb. 2, 2014) (Like doing death-penalty cases in a traffic-court setting”), available at

[http://www.washingtonpost.com/national/in-a-crowded-immigration-court-seven-minutes-to-decide-a-familys-future/2014/02/02/518c3e3e-8798-11e3-a5bd-844629433ba3\\_story.html](http://www.washingtonpost.com/national/in-a-crowded-immigration-court-seven-minutes-to-decide-a-familys-future/2014/02/02/518c3e3e-8798-11e3-a5bd-844629433ba3_story.html)

## Statutory and Constitutional Entitlements to Legal Representation

Section 292 of the Immigration and Nationality Act (“INA”) provides that “[i]n any removal [deportation] proceedings before an immigration judge . . . the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel . . . as he shall can choose.”<sup>47</sup> The INA § 239(b)(2) requires an immigration judge to provide a list of free or low-cost legal service providers in the area.<sup>48</sup> However, in 1982, Congress severely restricted the Legal Services Corporation (LSC)’s ability to represent immigrants throughout the country.<sup>49</sup> In 1996, Congress further limited LSC beneficiary organization’s ability to represent certain noncitizens, even when all funds associated with the representation originated from non-governmental sources.<sup>50</sup> While certainly there are other funding sources besides LSC grants, the fact remains that LSC is one of the primary funders of civil legal services across the United States. With these added restrictions, many legal service providers may not be able to serve certain groups of non-citizens at all, or if they choose to, they would have to rely on other discrete funding sources if they wished to provide representation to noncitizens groups like undocumented immigrants in removal proceedings, or undocumented children who are eligible for Deferred Action.

Access to counsel is also further limited by the location of many immigration detention facilities. U.S. immigration authorities routinely transfer immigrants to remotely located detention centers where non-profit or low-cost legal service agencies do not exist. This is the case in Louisiana, where thousands of immigrants each year are held in remote detention facilities. So, in effect, the government’s decision to detain these individuals far from counsel undermines an immigrant’s statutory right to counsel by limiting the number of available attorneys.

Under the Constitution, noncitizens are not afforded the protection of the Sixth Amendment guaranteeing appointed counsel because the removal proceedings are civil not criminal in nature.<sup>51</sup> But it is undisputed that “the Due Process Clause applies to all “persons” within the United States including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”<sup>52</sup> Whether Due Process requires appointment of counsel for an indigent alien is whether, in a given case, the assistance of counsel would be necessary to provide fundamental fairness, which is the touchstone of Due Process.<sup>53</sup> In addition to demonstrating that a procedural error took place, it must be shown that said error resulted in prejudice. The term “prejudice” is defined as an error that “potentially ... affects the outcome of the proceedings.”<sup>54</sup> Prejudice may be shown where an immigration judge’s inadequate explanation of the hearing procedures

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<sup>47</sup> INA § 292, 8 U.S.C.A. § 1362 (West 2013)

<sup>48</sup> INA § 239(b)(2), 8 U.S.C.A. 1229 (West 2013).

<sup>49</sup> See Pub. L. No. 93-377, 96 Stat. 1830, 1874075 (1982) (limiting eligibility to[1] lawful permanent residents, [2] refugees/asylees, [3] those with special relationship to US citizen, [4] those who have already applied for adjustment of status; and [5] those whose application has not been rejected).

<sup>50</sup> Pub. L. No. 104-134, 110 Stat. 1321, § 504(a)(1996)(the Omnibus Consolidated Revisions and Appropriations Act).

<sup>51</sup> See e.g. *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984).

<sup>52</sup> *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

<sup>53</sup> *Aguilera-Enriquez v. INS*, 516 F.2d 565, 568 (6th Cir. 1975)(citing *Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973)).

<sup>54</sup> *Agyeman v. INS*, 296 F.3d 871, 884 (9th Cir. 2000).

and failure to elicit pertinent facts prevented the individual from presenting evidence relevant to his claim.<sup>55</sup>

In 1967, the Supreme Court extended *Gideon*'s right to appointed counsel under the Fourteenth Amendment's due process clause to civil juvenile delinquency proceedings.<sup>56</sup> The court reasoned that juveniles who cannot be expected to understand the complicated and technical nature of the judicial proceeding need the assistance of counsel to cope with the problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether juveniles have a defense and to prepare and submit it.<sup>57</sup> Although such proceedings are civil in nature, the court nevertheless found that the "awesome prospect" of separating the child from his family and restricting his freedom requires the appointment of counsel for indigent children.<sup>58</sup>

As Judge DeMascio stated in his dissent to the Sixth Circuit's ruling in *Aguilera-Enriquez v. INA*:

