



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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before and after the start of the LOP to see if we could identify any “big-picture” trends that might point to differences in representation rates, types of relief sought, case outcomes, and case processing times for persons whose cases began at LOP sites. This historical and comparative analysis allowed us to examine rates (comparative magnitudes—i.e., one line on a graph is higher than another) and trends (comparative directions—i.e., one line on a graph is moving up and the other is moving down).

At the time we began the pre- and post-LOP analysis of immigration court data, Vera was only beginning to collect and organize LOP participants’ Alien identification numbers (A-numbers), unique identifiers that allow us to track individual cases across multiple datasets. Since we were not yet able to match LOP participants’ A-numbers with court data and, thus, identify which immigration court cases corresponded to LOP participants, we did not study data at an individual level. As a result, the before and after analysis does not allow us to make conclusive statements about the impact of the LOP. Even without being able to make definitive statements about the LOP, the historical analysis helped us narrow our focus and provided a comparative, national context in which to situate further analysis. This also helped us develop questions for LOP stakeholders about differences in immigration court procedures and their explanations for the patterns and trends we observed. The historical analysis was only a first (but important) step that, combined with stakeholder interviews and input from experts in the field, helped us refine the focus when conducting analysis of individual case outcomes.

Tracking LOP Participants in the Courts

After analyzing macro-level immigration court trends, we matched program data collected by LOP providers with immigration court data. This enabled us to track case outcomes and make more conclusive statements about how LOP participants fared in the immigration court process in comparison with detained individuals who did not receive LOP services. Because some of the six new LOP sites began offering services in September 2006, we were concerned that including those sites as LOP sites might leave too few non-LOP cases for meaningful analysis. Our further analysis of the cases showed that more than 85 percent of the cases with an initial Master Calendar Hearing in the first eight months of 2006 had been completed at the time of our initial examination of the data and that the number of cases in this sample was sufficiently great for meaningful analysis. We thus determined that we would focus our comparisons on the eight-month period of time from January 1 to August 31, 2006.

analysis of LOP sites we included Batavia. Batavia began operations in mid-2003 like some of the other original sites, but ceased operations for one year from 2005-2006. Because Batavia was operating in 2005, which was the end date for our analysis, we included it in the pre- and post-LOP study. Immigration court hearing locations included in the pre- and post- LOP analysis included courts identified with the following hearing location codes: FLO, ELXC, CCA, SDE, TUC, KRO, HOD, SPD, YOR, BDC, SAD, LVG, KAN, ATD, SFD, DAD, NEW, OMA, SAJ, BLM, WAS, CHD, NOO, HAS, ELZ, BOS, PDT, NYD, JAM, MEM, HAR, ELP.

is the LOP responsible for this difference, or are there other factors that have led LOP participants' cases to move more quickly through the courts? We now examine this issue.

Although LOP participants had shorter case processing times overall in 2006 (see Figure 8), we cannot conclude that the overall differences shown are a result of the LOP. However, when we analyzed case processing times in a different way, looking at LOP participation in conjunction with type of relief application sought, representation status, and custody status at the time of completion, we did find that LOP participation was associated with shorter case time. Figure 9 below shows that when we isolated unrepresented cases concluded in detention, we observed a similar trend of shorter case time for LOP participants, with the exception of cases involving applications for voluntary departure.

Figure 9: Mean Case Time for Unrepresented Cases by Relief Application Type for Detained LOP Participants and Comparison Cases, January 1 – August 31, 2006

Relief Application Type	LOP		Comparison		Days <u>fewer</u> for LOP
	Mean Days	Total Number of Cases	Mean Days	Total Number of Cases	
No Application	5	4590	10	16082	5
Voluntary Departure	7	1326	5	5464	2 more
I-589	108	180	132	632	24
Other Application Combinations	87	278	99	410	12

We know that the LOP sites were selected because they shared common features, and unless some features(s) other than these have led the six courts we studied to process cases faster than all the other courts in the country—which we are unable to imagine—we can reasonably assume that there is a possible relationship between these differences in case times and the LOP. As we see in Figure 10 below, the pattern of shorter case times for detained LOP participants held true for cases with no applications for relief and applications other than I-589 even when those cases involved legal representation.

Figure 10: Mean Case Time for Represented Cases by Relief Application Type for Detained LOP Participants and Comparison Cases, January 1 – August 31, 2006

Relief Application Type	LOP		Comparison		Days <u>fewer</u> for LOP
	Mean Days	Total Number of Cases	Mean Days	Total Number of Cases	
No Application	32	309	46	1702	14
Voluntary Departure	30	160	30	793	0
I-589	128	73	133	966	5
Other Application Combinations	90	120	104	719	14

Figure 11 below shows the differences in case time for represented LOP participants and comparison groups that are presented in Figures 9 and 10. The first columns for each category in Figure 11 show the average case time by rates of relief application for LOP participants with legal representation, while the third columns in each category present the average case time by

Appendix I: Five-Year Life of Program Statistics (2003-2008)

This report analyzes statistics through December 31, 2006. However, because report readers may have an interest in more current numbers, we have included a table showing all program services from early 2003 when the program began through February 2008. We are additionally including a table that shows potential claims to United States citizenship reported to Vera by LOP providers in 2007.

