

The Funding Attorneys for Indigent Removal (FAIR) Proceedings Act by Senator Gillibrand – 117th Congress

Senator Gillibrand invites you to support and endorse the reintroduction of *Funding Attorneys for Indigent Removal (FAIR) Proceedings Act*, a bill that guarantees access to government-funded legal counsel during removal proceedings for children, individuals with disabilities, victims of abuse, torture, and violence; and those living at or below 200% of the federal poverty level. This bill was previously introduced in the 116th Congress and no substantive changes have been made to the original text.

Background

Contrary to American constitutional guarantees in criminal cases, those subjected to immigration removal proceedings do not have a guaranteed right to counsel. Only 37 percent of all immigrants and 14 percent of detained immigrants go to court with lawyers on their side. Noncitizens, who have limited English proficiency and understanding of America's complex immigration system, **including children**, are often forced to argue their case in court without legal representation.¹ Yet, representation makes a difference. In a Syracuse University analysis of immigration court data, 73% of unaccompanied children with representation were granted relief from removal and allowed to remain in the United States, whereas only 15 percent of unrepresented children were allowed to stay.²

The U.S. government is removing individuals who potentially have valid claims and could qualify for relief under U.S. law, but who simply do not have the luck or luxury of having legal representation. The gap creates a cruel and unfair system where often only the most capable and economically advantaged are successful and those most vulnerable and least able to defend themselves are removed.

Summary of the FAIR Proceedings Act

The bill would:

- Require government-guaranteed legal counsel during removal proceedings for children, individuals with disabilities, victims of abuse, torture, and violence; and those at or below 200% of the federal poverty level.
- Require legal orientation programs for all detained noncitizens at immigration facilities.
- Ensure fairness and an equal playing field between respondents and government lawyers by guaranteeing that individuals have the right to review, in advance, documents to be used against them by the Department of Homeland Security in removal proceedings.
- Help streamline court processes and reduce the immigration court backlog. When a lawyer is present, clients are informed, prepared, and better understand the proceedings. Increased access to counsel will improve the entire court system's functionality and efficiency through a reduction in delays and continuances.

¹ National Immigrant Justice Center, <https://immigrantjustice.org/issues/access-counsel>

² TRAC <https://trac.syr.edu/immigration/reports/371/>

Support (116th Congress)

Senate Cosponsors: Senators Blumenthal, Booker, Sanders, Markey, Merkley and Klobuchar
Reps. McEachin (D-VA) and Lofgren (D-CA) are leading companion legislation in the House.

Endorsements (116th Congress)

Kids in Need of Defense (KIND), American Immigration Lawyers Association (AILA), U.S. Conference of Catholic Bishops (USCCB), Immigration Hub, Center for Gender & Refugee Studies, Church World Service (CWS), Lutheran Immigration and Refugee Service (LIRS), Refugees International, Florence Immigrant & Refugee Rights Project, The Advocates for Human Rights, National Partnership for New Americans, First Focus Campaign for Children, Advocates for Basic Legal Equality, Inc., Coalition on Human Needs, Center for Victims of Torture (CVT), Survivors of Torture, Int'l., Immigration Equality Action Fund, DC Volunteer Lawyers Project, Cleveland Jobs with Justice, Ohio Immigrant Alliance, Mauritanian Network for Human Rights, Wind of the Spirit Immigrant Resource Center, Partnerships for Trauma Recovery, National Domestic Workers Alliance (NDWA), Families Belong Together, America's Voice

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