

William H. Neukom
President

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September 26, 2007

The Honorable Julie L. Myers
Assistant Secretary
U.S. Immigration and Customs Enforcement
Department of Homeland Security
425 I Street, NW
Washington, DC 20536

Dear Assistant Secretary Myers:

On behalf of the American Bar Association, I write to express our dismay over recent indications that ICE is preparing the imminent release of newly-revised immigration detention standards that neither we nor other interested organizations have had an opportunity to review.

As you know, the ABA, along with other non-governmental organizations, was instrumental in the development of the current ICE Detention Standards, particularly the four legal access standards, and since 2001 has worked with ICE to support its efforts to ensure their full and effective implementation. Because these Standards were developed through a collaborative process, they have been broadly supported by key stakeholders involved in immigration detention issues. Any proposal to change the substance or format of the current Standards without consultation with such interested parties is a matter of serious concern to the ABA. Therefore, we were disturbed to note that in your response to the Pre-hearing Questionnaire of the Senate Committee on Homeland Security and Governmental Affairs for your confirmation, you indicated that ICE intends to “roll out” the newly revised performance-based standards before the end of the fiscal year, less than one week from now.

We were surprised and alarmed by this looming deadline because we expected to have an opportunity to review the proposed revised standards and consult with you over them, as per your remarks at a meeting earlier this year and again at your confirmation hearing. This has not happened. We therefore respectfully request a copy of the proposed standards, and an opportunity to meet with your office to discuss the revisions prior to their release. We further urge you to delay implementation of the new performance-based standards until the ABA and other members of the NGO community have had an opportunity to comment on the proposed changes.

We are hopeful that your office will seek our input on the new standards being developed as soon as possible, prior to their implementation. Please contact Megan Mack, Associate Director of the Commission on Immigration, at (202) 662-1006 or mackm@staff.abanet.org, with any questions or if you require additional information.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Neukom". The signature is written in a cursive style with a large initial "W".

William H. Neukom

cc: John P. Torres, Director, Office of Detention and Removal
Mary Loiselle, Acting Deputy Assistant Director, Detention Management Division
Richard L. Skinner, Inspector General
Daniel W. Sutherland, Chief Officer for Office for Civil Rights and Civil Liberties