Figure 19: LOP Services, 2003 – February 2008

Site	Court Hearing Location	Time Period	Number of Group Presentations	Average Number of Group Presentations Per Month	Group Presentation Participants	Average Number of Group Presentation Participants Per Month	Average Number of Participants Per Group Presentation	Number of Individual Orientations	Average Number of Individual Orientations Per Month
Denver	WSI	Jun 22, 2003 to Feb 29, 2008	825	15	10838	193	13	4858	86
El Paso	EPD	Jun 2, 2004 to Feb 29, 2008	618	14	13395	298	22	2587	58
Eloy	EAZ	Mar 7, 2003 to Feb 29, 2008	1258	22	19258	333	15	13345	231
Mira Loma	LAN	May 27, 2003 to Feb 29, 2008	585	10	16503	289	28	4258	75
Port Isabel	PIS	Feb 18, 2003 to Feb 29, 2008	1178	20	32568	540	28	4407	73
Seattle	AIR	Mar 17, 2003 to Feb 29, 2008	1122	19	11256	189	10	6144	103
Batavia	BTV	Feb 21, 2003 to May 18, 2005	365	14	1621	60	4	908	34
		Dec 1, 2006 to Feb 29, 2008	201	13	1627	109	8	505	34
Houston	HOD	Dec 1, 2006 to Feb 29, 2008	214	14	3011	201	14	848	57
Newark	NEW	Dec 1, 2006 to Feb 29, 2008	146	10	1225	82	8	409	27
Laredo	LAR	Dec 1, 2006 to Feb 29, 2008	51	3	509	34	10	150	10
San Antonio	SAD	Dec 1, 2006 to Feb 29, 2008	207	14	2424	162	12	704	47
San Pedro	SPD	Dec 1, 2006 to Feb 29, 2008	110	7	854	57	8	610	41
York	YOR	Dec 1, 2006 to Feb 29, 2008	213	14	2008	134	9	503	34
San Diego	CCA	Feb 1, 2008 to Feb 29, 2008	13	13	160	160	12	64	64
Total			7106		117257		17	40300	
# per year for all sites			1579		26057			8956	
# per month for all sites			132		2171			746	
# per workday for all sites			6		99			34	

Figure 20: Potential Claims to U.S. Citizenship among LOP Participants, January 1 – December 31, 2007

Site	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	# of Unique Individual Orientation Attendees Identified w/ Potential Relief of U.S. Citizenship
Denver	1	2	0	1	1	1	3	1	0	1	3	1	15
El Paso	1	0	0	1	3	3	1	5	2	5	3	0	24
Eloy	4	8	8	4	4	2	5	3	5	9	12	6	70
Mira Loma	0	1	1	0	1	3	5	0	1	1	1	0	14
Port Isabel	13	8	1	3	6	8	4	2	1	6	8	6	66
Seattle	3	4	0	0	1	0	0	3	1	1	4	0	17
Batavia	3	1	1	1	0	0	0	0	0	1	0	0	7
Houston	1	2	2	3	2	1	6	3	4	4	5	5	38
Newark	0	0	0	0	0	0	0	0	0	1	0	0	1
Laredo	0	0	0	0	3	0	2	3					8
San Antonio	2	2	3	0	0	0	0	4	0	1	2	2	16
San Pedro	3	4	3	4	1	1	1	3	2	2			24
York	1	1	4	1	3	1	4	4	1	0	2	0	22
Total	32	33	23	18	25	20	31	31	17	32	40	20	322

Note: Sites below the black bar began services in late 2006.

discussion. These steps are depicted in the Figure 23 below. Each step listed in the flowchart corresponds to a deletion or addition procedure detailed below that is also identified by number.

Generation

All EOIR records contain a variable known as the “generation.” The first proceeding in an immigration court case will always correspond to a generation value of 99, while each proceeding thereafter is numbered in *descending* order. Thus, the second proceeding in a case will always correspond to a generation value of 98, the third proceeding to a value of 97, and so on. In order to limit the dataset only to those with an initial Master Calendar Hearing in calendar year 2006, we excluded all cases that did not contain a proceeding with a generation value of 99, which meant that the initial Master Calendar began prior to 2006. Using this exclusion rule, we omitted 32,835 cases from the dataset, or about 12 percent of the total (step 1).

Figure 23
Flowchart of Data Cleaning



