



Pennsylvania Immigration
Resource Center

Rights Groups Call On Attorney General to Protect Basic Rights of Noncitizens with Mental Disabilities

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September 11, 2009, York, PA and Washington, DC – In a letter to Attorney General Eric Holder, Jr., the **Pennsylvania Immigration Resource Center (PIRC)** voiced the need for basic rights and reasonable accommodations for non-citizens with mental disabilities in immigration proceedings. The letter advocates for: 1) appointment of counsel to noncitizens with mental disabilities in removal proceedings; 2) appointment of guardians *ad litem* to those found to be mentally incompetent; 3) revision and adoption of regulations and practices to provide increased protections for individuals with mental disabilities; and 4) training programs and materials on mental health issues for all immigration judges.

In the letter, PIRC and other experienced advocates and organizations voiced concern that existing immigration court regulations and practices severely jeopardize the due process rights of those with mental disabilities in immigration proceedings. The proposed remedies would be a crucial first step to ensuring fundamental fairness for this very vulnerable population.

“There is a lot of tension in this country over government spending and immigration. But standing up for the rights of people with disabilities should be a point of agreement for everyone,” said **Megan Bremer, Managing Attorney at PIRC**. “The recommendations not only have the potential to save taxpayer dollars while providing security to those in need of protection, but they will uphold the principles of justice upon which this nation was founded.”

Every year, approximately 84% of the detained non-citizen population, and 58% overall, appearing before the immigration courts lack legal counsel. Of that population, non-citizens with mental disabilities face unique and acute challenges in representing themselves. Currently, they have no right to appointment of legal counsel or a legal guardian to advocate for their interests. The law even permits officials from the Department of Homeland Security – who are prosecuting the individual – to act on behalf of an individual with a mental disability.

Most people struggle to understand the complexities of immigration law, but those with mental disabilities are often completely lost in the system. Forgotten and neglected, they suffer silently for months or years waiting, often in segregated cells, for a court system that lacks the standards to guide these cases. The system, as it stands, often places the lives and liberty of this highly vulnerable population in grave danger, and also limits administrative and judicial economy.

PIRC has more than a decade of experience providing legal assistance to indigent non-citizen clients – including those with mental disabilities - held in immigration detention. In addition to advocating for the needs of detained immigrants who have disabilities, PIRC provides services through the Legal Orientation Program and the Detained Torture Survivors’ Network.

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