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AMERICAN BAR ASSOCIATION

COORDINATING COMMITTEE ON IMMIGRATION LAW
CRIMINAL JUSTICE SECTION
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
SECTION OF INTERNATIONAL LAW AND PRACTICE
AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
THE BAR ASSOCIATION OF SAN FRANSISCO

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

RESOLVED, that the American Bar Association opposes the involuntary transfer of detained immigrants and asylum seekers to facilities that impede an existing attorney-client relationship;

FURTHER RESOLVED, that detained immigrants and asylum seekers should not be transferred to distant locations and detention space should not be contracted for or constructed in remote areas where legal assistance generally is not available for immigration matters.

REPORT

The ABA has a long-standing position that the INS should detain noncitizens only in extraordinary circumstances, such as to protect national security or address serious threats to public safety and in the least restrictive environment necessary. Nevertheless, the Immigration and Naturalization Service (INS) routinely detains foreign nationals with pending administrative proceedings in secure facilities throughout the United States.

Asylum seekers and others in removal[1] proceedings are not entitled to appointed counsel under the Sixth Amendment as are criminal defendants.[2] They have a "privilege" of representation by counsel "at no expense to the Government."[3] In spite of efforts by the organized bar and nonprofit organizations to provide legal assistance, immigration detainees encounter significant obstacles to securing representation. People with sufficient funds to employ paid counsel often find it difficult to retain such counsel due to the remoteness of detention facilities and the fact that detainees are often involuntarily transferred to locations distant from their homes and without regard to access to their counsel of choice. Immigrants and refugees who are indigent must find lawyers or legal service programs to represent them for free or at a reduced cost, or they must represent themselves.[4]

The dynamic and complex nature of immigration laws coupled with the vulnerability of the population affected by them, renders access to counsel essential. The consequences of removal from the United States can be grave, even life threatening.[5]

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[1] The term "removal" refers to the expulsion of an alien from the United States. This expulsion may be based on grounds of inadmissibility or deportability.

[2] *See INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984) (deportation proceedings are purely civil and various protections that apply in the context of a criminal hearing do not apply in deportation proceedings). *See also United States v. Campos-Ascencio*, 822 F.2d 506, 509 (5th Cir. 1987); *Ramirez v. INS*, 550 F.2d 560, 563 (9th Cir. 1977).

[3] INA § 240(b)(4)(A); 8 U.S.C. § 1229a(b)(4)(A) (2000).

[4] Legal programs funded by the Legal Services Corporation are subject to "alien restrictions" imposed by Congress that prevent them from representing most immigration detainees.

[5] If the banishment of an alien from a country into which he has been invited ... where he may have formed the most tender of connections, where he may have bested his entire property and acquired property ... and where he may have nearly completed his probationary title to citizenship..., if a banishment of this sort be not a punishment, and amongst the severest of punishments, it will be difficult to imagine a doom to which the norms can be applied.

Mr. (James) Madison's Report, General Assembly of Virginia (January 7, 1800) (reprinted in The Virginia Commission on Constitutional Government, The Kentucky-Virginia Resolutions and Mr. Madison's Report of 1799, 36 (1960)). *See also* ABA letter from Robert Evans to Congressman Lamar S. Smith, Chairman of the Immigration and Claims Committee on the Judiciary, dated February 24, 1999 concerning detention and related issues.

INS regularly engages in the transfer of represented and unrepresented immigrants and refugees to isolated detention facilities that deprive the detainees of access to immigration counsel or interfere with existing attorney-client relationships. As a result, detainees who are not deportable or who may qualify for relief face imminent deportation because they are unaware of their rights or cannot effectively exercise them, while others may prolong detention by pursuing relief for which they are ineligible.

INS Detention

Various provisions of the Immigration and Nationality Act provide for detention of foreign nationals. The provisions are complex and can, under certain circumstances, result in long-term and sometimes indefinite detention of aliens in INS processing facilities, state jails, federal prisons and for-profit prisons where the INS rents beds for its administrative detainees.[6]

The INS detention and removal budget soared to $733 million in 1999[7] and it has requested an additional $119.5 million for fiscal year 2001 making it the fastest growing detention operation within the Department of Justice.[8] INS currently has approximately 19,300 detainees on any given day and projects it will have space to detain 24,000 men and women by 2001.[9] This dramatic rise in detention is directly attributable to statutory changes that require that the INS detain without bond arriving asylum seekers and other aliens who appear to be inadmissible, people facing deportation due to criminal offenses, and people with final deportation orders. As increased numbers of people are detained, INS has had to construct new facilities or contract with existing facilities for more beds. Over 60 percent of immigration detainees are incarcerated in local county or state jails where they are housed with and subject to the same conditions as inmates serving criminal sentences. They are not, however, criminal inmates; they are administrative detainees being held for civil administrative proceedings. More than 160,000 individuals spent some time in INS custody in 1998 alone.[10]

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[6] *See* INS memorandum HQcou50/1.1 from Bo Cooper, General Counsel INS (March 16, 2000).

