

United States Senate

WASHINGTON, DC 20510

May 22, 2025

The Honorable Susan Collins
Chair
Senate Appropriations Committee
Washington, DC 20510

The Honorable Jerry Moran
Chair
Senate Appropriations Committee
Subcommittee on Commerce, Justice,
and Related Agencies
Washington, DC 20510

The Honorable Patty Murray
Vice Chair
Senate Appropriations Committee
Washington, DC 20510

The Honorable Chris Van Hollen
Ranking Member
Senate Appropriations Committee
Subcommittee on Commerce, Justice, Science,
and Related Agencies
Washington, DC 20510

Dear Chair Collins, Vice Chair Murray, Chair Moran, and Ranking Member Van Hollen:

We write to request that you support fiscal responsibility and due process in our immigration system by providing robust funding, but no less than \$37.2 million, and including favorable bill and report language for legal access programs, including the suite of legal orientation programs, in the Fiscal Year 2026 Commerce, Justice, and Science Appropriations bill. This program's component parts include the Legal Orientation Program (LOP) for detained adults, the Legal Orientation for Custodians of Unaccompanied Children (LOPC) program, and the Immigration Court Helpdesk Program (ICH). Congress has passed appropriations for legal orientation programs since 2003 to promote efficiency in the immigration courts and create cost savings for the government, which saves taxpayer dollars.

Earlier this year, the administration suspended LOP services contrary to the clear congressional intent established in the FY 2025 appropriations law, which requires that "\$28,000,000 shall be available for services and activities provided by the Legal Orientation Program." Unilaterally stopping these services blatantly ignores the directives from Congress. Given the administration's actions in violation of that clearly stated mandate, we urge you to include the following bill language to further assert and maintain Congress's constitutional authority:

"For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, . . . of which not less than \$37.2 million shall be available for services and activities provided by the Legal Orientation Programs, which include but are not limited to the Legal Orientation Program for detained adults, the Legal Orientation Program for Custodians, and the Immigration Court Helpdesk (ICH). All component parts of the Legal Orientation Programs, including the ICH, shall be operated by nonprofit NGOs with demonstrated immigration legal services experience

and expertise, and there shall be no delay in the distribution, obligation, or expenditure of Federally appropriated funds, including during any period of evaluation or review carried out by the Office of Management and Budget or any Federal agency or other governmental or nongovernmental entity.”

Housed in DOJ’s Executive Office for Immigration Reform (EOIR), LOP programs include: the LOP for detained adults, which educates people in ICE detention; the Immigration Court Helpdesk (ICH), which provides education to adults, children, and families who are in removal proceedings but not in detention; and the Legal Orientation Program for Custodians of Unaccompanied Children (LOPC), which provides information for custodians to navigate the immigration court process on behalf of children and educate them about labor exploitation and trafficking.

Each of these programs offers four components¹:

1. Group orientations conducted by practitioner and supervised non-practitioner staff to provide legal information;
2. Individual orientations that provide a more detailed overview of immigration court processes and forms of relief on a one-on-one basis;
3. Self-help workshops for those who are representing themselves in immigration court and need more detailed assistance on specific topics, like asylum; and
4. Referrals to pro bono legal services, where available.

Across the United States, 70% of individuals in immigration court proceedings are not able to obtain legal representation.² As you consider legal services funding for EOIR for Fiscal Year 2026, we affirm the primary importance of funding direct legal representation services to begin addressing this due process crisis. LOP programming stands as a critical due process stop-gap measure while representation rates remain low. Yet, under current funding, the program is only able to reach a fraction of unrepresented individuals in immigration court proceedings. With FY 2025 funding, the detained legal orientation program was operating in fewer than one-third of ICE detention facilities (35) and the ICH program in fewer than half of all immigration courts (23 courts across 18 cities).³

Evidence shows that LOP programs *save* taxpayer dollars.⁴ For example, a 2018 study conducted by the Department of Justice found that detained immigrants who received LOP completed their court proceedings more quickly and therefore remained detained for an average of six fewer days, yielding the government a *net savings* of more than \$17.6 million annually.⁵ Immigrants who utilize ICH are able to proceed more swiftly with their proceedings, as the immigration judge need not provide this information during valuable court time – which is

¹ <https://www.justice.gov/eoir/legal-orientation-program>

² <https://trac.syr.edu/phptools/immigration/ntanew/>

³ <https://acaciajustice.org/what-we-do/#our-programs>

⁴ <https://www.americanimmigrationcouncil.org/research/legal-orientation-program-overview>

⁵ <https://www.americanimmigrationcouncil.org/research/legal-orientation-program-overview>

particularly important given the current immigration court backlog of more than 3.6 million cases.⁶

By ensuring that an adequate funding stream is dedicated to LOP, ICH, and LOPC, immigrants nationwide will be able to better navigate the immigration system and present their case in immigration court. Direct legal representation is vital to ensuring due process and fairness in proceedings, and we strongly encourage the Committee to provide this funding as part of a larger appropriation for legal service funding out of EOIR, with the goal of funding direct legal representation to immigrants.

Thank you for your continued bipartisan support of these vital legal immigration programs.

Sincerely,



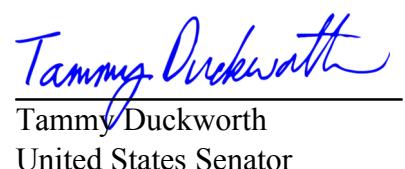
Mark Kelly
United States Senator



Angus S. King, Jr.
United States Senator



Tina Smith
United States Senator



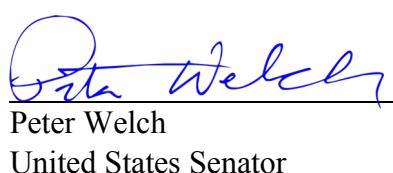
Tammy Duckworth
United States Senator



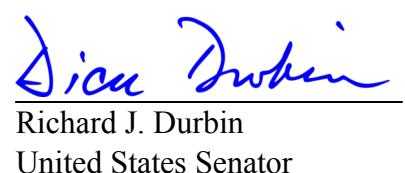
Sheldon Whitehouse
United States Senator



Jacky Rosen
United States Senator



Peter Welch
United States Senator



Richard J. Durbin
United States Senator

⁶ <https://tracreports.org/whatsnew/email.250320.html>



Alex Padilla
United States Senator



Michael F. Bennet
United States Senator



Ruben Gallego
United States Senator



Jeanne Shaheen
United States Senator



Elizabeth Warren
United States Senator



Brian Schatz
United States Senator



Cory A. Booker
United States Senator



Adam B. Schiff
United States Senator



Andy Kim
United States Senator



Amy Klobuchar
United States Senator



Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator



Catherine Cortez Masto
United States Senator



Raphael Warnock
United States Senator

Mazie K. Hirono

Mazie K. Hirono

United States Senator

Commerce, Justice and Science Group Letter Table
CJS_Kelly_Group_250522-022547[LetterID 22069]

ID	Sub	Request Agency or Account	Request Project Name	Request (\$000)
192609	CJS Group	[Title II]/[Department of Justice]/[Executive Office for Immigration Review (EOIR)]/[Legal Orientation Program] [Member Staff] - Sydney Hess sydney_hess@kelly.senate.gov 202-224-4571	Legal Orientation Program	\$37,200