



**U.S. Customs and
Border Protection**

FEB 18 2009

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David Blair-Loy
Legal Director
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, California 92138-7131

Dear Mr. Blair-Loy:

Please accept the following in reply to your letter dated December 4, 2008, to Gurdit Dhillon, former Director of Field Operations, U.S. Customs and Border Protection, San Diego. Your letter was referred to me because the Barracks 5 transit staging area is a Border Patrol operation under my command.

Please be advised that we will provide access to counsel by immigration detainees at Barracks 5 as follows. The immigration attorney should call the San Diego Sector "NTA Coordinator" to make an appointment for visitation during business hours. I have designated Senior Patrol Agent Adriana Finau as the primary NTA Coordinator, and she may be reached at (619) 498-9836. In the event that SPA Finau is unable to return the call within one hour, the immigration attorney may contact Supervisory Border Patrol Agent Stephen Harkenrider, who I have designated as the back-up NTA Coordinator, at (619) 498-9983 or (619) 498-9777. The immigration attorney should be prepared to provide their bar membership number, which the NTA Coordinator will verify prior to the visitation appointment. The NTA Coordinator will instruct the immigration attorney when and where to report in order to be escorted onto the Border Patrol facility located at 311 Athey Avenue, in San Ysidro.

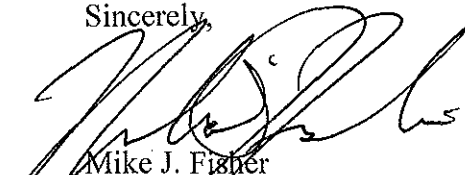
Upon arriving for visitation, the immigration attorney should be prepared to present their bar card and photo identification, which will be examined and returned by the NTA Coordinator. A G-28 is helpful but not required for visitation. Upon receipt of a G-28 or similar notice bearing a detainee's original signature and date, we will regard the detainee as represented by counsel for immigration purposes.

David Blair-Loy
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Last, please note that immigration detainees at Barracks 5 have access to telephones, and those who have requested removal hearings before the Immigration Court have been provided with a list of free legal services pursuant to 8 C.F.R. 287.3(c). See, <http://www.usdoj.gov/eoir/probono/freelglchtCA.htm>. As such, we are confident that the immigration detainees in transit through Barracks 5 have been accorded appropriate access to counsel while in Border Patrol custody.

Thank you for bringing this important matter to my attention. If you have any questions or need any further information or assistance, please feel free to contact the NTA Coordinator.

Sincerely,



Mike J. Fisher
Chief Patrol Agent

cc: Sean Riordan, ACLU Foundation of San Diego & Imperial Counties
Philip Tencer, Cooley Godward Kronish LLP