[7] *INS Reform: Detention Issues: Hearing Before the Subcomm. On Immigration of the Senate Comm. On the Judiciary*, 105th Cong. (1998) (statement of Doris Meissner, Commissioner, Immigration and Naturalization Service) p.1. In 1998 INS spent 692 million dollars on detention and deportation. *INS Reform: Hearing Before the Subcomm. On Immigration of the Senate Comm. On the Judiciary*, 106th Cong. (1999) (statement of Doris Meissner, Commissioner, Immigration and Naturalization Service) p. 4.

[8] "The President's Fiscal 2001 Immigration Budget," INS Fact Sheet prepared by the Office of Policy and Planning (Feb. 7, 2000).

[9] *See INS Reform: Hearing Before the Subcomm. On Immigration of the Senate Comm. On the Judiciary*, 106th Cong. (1999) (statement of Doris Meissner, Commissioner, Immigration and Naturalization Service); "INS Improves Management of Detention Program," INS Fact Sheet (June 8, 1999). An estimated 5,000 immigrants at any one time face indefinite custody. Donald M. Kerwin, *Throwing Away the Key: Lifers in INS Custody*, 75 INTERPRETER RELEASES 649 (May 11, 1998).

[10] In 1998 the INS increased its detention capacity by 33 percent and ended the year with a total of 16,000 beds. Meissner testimony (September 23, 1999) *supra* note 7, p. 4.

Detention arises primarily in four contexts. (1) Arriving individuals who are seeking admission to the United States may be detained without bond. (2) People charged with being deportable may be detained pending the conclusion of deportation hearings but people who are charged with certain criminal and national security grounds are held without bond. (3) Aliens with final deportation orders are taken into custody and those whom the INS cannot deport may be detained indefinitely. And (4) Children under 18 years of age may be detained when there is no suitable adult relative, legal guardian or foster care placement to which to release them.[11] Unfortunately, even aliens who may be eligible for release often remain detained because they cannot afford to post bond.[12]

The primary goal of pre-hearing detention is to ensure that people appear for all their immigration hearings and comply with the final order of the immigration judge. However the loss of liberty has punitive effects and works to undercut rights on many levels. Legal representation is crucial for individuals fighting deportation charges. The burden of proof is on the immigrant and almost all forms of relief, especially asylum, require extensive documentation including from witnesses or experts. In the words of Justice Douglas,

> We are dealing here with procedural requirements prescribed for the protection of the alien. Though deportation is not technically a criminal proceeding, it visits a great hardship on the individual and deprives him of the right to stay and live and work in the land of freedom. That deportation is a penalty — at times a most serious one — cannot be doubted. Meticulous care must be exercised lest the procedure by which he is deprived of that liberty not meet the essential standards of fairness.[13]

Detained people cannot access vital information and experience numerous difficulties preparing their cases and communicating with counsel. INS detention practices exacerbate this situation. The INS frequently transfers detainees to distant locations, often without notifying the person's lawyer of record and without regard for the need to prepare for a hearing or to be close to one's family and support system. Many detention facilities are in rural locations, far from private and pro bono lawyers and nonprofit legal programs, which makes access to lawyers, family and legal materials even more difficult. One of the main INS facilities is in Oakdale, Louisiana.[14] Other major facilities are in Florence and Eloy, Arizona; York, Pennsylvania; El Centro, California; and Port Isabel, Texas.

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[11] INA § 236(a); 8 U.S.C. § 1226(a) (2000).

[12] INA § 236(a)(2); 8 U.S.C. § 1226(a)(2) (2000).

[13] *See Bridges v. Wixon*, 326 U.S. 135, 154 (1945).

[14] *See* Melanie Nezer, *Refugees in America's Jails*, REFUGEE REPORTS (A News Service of the U.S. Committee for Refugees), Jan. 1999.

