

Secure Detention

- Notification Requirements of third party:
 - Admissibility determination was made and an adverse action was taken before the 3-hour mark.
 - Notification of third party should be annotated on contact advisory sheet (Attachment 1), discretionary work sheet (Attachment 3), and I-213 (Attachment 4).
 - Exceptions to the policy:
 - To any person who is referred to CBP hard secondary for immigration criminal prosecutions or any person who was previously convicted and is subject to removal based on that conviction
 - To any person who is referred to CBP soft secondary for routine immigration paperwork.

- Notification Procedures:

Baggage Control

- Detailed directions for notification requirements can be found in Chapter 2 of the Personal Search Handbook.
 - Any person detained for more than two hours after a personal search is conducted will be given the opportunity to have OFO personnel notify someone, including an attorney, of his/her delay unless probable cause has been established. The two hour notification process is only used during continuation of the personal search process. Officers will utilize Attachment 2 of the Personal Search Handbook to complete the notification. (Attachment 20)

 - When the two hour notification period has elapsed, the supervisor will notify the ICE duty agent and/or a CBP enforcement officer prior to the notification. The detainee will not be given the opportunity to consult with an attorney at any time before Miranda warnings are required and such right is invoked by the detainee.

 - The Port Director (PD) must be notified of any prolonged detention (lasting 8 hours or longer). The PD (Second Line Supervisor or above), Acting PD, or DFO must consult with the appropriate Associate or Assistant Chief Consul for legal advice during normal working hours. If the consultation occurs after normal working hours, the PD, Acting PD, or DFO will contact the Situation Room who will provide local management with an on-call attorney from the Office of Chief Consul. PDs are not required to consult with counsel prior to moving a traveler to a medical facility if the detainee confesses to carrying narcotics internally.

 - When a person has been detained for 8 hours from the time the supervisory approval was first given for any personal search or that a personal search was initiated, the ICE duty agent and/or a CBP enforcement officer will contact the U.S. Attorney's office.

Wilberforce

U.S. Customs and Border Protection
Interim Guidance on Processing Unaccompanied Alien Children in accordance with
TVPRA

The William Wilberforce Trafficking Victims Protection Reauthorization Act, 2008 (TVPRA) was signed into law on December 23, 2008. The TVPRA will significantly impact CBP operations regarding unaccompanied alien children (UAC) apprehended by CBP at and between the ports of entry. Below are specific guidelines that all CBP officers and agents should use to determine the appropriate immigration proceedings and applicable procedures for the treatment of UAC. CBP is obligated to initiate the changes from the TVPRA beginning March 23, 2009. The TVPRA mandates, with limited exceptions, that all UAC CBP seeks to remove from the United States must be placed in removal proceedings under section 240 of the Immigration and Nationality Act (INA).

The term "UAC" is defined by section 462(g) of the Homeland Security Act of 2002 (6 USC § 279(g)) as a child who:

- (A) has no lawful immigration status in the United States¹;
- (B) has not attained 18 years of age; and
- (C) with respect to whom -
 - (i) there is no parent or legal guardian in the United States; or
 - (ii) no parent or legal guardian in the United States is available to provide care and physical custody.

CBP created CBP Form 93, Unaccompanied Alien Child Screening Addendum, for additional guidance (attached). If there is a reasonable claim or suspicion that an alien in CBP custody is under 18 years of age and the other criteria listed in the definition above are met, then the alien shall be treated as a UAC. The TVPRA requires Health and Human Services (HHS), in consultation with DHS, to identify procedures to make a prompt determination of age of an alien in CBP custody. CBP will continue to follow established procedures regarding age determination.

Typically, CBP should accept verifiable permission slips and other equivalent evidence as appropriate documentation indicating temporary guardianship. For instance, an alien child traveling with a public or private school group, religious group, social or cultural organization, or team associated with a youth sport organization under the supervision of an adult affiliated with the organization should be considered to be traveling with a guardian.

The TVPRA clarifies family reunification procedures for CBP. As of March 23, 2009 CBP may only reunify alien children with parents or legal guardians who are in possession of supporting documentation and are within the United States. HHS is responsible for the determination that any other proposed guardian, including a family member who lacks documentation of guardianship (e.g. grandparent, aunt/uncle, and brother/sister), is capable of providing care and physical custody.

¹ Children under the age of five who are found within the United States, commonly referred to as "foundlings" are assumed to be United States citizens and, as such, have lawful immigration status in the United States.

