

President Joe Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Leader Charles Schumer  
322 Hart Senate Office Building  
Washington, D.C. 20510

Senator Dick Durbin  
711 Hart Senate Building  
Washington, D.C. 20510

Chairman Patrick Leahy  
U.S. Senate Committee on Appropriations  
Room S-128, The Capitol  
Washington, D.C. 20510

Chair Jeanne Shaheen  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
Room S-128, The Capitol  
Washington, D.C. 20510

Speaker Nancy Pelosi  
1236 Longworth H.O.B.  
Washington, DC 20515

House Majority Leader Steny Hoyer  
1705 Longworth H.O.B.  
Washington, D.C. 20515

Chair Rosa L. DeLauro  
U.S. House Committee on Appropriations H-  
307, The Capitol  
Washington, D.C. 20515

Chairman Matt Cartwright  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
H-310, The Capitol  
Washington, D.C. 20515

Dear President Biden and esteemed leaders of the House and Senate:

The undersigned 149 immigration, civil rights, human rights, and service organizations, including many specializing in providing legal representation to immigrants, call upon you to prioritize the immediate and dramatic expansion of legal representation programs for people appearing in proceedings before the immigration courts. Funding for appointed counsel is critical to increasing fairness and government efficiency.

As negotiations move forward for the full year spending bill for fiscal year (FY) 2022, we urge you to support robust funding for appointed counsel for immigrants. Congress should adopt, at a minimum, the \$50 million proposed in the FY 2022 House Commerce, Justice, Science, and Related Agencies (CJS) Appropriations bill (H.R.4505). These funds will allow the Department of Justice to pilot and expand legal representation programs. Although adequately funding such programs requires \$200 million for FY 2022, the \$50 million in the House bill would provide at least some meaningful investment in such programs.

While federal law provides the right to legal counsel in removal proceedings, the law does not guarantee the government will provide attorneys for immigrants who are unable to afford one on their own. The most recent data available indicate that 46 percent of all cases pending before our immigration courts involve non-citizens facing deportation without attorneys.<sup>1</sup> These figures

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<sup>1</sup> Transactional Records Access Clearinghouse (TRAC), "State and County Details on Deportation Proceedings in Immigration Court," last accessed Jan. 25, 2022, <https://trac.syr.edu/phptools/immigration/nta/>.

are even higher for people stuck in immigration detention, among whom 70 percent did not have legal counsel between 2015 and 2017.<sup>2</sup> Studies have shown that immigrants are five times more likely to obtain relief from removal when represented by counsel, with those in detention being ten-and-a-half times more likely to succeed.<sup>3</sup>

The low levels of representation are a crisis given the exceptionally complex nature of immigration law, the fact that it is nearly impossible for immigrants to navigate our complex immigration system without the assistance of an attorney, and the severe consequences associated with deportation. Due process should not turn on whether or not an individual can afford to pay for a private attorney.

Providing legal representation would also increase efficiency in immigration proceedings and in the immigration system overall, as well as dramatically reduce costs associated with immigration enforcement and detention. People represented by counsel appear for their hearings over 96 percent of the time because a lawyer can help them navigate a complex system generally conducted in a language that is often not their own.<sup>4</sup> People who are represented by counsel are also typically more prepared to proceed in their cases and less likely to request continuances.<sup>5</sup> When combined, these factors mean that expanded legal representation will reduce the time judges spend on each case and contribute to more efficient court processing. Legal representation programs would also facilitate the Biden administration's ongoing efforts to establish a better system for processing and ensuring full and fair review of asylum cases.

Both the Biden administration and Congress have previously recognized the dire need for appointed counsel in immigration cases. In 2020, the CJS bill (H.R.7667) that passed the House of Representatives included \$15 million for a pilot program for representation for arriving asylum seekers. The President's FY 2022 budget calls for \$15 million in additional funding for the DOJ to provide legal representation programs.<sup>6</sup> Most recently, the FY 2022 House CJS bill (H.R.4505) includes \$50 million for legal representation programs.

Given all of the above, we firmly believe that at a minimum the \$50 million included in H.R.4505 for FY 2022 must be included in the final FY2022 spending bill. That investment will serve as the building block to increase growth and funding for legal representation programs in future years. It is long past time for Congress and the executive branch to implement smart

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<sup>2</sup> Transactional Records Access Clearinghouse (TRAC), "Who is Represented in Immigration Court?," October 16, 2017, <https://trac.syr.edu/immigration/reports/485/>.

<sup>3</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, Sept. 28, 2016, <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>4</sup> Ingrid Eagly and Steven Shafer, *Measuring In Absentia Removal in Immigration Court*, Jan. 28, 2021, <https://www.americanimmigrationcouncil.org/research/measuring-absentia-removal-immigration-court>.

<sup>5</sup> See U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division, *Management of Immigration Cases and Appeals by the Executive Office for Immigration Review*, October 2012, 30, <https://oig.justice.gov/reports/2012/e1301.pdf>.

<sup>6</sup> "The President's FY2022 Discretionary Request," Executive Office of the President, Office of Management and Budget, April 9, 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/04/FY2022-Discretionary-Request.pdf>.

solutions that will help immigrants navigate the system more effectively while also reducing overall costs to the government and increasing its efficiency.

Please contact Greg Chen, Senior Director of Government Relations for the American Immigration Lawyers Association, [gchen@aila.org](mailto:gchen@aila.org) or Jorge Loweree, Director of Policy for the American Immigration Council, [jloweree@immcouncil.org](mailto:jloweree@immcouncil.org) with any questions or concerns.

