

The Honorable Barbara Mikulski, Chair
U.S. Senate Committee on Appropriations
Room S128, The Capitol
Washington, DC 20510

The Honorable Richard Shelby, Ranking Member
U.S. Senate Committee on Appropriations
Room S128, The Capitol
Washington, DC 20510

July 22, 2014

Re: Funding for Counsel for Children in Supplemental Appropriations

We, the undersigned civil and human rights organizations, faith-based organizations, and direct legal services providers, strongly urge the Committee to provide robust support to guarantee legal services for children in any supplemental appropriations package. We are concerned that the administration has requested just \$15 million to provide counsel to children, out of a \$3.7 billion request to respond to the humanitarian crisis at the border. While we know the administration faced difficult choices in its supplemental request, this figure is wholly inadequate given how crucial counsel is to a meaningful immigration and asylum process.

Representation by counsel is absolutely necessary to help ensure that children receive full and fair adjudication of their cases. It is impossible for a child to competently represent himself or herself in immigration proceedings, which can be complex and arcane even for trained professionals. Many of the children arriving from Central America have been traumatized not only by violence in their home countries, but also by their difficult and dangerous journey to the United States. A report from the U.N. High Commissioner for Refugees suggested that 58 percent of the study's sample of more than 400 unaccompanied children "suffered or faced harms that indicated a potential or actual need for international protection,"¹ meaning that they may be refugees and could face serious harm, even death, if returned to their home countries. Yet without counsel, these children must put together complex claims for legal relief under U.S. law alone - violating the most basic notions of fairness.

Attorney General Eric Holder said, in testimony before the Senate Judiciary Committee, that allowing the most vulnerable immigrants to appear in immigration court alone "is simply not who we are as a nation. It is not the way in which we do things."² Former Assistant ICE Secretary Julie Myers Wood called the lack of legal representation for children under our current system "abominable."³ The United States should not allow children who have come to us seeking safety, and who may be eligible for U.S. protection, to appear in court without an attorney.

Legal representation not only helps to ensure that children receive a meaningful hearing, but also makes immigration proceedings more efficient.⁴ According to the National Association of Immigration Judges, "when noncitizens are represented by attorneys, Immigration Judges are able to

¹ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, CHILDREN ON THE RUN (2014), available at http://www.unhcrwashington.org/sites/default/files/UAC_UNHCR_Children%20on%20the%20Run_Executive%20Summary.pdf.

² *Oversight of the U.S. Dep't. of Justice Before the S. Comm. on the Judiciary*, 113th Cong. (Mar. 6, 2013) (statement of Eric Holder, Att'y Gen. of the United States).

³ Katharina Obser, *Importance of Counsel for Asylum Seekers and Immigrants in Detention Stressed by Faith, Civil Rights, Legal, and Other Leaders*, HUMAN RIGHTS FIRST (Apr. 26, 2013), <http://www.humanrightsfirst.org/2013/04/26/importance-of-counsel-for-asylum-seekers-and-immigrants-in-detention-stressed-by-faith-civil-rights-legal-and-other-leaders>.

⁴ Charles H. Kuck, *Legal Assistance for Asylum Seekers in Expedited Removal: A Survey of Alternative Practices*, p. 8, in U.S. Commission on International Religious Freedom, *Asylum Seekers in Expedited Removal* (2005), available at http://www.uscirf.gov/images/stories/pdf/asylum_seekers/legalAssist.pdf (stating that DOJ's Executive Office for Immigration Review has noted the challenges created by non-represented cases for court efficiency).

conduct proceedings more expeditiously and resolves cases more quickly.”⁵ Children with representation are more likely to appear for their court dates, and more likely to obey court orders, thereby alleviating pressures on the already hugely overburdened immigration courts.

No child should enter a courtroom without counsel. Any emergency supplemental appropriations package to address the crisis at the border must include sufficient funding to ensure legal representation for all children. For more information, please contact Greg Chen at the American Immigration Lawyers Association at (202) 507-7615 or gchen@aila.org.

Sincerely,

National Organizations

American Civil Liberties Union
American Immigration Council
American Immigration Lawyers Association
Amnesty International USA
Asian Americans Advancing Justice - Los Angeles
Asian Americans Advancing Justice - AAJC
Detention Watch Network
Farmworker Justice
HIAS
Hispanic Federation
Human Rights First
Human Rights Watch
Kids in Need of Defense (KIND)
LATINOJUSTICE PRLDEF
Lutheran Immigration and Refugee Service
Mexican American Legal Defense and Educational Fund
National Council of La Raza (NCLR)
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Lawyers Guild
Physicians for Human Rights
Service Employees International Union (SEIU)
Sisters of Mercy South Central
Southeast Asia Resource Action Center (SEARAC)
U.S. Committee for Refugees and Immigrants
United We Dream
Women's Refugee Commission

State and Local Organizations

Benjamin N. Cardozo School of Law, Refugee Representation Project of the Human Rights and Genocide Clinic
Branch Legal

⁵ Letter from Dana Marks, National Association of Immigration Judges, to Members of Congress, March 22, 2013 (on file with the ACLU).

California Prison Focus

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)

COALITION OF LATINO LEADERS-CLILA

Conversations With Friends, ending isolation by visiting and advocating for immigrants in detention, MN

Friends of Broward Detainees

IDAP (Immigrant Detainee Accompaniment Program)

Illinois Coalition for Immigrant and Refugee Rights

Immigration Team of MN Conference of UCC

Interfaith Coalition on Immigration (ICOM), MN

Maria Baldini-Potermin & Associates, PC

NMIC Legal Services

North Georgia Immigrant Justice Group

Political Asylum Immigration Representation Project

Public Counsel

Rockland Immigration Coalition

Safe Passage Project

Seton Hall University School of Law Center for Social Justice

Tennessee Immigrant and Refugee Rights Coalition

Vermont Immigration and Asylum Advocates