The detention conditions in these different types of facilities are not uniform, e.g., some facilities lack telephones or provide limited access to telephones, others have no law libraries, still others restrict consultation hours and limit written communications.[15] Access to telephones has been one of the most persistent problems, particularly in county jails utilized by the INS.[16]

Transfers of Represented Detainees

The involuntary transfer of detainees between immigration detention facilities and other facilities is a common occurrence. INS transfers detainees without regard to their ability to maintain access to current counsel or to engage new counsel.[17]

The reasons that INS chooses to transfer some detainees and not others are truly a mystery. INS cites people management and overcrowding as the most common reasons for transfers.[18] Attorneys report that transfers are also used to discipline detainees or to defeat federal court jurisdiction.[19]

First-hand accounts from attorneys engaged in private practice, *pro bono* counsel, and various advocacy organizations demonstrate that involuntary transfers of represented aliens are commonplace, disrupt the attorney-client relationship, and have deleterious effects on the detainee.

> INS transfers my clients out of state without telling me all the time. In one case I had that made the *New York Times*, they transferred my (United States citizen but according to INS an aggravated felon alien) client to San Diego, California, from Alaska right after I entered an appearance. I had to get a federal judge to order them to ship her back. But usually my clients have no money to go to court to

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[15] *Florida County Jails: INS's Secret Detention World*, Florida Immigrant Advocacy Center (November 1997) (hereinafter *Florida County Jails*). This report, prepared by the Florida Immigrant Advocacy Center, is a 46-page report on INS detention and numerous exhibits are attached to the report.

[16] The ABA and Department of Justice have been working to resolve these telephone access issues and other problems that impede representation. ABA past-President Phil Anderson worked long hours in attempting to negotiate acceptable uniform detention standards. Standards have been released that are to apply to all facilities where INS detainees are held but the standards are being phased-in and will require continuous monitoring to ensure they are implemented nationwide.

[17] INS maintains no statistics on the number of detainee transfers. *See Florida County Jails.*

[18] Andres Viglucci, *Krome Center Near-Riot is Sign of Disarray*, MIAMI HERALD, Aug/ 9, 2000, at B1.

[19] *Id. See also Florida County Jails.* In at least one instance, the INS transferred a group of detainees for cosmetic purposes. Michael Bromwich, Inspector General, "Alleged Deception of Congress: The Congressional Task Force on Immigration Reform's Fact-finding Visit to the Miami District of INS in June of 1995," *Office of the Inspector General*, June 1996. Sharlet Wagner, Esq., director of a *pro bono* project at the Mira Loma detention facility, has found that transfers are utilized to exert pressure on detainees to withdraw their appeals.

fight this stuff. *Margaret Stock, Esq., Anchorage, Alaska*

I volunteered through Church World Services to represent a Liberian asylum seeker pro-bono at Krome detention center in Miami. I filed a notice of appearance and worked for weeks substantiating and documenting his asylum claim. I understood that the filing of a notice of appearance would serve to prevent my client's transfer. I informed him of this. I was wrong. He fought the transfer and in a struggle with the guards, broke his wrist and was branded a "troublemaker." He was transferred from Miami to Pennsylvania. I was unable to continue representing him. He was unable to obtain new, competent counsel in Pennsylvania and wound up in detention for two years before he was deported to a third country. This case completely deterred me from taking on additional detained pro-bono cases. *Julie Ferguson, Esq. Miami, Florida*

There are three detention facilities that INS uses in Seattle. One is their own detention center...and the other two are contract.... Most often, detainees are moved between the county facility and the INS center. This can happen before or after a G-28 [notice of appearance] is filed. We continue representing them but we never know where they are each time we need to visit them." *Larry Katzman, Esq., Northwest Immigrant Rights Project, Seattle, Washington*

I had three Cuban clients transferred from Texas to Alabama. I have had a number of others transferred to Colorado and other BOP [Bureau of Prisons] facilities. They never tell me either before or after. I do not know until I go visit that they are gone. *D'Ann Johnson, Esq., Executive Director, Texas Criminal Lawyers Association*[20]

I represented a woman being held in the York County Prison [in Pennsylvania]. I undertook her case after her CAT [Convention Against Torture] hearing where she was pro se and lost. I entered my appearance for the BIA appeal and filed a notice of appeal. The INS transferred her to Wackenhut in New Jersey without notice to me, told her no appeal had been filed (three weeks after it had been filed) and tried to deport her. They told her that her attorney was out of the office for ten days and could not be reached. She was stubborn and refused to sign the deportation papers. Finally, the INS contacted me and agreed to transfer her back to York. It was bad in her case, but it really makes you wonder how many people they trick into accepting deportation. *Craig Trebilcock, Esq., York, Pennsylvania*