Sincerely,

**National**

Aldea - The People's Justice Center  
Alianza Americas  
American Friends Service Committee (AFSC)  
American Humanist Association  
American Immigration Council  
American Immigration Lawyers Association (AILA)  
American-Arab Anti-Discrimination Committee (ADC)  
Amnesty International USA  
Asian American Legal Defense and Education Fund (AALDEF)  
Asian Americans Advancing Justice | AAJC  
Asian Pacific Institute on Gender-Based Violence  
Black Alliance for Just Immigration (BAJI)  
Bridges Faith Initiative  
CASA  
Center for Gender & Refugee Studies  
Center for Law and Social Policy (CLASP)  
Church World Service  
Civil Rights Education and Enforcement Center  
Climate Refugees  
Coalition on Human Needs  
Congregation of Sisters of St. Agnes  
Council for Global Equality  
Evangelical Lutheran Church in America  
Faith in Public Life  
Families for Freedom

Friends Committee on National Legislation  
Haitian Bridge Alliance  
HIAS  
Hispanic Federation  
Hispanic Federation  
Human Rights First  
Immigrant and Non-Citizen Rights Clinic  
Immigrant Justice Corps  
Immigration Center for Women and Children  
Immigration Hub  
Innovation Law Lab  
International Refugee Assistance Project (IRAP)  
International Rescue Committee  
Jobs With Justice  
Justice in Motion  
Kids in Need of Defense  
Law Offices of Sheila Starkey Hahn  
Leadership Conference of Women Religious  
National Association of Social Workers  
National Education Association  
National Employment Law Project  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Law Center  
National Immigration Litigation Alliance  
National Immigration Project (NIPNLG)  
National Network for Immigrant and Refugee Rights  
National Network for Immigrant and Refugee Rights  
National Partnership for New Americans  
NETWORK Lobby  
Oxfam America  
Presente.org

Public Defender Coalition for Immigrant Justice  
RAICES  
Rainbow Beginnings  
Refugees International  
Save the Children  
Sisters of St Joseph of Carondelet  
Sisters of St. Francis of the Providence of God  
Stanford University  
Tahirih Justice Center  
The Jus Semper Global Alliance  
UndocuBlack Network  
Union for Reform Judaism  
University of California Davis Immigration Law Clinic  
VECINA  
Vera Institute of Justice  
Witness at the Border  
Women's Refugee Commission  
World Relief

### **State and Local**

AIDS Foundation Chicago  
American Civil Liberties Union of New Jersey  
American Gateways  
Americans for Immigrant Justice  
Arizona Jobs with Justice Coalition  
Arizona Justice For Our Neighbors  
Asociacion Guatemaltecos Sin Fronteras  
Ayuda  
Caminando Juntos - Presentation Sisters Hispanic Ministry  
Capital Area Immigrants' Rights Coalition  
Casa Ruby  
Central American Resource Center Houston (CRECEN)

Central American Resource Center of Northern CA (CARECEN SF)  
Central American Resource Center, Los Angeles (CARECEN-LA)  
Church of the Ascension  
Church Women United in New York State  
  
Clergy and Laity United from Economic Justice Ventura County (CLUE VC)  
Coalition for Humane Immigrant Rights (CHIRLA)  
Community Asylum Seekers Project  
Community Economic Development Center New Bedford, MA  
Delaware Civil Rights Coalition  
Florence Immigrant & Refugee Rights Project  
Forging Opportunities for Refugees in America  
Georgia Asylum and Immigration Network (GAIN)  
Human Rights Initiative of North Texas  
Illinois Coalition for Immigrant and Refugee Rights  
Immaculate Heart Community Commission on Justice for Immigrants and Refugees  
Immigrant Advocates Response Collaborative  
Immigrant Justice Committee of New Castle Presbytery, Delaware  
Immigrant Justice Committee, PCUSA, Delaware  
Immigration Justice Committee  
International Institute of New England  
Kentucky Coalition for Immigrant and Refugee Rights  
La Raza Centro Legal San Francisco  
Law Office of Helen Lawrence  
Law Office of Helen Lawrence  
Legal Aid Justice Center  
Legal Aid Justice Center  
Louisiana Advocates for Immigrants in Detention (LA-Aid)  
Mariposa Legal, program of COMMON Foundation  
MICA Project  
Migrant Center for Human Rights  
Mississippi Center for Justice  
Mobilization for Justice, Inc.

New Sanctuary Movement of Atlanta  
New York Immigration Coalition  
North Carolina Justice Center  
Northwest Immigrant Rights Project  
Pathways Counseling Associates  
Public Counsel  
Refugee Action Network  
Rian Immigrant Center  
Richards Law Office, PC  
Safe Passage Project  
Seattle Immigrant Rights Action Group  
Services, Immigrant Rights and Education Network (SIREN)  
Sisters and Brothers of Immigrants  
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA  
Sisters of St. Dominic of Blauvelt, New York  
St George's Episcopal Church, Hawthorne, CA  
STRANGERS NO LONGER (Michigan)  
TASSC (Torture Abolition & Survivors' Support Coalition) International  
Tennessee Justice for Our Neighbors  
Texas Civil Rights Project  
The Advocates for Human Rights  
The Legal Aid Society (New York)  
The Masliah Firm PC  
Transformations CDC  
United Food and Commercial Workers Local 1445  
Wallingford Indivisible  
Westchester Jewish Coalition for Immigration  
Wind of the Spirit Immigrant Resource Center  
Workers Center of Central NY