"[W]hen the government, with plenary power to exclude, agrees to allow an alien lawful residence, it is unconscionable for the government to unilaterally terminate that agreement without affording an indigent resident alien assistance of appointed counsel. Expulsion is such lasting punishment that meaningful due process can require no less. Assuredly, it inflicts punishment as grave as the institutionalization which may follow an *In re Gault* finding of delinquency. A resident alien's right to due process should not be tempered by a classification of the deportation proceeding as "civil", "criminal", or "administrative." No matter the classification, deportation is punishment, pure and simple."<sup>59</sup>

On April 23, 2013, in the landmark case of *Franco-Gonzalez v. Holder*, Federal District Judge Dolly M. Gee ordered the federal government to provide legal representation for immigrant detainees in California, Arizona and Washington who have serious mental disabilities and are unable to represent themselves in immigration court.<sup>60</sup> On the day before the *Franco* ruling was released, the Departments of Justice and Homeland Security also announced safeguards for unrepresented immigration detainees with serious mental disorders or conditions.<sup>61</sup> The reasoning of the *Franco* court's ruling and the related government policy changes are also relevant to other immigrant populations who will otherwise go unrepresented in their immigration court removal proceedings.

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<sup>55</sup> *Jacinto v. INS*, 208 F.3d, 725, 734-35 (9th Cir. 2000).

<sup>56</sup> *Gideon v. Wainright*, 372 U.S. 335, 343 (1963); *In re Gault*, 387 U.S. 1, 41 (1967).

<sup>57</sup> *Id.* at 36.

<sup>58</sup> *Id.*

<sup>59</sup> *Aguilera-Enriquez*, at 572.

<sup>60</sup> *Franco-Gonzalez v. Holder*, 10 CV 02211 DMG (C.D. CA August 2, 2010)

<sup>61</sup> Department of Justice Executive for Immigration Review, Press Release "Department of Justice and Department of Homeland Security Announce Safeguards for Unrepresented Immigration Detainees with Serious Mental Disorders or Conditions" (April 22, 2013). Available at:

<http://www.justice.gov/eoir/press/2013/SafeguardsUnrepresentedImmigrationDetainees.html>



## **Collaborative Initiatives to Advance Legal in Representation in Louisiana and Nationally**

Across the country, bar associations, federal judges, law schools, faith communities and government officials have begun to work together collaboratively to identify steps that can be taken to help address the lack of representation for indigent immigrants. The American Bar Association and its Commission on Immigration have long been focused on this representation challenge, launching several representation projects over the years, including the South Texas Pro Bono Asylum Representation Project, known as ProBAR, based in Harlingen, Texas and the Immigration Justice Project (IJP) of San Diego, California. The Commission also launched the first phase of the Acting on Immigration Reform and Representation (AIRR) Project. The focus of the AIRR Project is collaboration within and outside the ABA on implementation of immigration reform efforts and representational needs beyond reform or in the absence of reform, applying expertise the ABA can uniquely offer. The next phase of the Project will be a summit inviting ABA leadership and outside experts for development of final implementation plans for the Project. Also, in 2010, the ABA released a major report, authored by the law firm of Arnold & Porter, entitled *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency and Professionalism in the Adjudication of Removal cases*. That publication made several key findings on representation including that the lack of adequate representation has a host of negative repercussions, including delays, questionable fairness, increased cost of removal proceedings, and risk of abuse and exploitation by “immigration consultants” and “notarios.”

To help address the lack of representation for indigent immigrants in New York, which was impacting the case load of the U.S. Court of Appeals for the Second Circuit, Judge Robert Katzmann, now the court’s Chief Judge, launched a multi-stakeholder initiative – called the Study Group on Immigrant Representation - which includes bar leaders, non-profit legal providers, law schools, bar associations, immigration judges, local officials, and other critical stakeholders. The Study Group released two landmark reports<sup>62</sup> that documented the availability and adequacy of counsel in immigration proceedings and examined models for providing counsel in immigration court. These reports confirmed that the presence of counsel has an impact on the outcome of immigration proceedings and that detention creates barriers to access of counsel. As a result of the Study Group’s success in elevating the level of attention focused on this representation gap, a number of steps have been taken to increase staffing at non-profit organizations and facilitate pro bono representation in New York. These concrete outcomes include: the funding, by a private foundation, of an attorney and project at Human Rights First to increase representation by pro bono lawyers for asylum seekers whose cases are pending at immigration court; the provision of \$500,000 in pilot funding by the New York City Council to support the creation of the New York Family Unity Project, administered by the Vera Institute of Justice, which is the first public defender program in the country for immigrants facing deportation. The project offers free legal representation at New York’s Varick Street Immigration Court with the aim of improving access to