A number of my clients have been transferred out of York [Pennsylvania] after I filed a G-28 and EOIR 28 [notices of appearance]. In one case, my client was abused at the prison. The Women's Commission on Refugee and Children visited her, and we had a BBC crew visit and film her. Within 36 hours, she was sent to New York. The INS said

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[20] *See* Bill Whitehurst, *Immigration Service Should Outrage Us*, DALLAS MORNING NEWS, May 24, 1999, 11A.

it was because her case was a New York case. However, I had just signed on to represent her, and her case was at the BIA on a motion to reopen based on ineffective assistance of prior counsel, so there was no issue of having to appear in front a judge... She was transferred in retaliation. It happens all the time. *Sue Weber, Esq., York, Pennsylvania*

A client of mine was transferred from Palm Beach County Jail to Manatee County Jail (approximately three and a half-hours away) after we had filed a notice of appearance. The client had been victimized by an unauthorized INS sting operation, wherein the client was advised to go to the INS to process his residence card and was subsequently arrested. He was paraded in front of the boat docks and told he was being sent back to Haiti. We filed a complaint with the Office of Inspector General and in federal district court. We were provided no notice of the transfer and neither was the client's U.S. citizen wife. He was told that he was being transferred because we caused too much trouble. *Tammy For-*

In the mid-west, there are no INS processing centers, so detainees are held in county jails scattered all over the mid-west. Typically, we would file a notice of appearance and would think that the detainee was at one jail, drive three hours to see him, only to find out that he had been transferred to another jail. This happened frequently. The facilities where the detainees were transferred ranged from two hours to nine hours away from Chicago, the home of the Midwest Immigrant Rights Center. This caused us to have an extremely difficult time engaging *pro bono* counsel. *Amy Stern, Esq., currently with Florida Immigrant Advocacy Center speaking of experience with Midwest Immigrant Rights Center*

Access to Counsel

Foreign nationals in removal proceedings must have access to legal counsel. Legal counsel must have access to clients they seek to represent.

Even though they are not entitled to appointed counsel under the Sixth Amendment as are criminal defendants, asylum seekers and others in removal proceedings do have a right to be represented by

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counsel.[21] *Partible v. INS*, 600 F.2d 1094 (5th Cir. 1979) (alien entitled to new hearing where outcome of proceeding might have been different with counsel); *Cheung v. INS*, 418 F. 2d 460 (D.C. Cir. 1969); *Rose v. Woolwine*, 244 F.2d 993 (4th Cir. 1965) (alien entitled to new hearing where not represented at original hearing). This right has been characterized as "fundamental" and a "due process" right in the asylum context. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990). The detained alien in the United States has the right to access to counsel as well as to access to legal materials. *Perez-Funez v. District Director*, 619 F. Supp. 656 (C.D. Cal. 1985).

Similarly, attorneys have a first amendment right to speak with their clients. *Jean v. Nelson* 727 F.2d 957, 983-84 (11th Cir. 1984) (*en banc*), *aff'd on other grounds*, 472 U.S. 846 (1985). *See also In re Primus*, 436 U.S. 412 (1978) (the right of legal and political advocacy organizations to associate with and advise persons regarding their rights are modes of political expression protected by the First Amendment); *NAACP v. Button*, 371 U.S. 415 (1963); *NAACP v. State ex rel Patterson*, 357 U.S. 449 (1958).

The United States District Court for the Eastern District of New York held that the government violated various Haitian service organizations' First Amendment rights to free speech and freedom to associate for the purpose of providing legal counsel by denying counsel access to the screened-in Haitians held on Guantanamo.[22] The organizations had been retained by the Haitians and had asserted a right to speak with their clients. The lawyers sought only to communicate, at their own expense, with clients who specifically sought them out. Many people other than the Haitians' lawyers had been permitted to visit, to consult with and to provide advice to the detained individuals. Thus, the court had no difficulty in finding that the lawyers were barred because of the message they sought to convey. Importantly, the court held that the right of the Haitian service organizations to impart information to their clients did not depend on whether the clients had an independent right to counsel.[23]
The transfer of the applicant from one immigration detention center to another can result in a denial of access to counsel where the alien was previously represented. *Orantes-Hernandez, supra.*; *Louis v. Meissner*, 530 F. Supp. 924 (S.D. Fla. 1981) (transfer of represented detainees interferes with the attorney-client relationship). *But see Committee of Central American Refugees v. INS*, 795 F.2d 1434 (9th Cir. 1986); *Ledesman-Valdes v. Sava*, 604 F. Supp. 675 (S.D.N.Y. 1985).

