

SECTION-BY-SECTION SUMMARY
FAIR DAY IN COURT FOR KIDS ACT OF 2016

SEC. 1. SHORT TITLE. “Fair Day in Court for Kids Act of 2016”

SEC. 2. IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION. Clarifies that the Attorney General may appoint or provide counsel at the government’s expense to immigrants in removal proceedings, and requires DHS to ensure that immigrants at detention and border facilities have access to counsel. Requires the Department of Homeland Security (DHS) to provide immigrants in removal proceedings with all relevant charging documents, and prohibits removal proceedings from moving forward until the immigrant has received and reviewed the documents or waived their right in writing to receive them in a language they understand fluently. Requires the Attorney General to appoint counsel for unaccompanied children and particularly vulnerable individuals, such as a person with a disability, or a victim of abuse, torture, or violence, or an individual whose circumstances are such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of the proceedings. Requires the Attorney General to promulgate rulemaking to implement the section. Authorizes the appropriation of funds to the Executive Office of Immigration Review (EOIR) as necessary.

SEC. 3. ACCESS TO COUNSEL AND LEGAL ORIENTATION AT DETENTION FACILITIES. Requires DHS to facilitate access to counsel for all detained immigrants under the supervision of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection and provide information about legal services programs at detention facilities. Requires DHS and the Attorney General to establish procedures to ensure that legal orientation programs (LOPs) are available to all detained immigrants, including those held in U.S. Customs and Border Protection facilities. The purpose of the LOPs is to inform individuals of the basic procedures of immigration hearings, their rights relating to those hearings under immigration laws, information that may deter individuals from filing frivolous legal claims, and any other information that the Attorney General considers appropriate (e.g., a contact list of potential legal resources and providers). Creates a two-year pilot program to provide LOPs to non-detained immigrants with pending asylum claims. Requires the Attorney General to implement the pilot program in at least two immigration courts and submit a report to Congress detailing the extent to which non-detained immigrants are provided access to counsel. Authorizes the appropriation of funds to EOIR as necessary.

SEC. 4. CASE MANAGEMENT PILOT TO INCREASE COURT APPEARANCE RATES. Creates a pilot program administered by DHS that will provide grants to nongovernmental community-based organizations to provide case management services to unaccompanied children and other vulnerable individuals. Services include, but are not limited to facilitating access to counsel, helping individuals with court or other legal obligations, securing housing, enrolling minor children in school, and acquiring mental health services. Authorizes the appropriation of funds to DHS as necessary.

SEC. 5. REPORT ON ACCESS TO COUNSEL. Requires DHS, in consultation with the Attorney General, to report annually to the Senate and House Judiciary Committees on the number and percentage of individuals identified in the Act who were represented by counsel, including information specifying at which stage of the legal process the individual was represented and whether the individual was in government custody. DHS must also report on the number and percent of individuals who received legal orientation presentations.