

March 11, 2020

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RE: ACCESS TO PRO BONO COUNSEL FOR BOARD OF IMMIGRATION APPEALS CASES

Dear Director McHenry, Acting Chairman Malphrus, Acting Chief Immigration Judge Santoro, Director Lang, and Assistant Director Alder Reid,

We write to express concern with regard to access to counsel for individuals detained in the San Francisco region and nationwide who have appeals pending before the Board of Immigration Appeals (BIA) due to recent severe restrictions to the longstanding BIA Pro Bono Project.

We are the California Collaborative for Immigrant Justice (CCIJ), a collaborative comprised of 50 pro bono legal service provider offices that has worked for years to increase access to legal assistance and counsel for individuals on the San Francisco detained dockets. CCIJ has significantly increased pro bono detained representation capacity and access to counsel for detained individuals in the San Francisco region. In partnership with, among others, JDC, Centro Legal de la Raza, Asian Americans Advancing Justice—Asian Law Caucus, Community Legal Services in East Palo Alto, and the San Francisco Office of the Public Defender, CCIJ has secured representation for hundreds of detainees during 2019 alone.

Catholic Legal Immigration Network, Inc. (CLINIC)'s BIA Pro Bono Project has been a critical partner in CCIJ's efforts to secure legal representation for detained individuals in the region. Because of the extreme time constraints in detained cases and the fact that the Immigration Court generally renders oral decisions to unrepresented detained respondents, the Project's historic access to review Records of Proceedings and to extensions of time for placed cases has been indispensable to its ability to increase representation. Not only do unrepresented detained respondents lack any ability to obtain recordings of oral decisions in detention where they are not able to possess or listen to compact discs, but also, because the oral decisions are not simultaneously interpreted, respondents who are not fluent in English have no opportunity to meaningfully understand the substance of the decision. As such, the BIA Pro Bono Project has historically bridged a critical gap by screening cases for pro bono placement. Without EOIR's renewed cooperation, the program will not be able to serve most unrepresented respondents and may collapse entirely.

Therefore, we request that EOIR restore the BIA Pro Bono Project's access to screen cases for pro bono representation.

Sincerely,

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