The isolation of INS detention facilities is one reason private attorneys often charge large sums for representing detained aliens. Lawyers are deterred by the difficulties in communicating with their detained clients, the time and expense required in traveling to the facility, the long wait to be admitted to

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[21] INA § 240(b)(4)(A); 8 U.S.C. § 1229a(b)(4)(A) (2000).

[22] *See Haitian Centers Council, Inc. v. Sale*, 823 F. Supp. 1028, 1041 (E.D.N.Y. 1993).

[23] Abrogated on other grounds, by *Cuban American Bar Association, Inc. v. Christopher*, 43 F.3d 1412 (11th Cir. 1995) (counsel seeking access in Guantanamo not entitled to same protection because Guantanamo was not a U.S. territory). Immigration detainees held in the United States are subject to transfer to detention facilities within the United States. They are never sent to immigration detention facilities outside the territory of the United States.

see a client and the possibility that after waiting hours the lawyer will learn that the client has been transferred to a location where further representation is virtually impossible. *Pro bono* counsel are hesitant to spend the time and resources necessary to travel to places where detainees are held, particularly if there is a risk they may be transferred to more distant facilities, when volunteer lawyers are sorely needed to serve clients closer to home. When detainees are fortunate enough to have engaged counsel, they are often subject to involuntary transfers, without regard to access to their current counsel, or the availability of any counsel. This is true even where counsel have gone to great lengths to prepare defense and/or relief strategies.[24] Immigration judges, moreover, are not willing to release counsel from their responsibilities even if a client is transferred a great distance. These factors present significant deterrents to both paid and *pro bono* representation.

Detainees, moreover, are not advised in advance of the transfer or even where they are going and there is no appeal within the immigration system of a transfer decision. Transferred detainees are often prohibited from taking with them personal belongings including phone books, addresses, and attorney cards. Detainees' medical records sometimes do not follow them to the jails and detainees have virtually no access to INS records, personnel and information once they are transferred to a non-INS facility.[25] Some detainees are transferred multiple times.

> When I was picked up by INS, I was in Manatee County Jail. I was there for four months. Then I went to Citrus County Jail in Lecanto, Florida, where I was for about four months. From there I went to the Panama City Jail where I was for two days. Then I went all the way back to Manatee County for four days then I went to Krome. I was at Krome for about one month. Then I went to Martin County jail for about three months and then back to Krome for two days and then back to Martin County for two day and then to Citrus County for one and a half days and then I wound up back up here in Panama City Jail.[26]

Federal court complaints are uncommon, as most detainees do not have the funds to pursue litigation. This is especially true where the appropriate federal court may be located in the vicinity where the detainee has been transferred, far from counsel.

The deprivation of counsel is exacerbated by the fact that a represented detainee stands a much better chance of prevailing on the merits. Statistics from the Executive Office of Immigration Review on Asylum Decisions, dated April 14, 2000, demonstrates that approval rates for represented asylum applicants in removal proceedings are four times higher than those of unrepresented asylum applicants.[27]

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[24] *See* experience of Julie Ferguson, pro-bono volunteer for Church World Services, *infra* p.5.

[25] *See Florida County Jails.* On May 13, 1997, more than 30 of the 128 detainees at the Port Manatee Stockade submitted a petition pleading with the INS to provide information about their cases.

[26] *Id* (citing the affidavit of a Cuban detainee).

ABA Policy

The ABA has recognized the pivotal role that lawyers play in deportation proceedings and asylum adjudications, especially for detained individuals. A recommendation adopted by the House of Delegates in February 1983 affirms the rights of people in deportation or asylum proceedings to retain counsel and enjoy full representation. A subsequent recommendation, passed in February 1990, opposes the detention of asylum seekers except in extraordinary circumstances and urges the INS to facilitate access to counsel and to develop alternatives to detention. On the basis of these policies, the ABA and Department of Justice have engaged in negotiations to develop standards for attorney access that will be applicable to all INS detention facilities. In addition, since 1989 the ABA has operated the South Texas Pro Bono Asylum Representation Project (ProBAR) in Harlingen, Texas, in conjunction with the State Bar of Texas and American Immigration Lawyers Association. ProBAR works with volunteer lawyers to provide representation for immigrants who are detained by the INS in South Texas, which is one of the nation's largest detention areas, and provides daily legal rights presentations to immigrant detainees.

