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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To make constituent services available to detainees in immigration detention centers.

IN THE HOUSE OF REPRESENTATIVES

Mr. LIEU introduced the following bill; which was referred to the Committee
on _____

A BILL

To make constituent services available to detainees in
immigration detention centers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness and Access
5 for Immigrant Rights Act” or the “FAIR Act”.

6 **SEC. 2. CONSTITUENT SERVICES FOR DETAINEES.**

7 (a) IN GENERAL.—Section 236 of the Immigration
8 and Nationality Act (8 U.S.C. 1226) is amended by add-
9 ing at the end the following:

1 “(g) CONSTITUENT SERVICES.—

2 “(1) REQUEST TO DETENTION CENTER.—Not
3 later than 90 days after the date of enactment of
4 this subsection, any individual detained pursuant to
5 the authority under this section, or any other provi-
6 sion in this Act, shall have access to the Depart-
7 ment’s Privacy Waiver Authorizing Disclosure to a
8 Third Party, ICE Form 60–001, or any successor
9 form, as well as a Congressional Privacy Release
10 Form upon written request, including in the lan-
11 guage spoken by the detainee, of the detainee to the
12 detention center.

13 “(2) NOTICE TO DETAINEE.—Not later than 24
14 hours after arriving at the facility, the detention
15 center shall provide to each detained alien the ICE
16 National Detainee Handbook, along with the hand-
17 book from the specific facility they are being held.
18 The Handbook should be available in the language
19 spoken by the detainee. If not available in such lan-
20 guage, any information in the handbook must be
21 orally interpreted for the detainee through a profes-
22 sional interpreter, at the request of the detainee.
23 The National Detainee Handbook shall have a sec-
24 tion titled ‘Congressional Constituent Services’ with
25 information on the availability of constituent serv-

1 ices, the ability to access the Law Library at the fa-
2 cility to access a Department’s Privacy Waiver Au-
3 thorizing Disclosure to a Third Party, ICE Form
4 60–001, or any successor form, Congressional Pri-
5 vacy Release Form, how to send it to their Member
6 of Congress or a third-party individual assisting with
7 their case, and the process described in paragraph
8 (5) for filing a complaint for failure to receive such
9 services.

10 “(3) NOTICE TO CONGRESSIONAL OFFICE.—Not
11 later than 7 days after a request is submitted pursu-
12 ant to paragraph (1), an employee of the detention
13 center in which the detainee is detained shall elec-
14 tronically submit a written notice to the congres-
15 sional office that a detainee is seeking to receive
16 constituent services as well as a copy of a Privacy
17 Release from the appropriate congressional office.

18 “(4) PRINTING, COPYING, AND CORRESPOND-
19 ENCE.—A detention center shall permit a detainee
20 to access a computer, email, printing, and copying
21 privileges, along with writing implements and paper
22 to facilitate continued communication with their con-
23 gressional office or other third-party individuals as-
24 sisting with their case throughout the casework
25 process.

1 “(5) ENFORCEMENT.—

2 “(A) IN GENERAL.—If a detention center
3 fails to provide the detainee access to a Depart-
4 ment’s Privacy Waiver Authorizing Disclosure
5 to a Third Party, ICE Form 60–001, or any
6 successor form, or the Congressional Privacy
7 Release form, within 30 days after requesting
8 it, or is found to be in violation of any provision
9 of this Act, a detainee, or third-party indi-
10 vidual—

11 “(i) may submit a complaint to the
12 detention center through such complaint or
13 grievance process as the detention center
14 may establish; or

15 “(ii) may bring a civil action against
16 the agency which engaged in that violation
17 in an appropriate United States district
18 court to recover such relief as may be ap-
19 propriate from.

20 “(B) LANGUAGE.—A detention center shall
21 give a detainee access to an interpreter for the
22 purpose of completing and submitting a com-
23 plaint under subparagraph (A) if the form is
24 not available in the language they speak.

1 “(6) CONGRESSIONAL OFFICE DEFINED.—In
2 this subsection, the term ‘congressional office’ means
3 the congressional office for the congressional district
4 in which the last known residence of the detainee
5 was located, or the residence of the requesting third-
6 party.”.

7 (b) REGULATIONS.—The Secretary of Homeland Se-
8 curity shall issue a rule implementing the amendment
9 made by subsection (a) not later than 180 days after the
10 date of enactment of this Act.

11 (c) NOTICE.—Not later than 270 days after the date
12 of enactment of this Act, the Secretary of Homeland Secu-
13 rity shall submit written notice to each immigration deten-
14 tion center of the rules with respect to the ability to access
15 Congressional constituent services and the complaint proc-
16 ess for detainees.

17 (d) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect 90 days after the date of
19 enactment of this Act.