

immigrant detainees nationwide are represented by counsel.¹ For this reason, detainees' ability to access adequate legal resources to prepare for hearings while detained is particularly critical.

I. Violations of Due Process and PBNDS Requirements for Access to Law Libraries at Folkston

Immigration detention facilities may not violate detainees' constitutional right to due process through undue restrictions to law libraries. Such practices "unjustifiably obstruct the availability . . . of the right of access to the courts." *Procunier v. Martinez*, 416 U.S. 396, 419 (1974). In addition, the Performance Based National Detention Standards 2011 ("PBNDS 2011") require immigration detention facilities to provide "meaningful access" of "no less than five hours a week" to law libraries, legal materials, and equipment.² Under PBNDS 2011, detainees "shall not be required to forgo recreation time to use the law library," and "special consideration should be given to detainees facing deadlines or time constraints."³ The facility "shall permit a detainee to retain all personal legal material upon admittance to general population or to Administrative Segregation or Disciplinary segregation units."⁴

Detainees have reported the following practices with respect to law library access at Folkston:

Detainees lack regular access to the law library; there is no clear schedule that staff follows to provide access to the law library. When detainees have had access to the law library, it has fallen well below the required five hours per week.

Detainees must choose between recreation time and time in the law library.

Detainees are not permitted to retain their legal materials, including computer flash drives which are used to store digital legal documents, research, and other legal files. Instead,14 Td [n.0(i)-2(g)