Conclusion

Given the complexity of the laws governing deportation, the great lengths of time for which aliens may be detained and the deleterious psychological and physical consequences of long-term detention, access to legal counsel is essential. The INS practice of involuntarily transferring detainees without regard to their access to counsel is a denial of access to counsel and also deprives attorneys of access to their clients. It is a practice that continues unabated and one that must be curtailed.

Respectfully submitted,

Neal R. Sonnett, Chair
Coordinating Committee on Immigration Law

February 2001

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[27] Asylum seekers in immigration court who were represented were granted asylum in 37 percent of the cases whereas those who were pro se had a nine percent grant rate. *Asylum Representation in Immigration Court FY 1999*, statistics from the Executive Office for Immigration Review (April 14, 2000). *See also Background Paper on the State of Asylum Representation and Ideas for Change*, Institute for the Study of International Migration, Georgetown University (May 2000), p.3.

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GENERAL INFORMATION FORM

Submitting Entity: **Coordinating Committee on Immigration Law**

Submitted by: **Neal R. Sonnett, Chair**

1. Summary of recommendation(s):

The recommendation opposes the involuntary transfer of detained immigrants and asylum seekers to facilities that impede an existing attorney-client relationship. The recommendation also supports putting in place a policy that detained immigrants and asylum seekers should not be transferred to, and detention space should not be constructed in or contracted for, remote facilities where legal assistance generally is not available for immigration matters.

2. Approval by Submitting Entity:

The Coordinating Committee on Immigration Law approved this recommendation by written ballot on November 14, 2000.

3. Has this or a similar recommendation been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

A recommendation adopted by the House of Delegates in February 1983 affirms the rights of people in deportation or asylum proceedings to retain counsel and enjoy full representation. A subsequent recommendation, passed in February 1990, opposes the detention of asylum seekers except in extraordinary circumstances and urges the INS to facilitate access to counsel and to develop alternatives to detention. On the basis of these policies, the ABA President's Office and Department of Justice have engaged in negotiations over standards to improve access to legal assistance in all INS detention facilities. This recommendation would provide further support to efforts to ensure immigration detainees have access to counsel.

5. What urgency exists which requires action at this meeting of the House?

This recommendation addresses current INS policies and procedures that make it difficult if not impossible for attorneys, *pro bono* or paid, and advocacy organizations to continue to effectively represent INS administrative detainees. As more and more individuals are detained by the INS, access to counsel becomes increasingly important and must be protected.

6. Status of Legislation.

Although INS detention policy and conditions have been the subject of hearings in the House and Senate, no specific legislation has been introduced to address these concerns.

7. Cost to the Association. (Both direct and indirect costs)
None.

8. Disclosure of Interest. (If applicable).
Not Applicable.

9. Referrals.

In November 2000, this report and recommendation was referred to the ABA sections which are the constituent members of the Coordinating Committee on Immigration Law through their committee representatives. These sections, namely, the Sections of Administrative Law, Criminal Justice, General Practice, Solo and Small Firm, Individual Rights and Responsibilities, International Law and Practice, Labor and Employment Law, and Litigation, the Young Lawyers Division, and the American Immigration Lawyers Association (an ABA-affiliated organization), are, by definition, the ABA entities with any interest in immigration law. All were initially notified through their designated representatives at the Committee business meeting during the Annual Meeting, and through subsequent mailing to representatives who did not attend the meeting.

This recommendation was also referred to the chairs and staff of the ABA Family Law Section, Commission on Homelessness and Poverty, Standing Committee on Pro Bono and Public Service and Standing Committee on Legal Aid and Indigent Defendants, as well as the presidents and executive directors of the National Association of Criminal Defense Lawyers, National Legal Aid and Defender Association, Hispanic National Bar Association, National Asian Pacific American Bar Association, National Lesbian and Gay Law Association, and a number of state and local bar associations.

10. Contact Person. (Prior to the Meeting)

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12. Contact Person Regarding Amendments to This Recommendation.
There are no known amendments at this time.