



San Francisco Immigrant Legal & Education Network
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August 18, 2010

VIA FAX (705) 605-0365 AND FIRST CLASS MAIL

Thomas G. Snow
Acting Director
U.S. Department of Justice
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

RE: EOIR HOTLINE TELEPHONE NUMBER CHANGES

Dear Director Snow,

We are service providers that comprise the legal team of the San Francisco Immigrant Legal & Education Network (SFILN), a collaboration of thirteen agencies providing legal services to indigent clients seeking immigration assistance. As part of SFILN, we regularly provide free immigration consultation to indigent clients—and family members of those clients—facing imminent removal. We also provide direct representation in removal proceedings. We write to express our strong opposition to the Executive Office of Immigration Review's (EOIR) new policy of requiring callers to enter the date of the charging document in order to access the immigration court hotline information system.

Under current policy, callers need to enter the alien registration number to access information—a number that ICE already protects by not freely giving out the information. However, under the new change, EOIR will now require callers to enter both the alien registration number, and the date of the charging document, to get case information about family members or clients.

As organizations that regularly provide consultations to families about their rights and responsibilities in immigration proceedings, we constantly access the immigration court hotline number—which, as it functions today, provides crucially important information. We estimate that our organization uses the hotline number as much as 20 times per day. EOIR's policy change will have a tremendously detrimental effect on our clients, because clients and family members often do not have a copy of the charging document. EOIR's new policy will deprive the following types of clients from obtaining timely information about their cases:

African Immigrant & Refugee Resource Center Arab Resource & Organizing Center Asian Law Caucus Asian Pacific Islander Legal Outreach
Central American Resource Center Chinese for Affirmative Action Dolores Street Community Services Filipino Community Center La Raza Centro Legal
La Raza Community Resource Center Mujeres Unidas y Activas People Organized to Demand Environmental & Economic Rights St. Peter's Housing Committee

- Detained clients who were never properly served with an NTA;
- Detained clients served with an NTA, but unable to communicate the date of the NTA because the document is inaccessible, stored with the client's belongings in detention;
- Non-detained clients who were never properly served with an NTA;
- Non-detained clients who misplaced their NTA's;
- Family members of detained clients seeking basic information about their family members' case; and
- Non-detained or detained clients with in absentia orders who never served their NTA or never received notice of their court hearing. .

In fact, if EOIR's new hotline policy were in effect last year, many SFILN attorneys would have been unable to represent numerous indigent individuals facing imminent deportation. The new change will undermine our ability to provide intelligent and effective representation to our clients.

EOIR's change must be seen in a larger context. As a threshold matter and under current law, it is extraordinarily difficult for immigrants, as well as their lawyers, to acquire basic information about their cases. There is little discovery in high-stakes immigration proceedings, and in order to acquire documents, clients must file a request through ICE's Freedom of Information Act office. These requests often take months to process. Moreover, ICE deportation officers often have little time to speak with lawyers or family members, and often refuse to speak with a lawyer about a case unless they have filed a Form G-28. EOIR's immigration court hotline number balances these tremendous challenges by offering a simple way to access the status of a case.

We understand that one of the main reasons for the system change was to protect the privacy of individuals in immigration proceedings. While there may be some valid confidentiality concerns, there is no doubt that EOIR could develop alternative methods to protect the confidentiality of client. Indeed, ICE already has methods in place to prevent the free dissemination of an individual's alien registration number.

But more importantly, the need for confidentiality must be balanced with a client's right to access information in a timely fashion. When a client is faced with imminent removal, it makes little sense to establish a bar to access information on the basis of that same client's "confidentiality" concerns, especially where that client would readily waive any right to confidentiality in favor of the right to seek information about his or her own case. Our clients seeking information would greatly prefer the current immigration court hotline system, rather than the new one, which will create barriers to access information.

It is crucial that more stakeholders, such as practitioners and community based organizations, can participate in discussions around these concerns—particularly, how to strike the proper balance between the needs of a client and their families to access information about their case, and their rights to confidentiality. **However, we state with confidence that EOIR's current proposed change will undermine our ability to provide effective, quick and reliable immigration advice to indigent clients seeking help.** We therefore request EOIR to take immediate steps to allow access to the current Immigration Court Hotline number until these concerns can be addressed.

Very Truly Yours,

African Advocacy Network
Arab Resource & Organizing Center
Asian Law Caucus
Asian Pacific Islander Legal Outreach (APILO)
Central American Resource Center (CARECEN)
Dolores Street Community Services
La Raza Centro Legal
La Raza Community Resource Center

CC: Brian M. O'Leary, Chief Immigration Judge
Juan Osuna, Associate Deputy Attorney General
Robin M. Stutman, General Counsel Gary Grindler, Acting Deputy Attorney General
David Neal, Chair, Board of Immigration Appeals
Steve Lang, EOIR Legal Orientation and Pro Bono Program Coordinator
Thomas E. Perez, U.S. Department of Justice, Civil Rights Division