



### Fair Day in Court for Kids Act of 2018

Since 2014, more than 200,000 refugee and immigrant children have arrived alone to the United States, the majority having fled severe violence in their home countries of El Salvador, Guatemala, and Honduras. More than half of these children will face deportation proceedings without an attorney by their side. These children face unfathomable challenges, from navigating a complex immigration system to representing themselves against a trained government attorney. Indeed, only 1 in 10 children without an attorney successfully obtains legal relief. With legal representation, children are five times more likely to receive legal protection. These disparities point to an enormous due process gap that risks the return of thousands of children to grave harm or death.

**The Fair Day in Court for Kids Act of 2018** ([HR 2043](#)/S. # to come), introduced by Representative Zoe Lofgren (D-CA) and Senator Mazie Hirono (D-HI), ensures that no child will have to face court alone by providing attorneys to all unaccompanied children for the duration of their immigration proceedings. In addition to promoting the efficiency and integrity of the immigration system, legal representation can facilitate lifesaving protection.

#### **The Fair Day in Court for Kids Act:**

- **Requires the appointment of government-funded counsel for all unaccompanied children in immigration proceedings.** Presently, there is no right to appointed counsel in immigration proceedings. This bill would direct the assignment of attorneys, at the government's expense, with representation to endure throughout a child's immigration case, regardless of whether the child reunifies with a parent or turns 18.
- **Provides all individuals in immigration proceedings an opportunity to review their immigration files in advance of proceedings.** As a matter of due process, individuals in immigration proceedings should have a chance to review any information in the government's possession that may be used in support of their deportation. This bill ensures that individuals will receive a copy of their immigration file within 7 days after notice of pending immigration proceedings. The bill provides an additional 10 days for review of the file before immigration proceedings can commence.
- **Directs the Attorney General to develop mechanisms to leverage private sector resources by identifying and recruiting pro bono counsel, including through grants and contracts.** Existing nonprofit legal service providers and pro bono practitioners enable the delivery of high-quality legal representation to unaccompanied children at a greatly reduced cost to the government. The bill directs the Attorney General to maximize the use of pro bono representation, including through funding of and contracts with nonprofit agencies.

- **The bill provides for the creation of model guidelines for the representation of unaccompanied children.** Recognizing the unique needs and vulnerabilities of children in the immigration system, the bill directs the Executive Office of Immigration Review to work in consultation with other agencies and experts to develop model guidelines to ensure the fairness and efficacy of proceedings involving children.
- **Provides access to counsel to all immigration detainees in the custody of ICE, CBP, HHS, and other facilities under contract with the federal government.** The bill directs the Secretary of Homeland Security to provide access to counsel to all detained individuals, and to notify all unaccompanied children within 72 hours of being taken into federal custody that they will be provided with government-funded counsel.
- **Requires the federal government to submit to Congress a report on the legal representation of unaccompanied children.** The bill directs the Secretary of Homeland Security to submit a report annually detailing the number and percentage of unaccompanied children provided with government-funded counsel and legal orientation presentations, among other information.

For additional information or questions, please contact Jennifer Podkul, Director of Policy at Kids in Need of Defense, at (202) 824-8692 or [jpodkul@supportkind.org](mailto:jpodkul@supportkind.org).