



LEGAL ORIENTATION PROGRAM
Evaluation and Performance and Outcome
Measurement Report, Phase II

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use of detention—and bed space in many of the facilities hosting the LOP—has expanded, the program has continued to serve more people each year. However, as the expansion of detention has outpaced the expansion of funding for the Legal Orientation Program, the numbers of people receiving LOP services represents a shrinking percentage of the overall detained immigration court population each year.

Vera’s analysis—a combination of statistical analysis and interviews with LOP stakeholders, including participants, providers, immigration judges, court administrators, detention facility staff, and ICE employees—identified numerous differences in case outcomes between LOP participants and “comparison groups” of detained persons who did not participate in the LOP. These differences, described below, suggest possible benefits of the LOP for those detained persons it is able to serve.

LOP participants move through the courts faster

Detained LOP participants have immigration court case processing times that are an average of 13 days shorter than cases for detained persons who did not participate in the program. This suggests that the LOP may have important resource-saving benefits for the immigration courts and immigration detention system. The faster detained cases are completed, the sooner detained persons are eligible to be released from custody or removed from the United States. This can free available bed space at detention facilities and, at least in theory, substantially reduce costs for the federal government.

LOP participants receive fewer in absentia removal orders

Nationwide, very few detained persons are released on bond or recognizance. However, when released from detention prior to the completion of their immigration court cases, LOP participants received 7 percent fewer in absentia removal orders, meaning that they appeared for court hearings at greater rates than comparison groups, especially when pursuing relief from removal.¹ Low rates of in absentia removal orders were even more pronounced for LOP participants who received intensive levels of LOP service (meaning they participated in more than group orientations). Immigration court and detention system stakeholders are concerned with reducing the numbers of persons who receive in absentia removal orders. Our analysis of the LOP supports conclusions from studies of other court systems that when respondents have access to legal information and understand the court process, they are less likely to receive in absentia removal orders.

The LOP can effectively prepare detained respondents to proceed pro se

The LOP is not a substitute for legal representation. However, some detained persons who received intensive LOP services (more than group orientations) and represented themselves pro se achieved case outcomes approximating those associated with legal representation. LOP

¹ An in absentia removal order occurs when a person fails to appear in immigration court, provided the government shows that the person is removable and that required procedures occurred.

participants who represented themselves pro se were also more likely to receive grants of voluntary departure than detainees who did not participate in the LOP.²

Detention facility staff state that the LOP improves detention conditions

Detention facility employees at LOP sites reported that they have observed a reduction in behavior problems when detainees have access to legal information. They also stated that the LOP makes detention “safer” and “more humane.”

Immigration judges state that the LOP increases immigration court efficiency

Immigration judges at LOP sites report that respondents who have attended the LOP appear in immigration court better prepared, are more likely to be able to identify the relief for which they are statutorily eligible, to not pursue relief for which they are ineligible, and to have a better understanding of the immigration court process, thus helping to improve court efficiencies.

² Voluntary departure is a procedure that allows an individual to leave the United States, usually within 60 or 120 days, at his or her personal expense, thus avoiding some of the negative consequences of a removal order.

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