



May 7, 2008

VIA FACSIMILE AND U.S. MAIL

Nancy Alcantar
Field Office Director
Detention and Removal Operations
U.S. Immigration and Customs Enforcement
630 Sansome Street, Room 590
San Francisco, CA 94111

Re: Right to Counsel for Detained and Non-Detained Aliens

Dear Ms. Alcantar:

We write to register ongoing concern about interference with the right to counsel for persons arrested in connection with the raids that U.S. Immigration and Customs Enforcement conducted at Bay Area El Balazo *taquerias* this past Friday, May 2, 2008.

On Friday, we and other attorneys experienced direct interference with our efforts to provide requested legal representation, free of charge, to individuals held at 630 Sansome Street. This interference included, but was not limited to, misrepresentations being made to attorneys of record regarding the location of their clients, whether they were being questioned, whether they were being released and under what conditions; attorneys being denied access to clients; meetings with clients being cut short without explanation only minutes after they had begun; and clients being interrogated despite clear requests that counsel be present. In at least one instance, an officer was heard instructing detainees not to speak with the attorneys who were present. Since Friday, there have been further reports of interference with representation by attorneys appearing for individuals reporting to ISAP (Intensive Supervision Appearance Program).

Aliens have an established right to counsel any time they are required to meet with the agency. This right applies as well to interviews required by ISAP, as those administering ISAP are functioning as agents of ICE. We are particularly troubled that the problems we have noted here have arisen so soon after *National Lawyers Guild v. Chertoff*, No. CV 08-1000-GW (C.D. Cal.), the litigation following the recent raid in Van Nuys. As you presumably know, that litigation, which sought enforcement of arrestees' right to counsel, was resolved in a manner that ensured unimpeded attorney participation in essentially the same interviews now at issue here.

For the reasons we have noted, we would like your assurance that the problems outlined here will not be repeated and that the companies administering ISAP will be immediately instructed that individuals under their supervision are permitted to have counsel present

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Nancy Alcantar
May 7, 2008
Page 2

when they wish to do so and that counsel who are available for free consultation and representation in those interviews be permitted to make their availability known.

Thank you in advance for your attention to this serious matter. Because this matter is urgent, we ask that you give us your written response by the close of business tomorrow. If you would like to meet to discuss this matter, please feel free to contact Julia Harumi Mass at 415.621.2493.

Sincerely,



Julia Harumi Mass
ACLU of Northern California
39 Drumm Street
San Francisco, California 94111



Mónica M. Ramírez
ACLU Immigrants' Rights Project
39 Drumm Street
San Francisco, CA 94111

cc: American Immigration Lawyers Association of Northern California
Asian Law Caucus
Bay Area Immigrant Rights Coalition
Immigrant Legal Resource Center
National Lawyers Guild
San Francisco Immigrant Legal & Education Network