



**WRITTEN STATEMENT SUBMITTED TO THE
CIVIL SOCIETY CONSULTATION FOR THE
UNIVERSAL PERIODIC REVIEW OF THE UNITED STATES OF AMERICA**

Regarding

Access to Justice in the U.S. Immigration System

April 1, 2014

against deportation, to be represented in that proceeding, and to have their expulsion reviewed by a competent authority. In addition, human rights law guarantees that all

immigrants whom DHS chooses to detain. Approximately 84% of immigration detainees are unrepresented in immigration court, a crisis that the federal government has previously acknowledged. In the absence of government-funded legal services it is inevitable that large numbers of people will go through immigration proceedings without legal assistance given the high cost of legal representation and the extremely limited availability of assistance in the remote areas where many detention centers are located. Immigration detainees are often incarcerated far from their families and from legal service providers who could provide representation at an affordable rate. Because phone services in detention facilities are limited, expensive, and often non-operational, many attorneys decline to represent immigration detainees because they cannot afford the time and expense needed to communicate with their clients.

There should be no dispute that immigrants often suffer significant harm because of this critical gap in available legal representation. A recent study of New York immigration courts showed that immigrants who are compelled to proceed without representation are six times more likely to lose their cases than those who have counsel. For those with

¹⁷ Vera Institute for Justice, *Improving Efficiency and Promoting Justice in the Immigration System: Lessons from the Legal Orientation Program*, May 2008, at 1, available at http://www.vera.org/sites/default/files/resources/downloads/LOP_Evaluation_May2008_final.pdf. Texas Appleseed, a non-profit legal services organization, found that 86 percent of immigration detainees in Texas were unrepresented in 2009. Texas Appleseed, *Protecting the Rights of Persons with Mental Disabilities in the Immigration Court and Detention System*, March 2010, p.13, available at http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=313.

even a cursory knowledge of immigration law, this statistic is hardly surprising. One federal appellate court compared the immigration code to King Mynos' labyrinth in ancient Crete, while another deemed it second only to the federal tax code in its complexity.

other vulnerable groups. We urge the U.S. government to fulfill this promise by extending legal representation to all immigrants facing deportation from the United States.