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<sup>62</sup> New York Immigrant Representation Study, *Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings* (Dec 2011). Available at: [http://www.cardozolawreview.com/content/denovo/NYIRS\\_Report.pdf](http://www.cardozolawreview.com/content/denovo/NYIRS_Report.pdf); New York Immigrant Representation Study, *Accessing Justice II: A Model for Providing Counsel to New York Immigrants in Removal Proceedings* (Dec 2012). Available at: [http://www.cardozolawreview.com/content/denovo/NYIRS\\_ReportII.pdf](http://www.cardozolawreview.com/content/denovo/NYIRS_ReportII.pdf)

justice and keeping families together.<sup>63</sup> In January, the Robin Hood Foundation also announced a commitment of \$1.3 million dollars to fund the creation of an Immigrant Justice Corps which will recruit 40 recent law school and college graduates to serve as fellows to provide critical legal counsel and support for poor immigrants and their families. Starting in 2014, the Corps will train these fellows and will assign them to community-based organizations so they can provide pro bono immigration representation for a 2-year period.<sup>64</sup>

In the Third Circuit, a January 2013 conference entitled *Building Justice: Increasing Quality Immigration Representation in New Jersey* organized by New Jersey law schools, law firms, legal representation providers and Human Rights First helped to launch a multi-stakeholder initiative in New Jersey. This group includes representatives of New Jersey's leading law firms and law schools, bar associations, non-profit legal providers and immigration judges. The Working Group on Immigrant Representation in New Jersey, led by the Honorable Michael A. Chagares of the Court of Appeals for the Third Circuit, has been working toward a number of concrete steps to address gaps in legal representation, including: conducting trainings to recruit more pro bono attorneys in New Jersey; launching a project involving New Jersey pro bono attorneys to increase legal consultations and pro bono referrals at immigration detention facilities in New Jersey. One future hope of these efforts is to develop a project to increase representation for indigent immigrants appearing before the Newark immigration courts, a project that would need to receive funding for implementation.

In June 2013, the Louisiana State Bar Association hosted a meeting attended by some Louisiana legal services groups, law schools, immigration attorneys and other local stakeholders to discuss the ongoing crisis in immigration representation in Louisiana. This meeting was spurred by discussions following a panel on immigration representation at a November 2012 conference hosted by Loyola Law School and organized by Human Rights First. That panel included remarks by Kim Boyle, former Louisiana State Bar Association President, who discussed the importance of pro bono work throughout the state.<sup>65</sup>

Coming out of the June 2013 stakeholder meeting, a representation project titled "The Oakdale Immigration Court Bond Project" emerged as a creative way to address one aspect of the gap in representation for immigrants detained in Louisiana. The collective idea was to address the low rate of representation for detained immigrants, specifically those appearing before the Oakdale Immigration Court, by focusing on offering pro bono representation at immigration court custody hearings (known as "bond" hearings), which is the critical first step in securing release from detention for those who meet the release eligibility criteria. However, the project proponents are still trying to secure funding, either in the form of a fellowship or by adding a direct services attorney or accredited representation to the staff of an existing local agency, in order to start this project.

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<sup>63</sup> Vera Institute of Justice, New York Family Unity Project webpage. Available at:

<http://www.vera.org/project/new-york-immigrant-family-unity-project>

<sup>64</sup> Kirk Semple, *Seeking Better Legal Help for Immigrants*, The New York Times, Jan. 28, 2014. Available at:

[http://www.nytimes.com/2014/01/29/nyregion/service-program-will-recruit-law-school-graduates-to-help-represent-immigrants.html?\\_r=0](http://www.nytimes.com/2014/01/29/nyregion/service-program-will-recruit-law-school-graduates-to-help-represent-immigrants.html?_r=0)

<sup>65</sup> "Key Takeaways from the New Orleans Dialogue on Detention." (New York: Human Rights First, 2013) at:

[http://www.humanrightsfirst.org/wp-content/uploads/pdf/nola\\_dod\\_fact\\_sheet.pdf](http://www.humanrightsfirst.org/wp-content/uploads/pdf/nola_dod_fact_sheet.pdf)

In recent weeks, the New Orleans Bar Association and the New Orleans Pro Bono Project, which work with volunteer attorneys to provide pro bono civil legal representation, have begun to examine the possibility of launching an initiative to match pro bono lawyers with indigent immigrants in need of representation. The initiative could work collaboratively with non-profit legal providers who could refer cases to it. Such an initiative would tap volunteer lawyers from New Orleans' law firms and private bar. In order to move this forward, the Pro Bono Project would need support from law firms and donors, and collaboration from non-profit legal providers and immigration attorneys who could help conduct trainings and refer cases.

These and other ideas for addressing the gaps in legal representation facing immigrants will be discussed at the March 28, 2014 conference *Left Out in Louisiana* at Loyola University New Orleans College of Law. Co-sponsored by the Louisiana State Bar Association, Loyola College of Law, LSU Law, and Human Rights First, the conference will afford an opportunity for bar leaders, legal service providers, lawyers, community leaders, faith-based organizations and others to examine some of the acute representation gaps facing immigrants in Louisiana, to identify some concrete ways to increase representation capacity in the state, and to move ahead in their collaborative efforts to find creative solutions that will address the enormous short- and long-term gaps in access to counsel for immigrants in Louisiana.