Excerpts Chapter 5
Border Patrol Handbook

Amendment by Federal officers is *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). In this case, Federal agents of the then Federal Bureau of Narcotics (now the Drug Enforcement Administration), acting under color of Federal authority, made a warrant less entry of the petitioner's apartment, searched the apartment, and arrested him on narcotics charges, all without probable cause. The Supreme Court held that these facts stated a Federal cause of action under the Fourth Amendment for damages recoverable upon proof of injuries resulting from the agents' violation of that amendment. In other words, the Supreme Court held that Federal agents acting under color of authority, who violate the Fourth Amendment (unreasonable search/seizure), are subject to a cause of action for damages. This type of lawsuit is more commonly referred to as a "*Bivens action*."

The *Bivens* case was eventually codified by Congress, which enacted a law designed to protect individuals from the deprivation of rights guaranteed to them by the U.S. Constitution. This law became Title 42 U.S.C § 1983, and states in part, "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state...subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...." This law is commonly referred to as "Section 1983 Civil action for deprivation of rights".

Initially, Section 1983 applied only to public officials of a State or local governmental entity and to private persons who had acted under color of State law. However, in 1978, potential liability under the statute was construed to embrace municipalities, local governments, and the Federal Government.

Violations of the Fifth and Sixth Amendments

Additional grounds for claims against the Government for violations of constitutional rights can be found in the Fifth and Sixth Amendments. Specifically, the Fifth Amendment protects individuals from incriminating themselves, and the Sixth Amendment concerns the right to counsel, as explained below.

(1) Fifth Amendment. "No person ... shall be compelled in any criminal case to be a witness against himself...."

(2) Sixth Amendment. In all criminal prosecutions, the accused shall enjoy the right to have the Assistance of Counsel for his defense."

Although Fifth and Sixth Amendment claims are generally less inflammatory than claims arising from the use of excessive force, they can be equally damaging to the Government, particularly in criminal prosecutions. Thus, it is imperative that Border Patrol agents be constantly aware of the potential pitfalls in this area of the law. These claims normally arise in the context of interrogations of arrested individuals and must be considered during interviews and interrogations and in cases when they are advising individuals of their rights.

Duress

Border Patrol agents must at all times treat aliens and unwilling witnesses in such a manner that charges of mistreatment or duress will never be justified. In cases when patrol agents suspect that subjects may interject charges of mistreatment or duress, or to discredit them, one or more witnesses should be present at every interrogation; if necessary, a detailed log of all activities during the interrogation should be kept. In rare instances, physical examinations by U.S. Public Health Service medical officers before and after interrogations may be advisable, to preclude any possibility of allegations of physical mistreatment. Written reports of such an examination should be obtained from the examining doctors and kept on file as a matter of permanent record.

Agents have authority to interrogate any aliens or persons believed to be aliens, as to their right to be or remain in the United States. No persons, however, can be compelled to answer questions that may be self-incriminating or that may be used against them in a court of law (Fifth Amendment). Admissions or statements are inadmissible as evidence if the aliens or witnesses are induced to make them by infliction or threats of physical violence, or by threats and promises likely to cause them to make false statements. While no time limit is placed on interrogations, no persons should be subjected to questioning for so long, or under such adverse conditions, as would constitute duress.

The policy of CBP, established for the protection of its personnel, is that patrol agents will not break into any dwelling, house, or appurtenant building to make arrests (whether with or without an administrative warrant of arrest). This policy is intended to, and does, preclude similar actions for the purpose of interrogating aliens, or persons believed to be aliens, on such premises.

Regardless of whether their purpose is to interrogate or make arrest, patrol agents should identify themselves to owners, managers, operators, or persons in control of the premises and state their purpose before intruding on nonpublic portions of private property.

Consultation with those in charge of premises serves two purposes:

1. to insure that the identities, motivation, and objectives of patrol agents are unmistakable; and
2. to give persons in charge of premises the respect and courtesy to which they are entitled and to enlist their cooperation so that the mission is completed as quickly, and with as little disruption, as possible.

The exact words and expressions of patrol agents are important in obtaining truly voluntary consent; requests should be complete, but simple and direct, while avoiding intimidation by

volume, inflection, or ambiguous meaning. This policy also is appropriate for the public portions of hotels, motels, restaurants, theaters and other such premises.

ADVICE OF RIGHTS

Advising or warning: Border Patrol agents shall obey the following rules for advising or warning subjects as to their rights;

1. A Border Patrol agent, like any other person, has the right to ask questions of anyone as long as the agent does not restrain the freedom of an individual, not under arrest, to walk away. If the agent has a *reasonable suspicion*, based upon specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States, the agent may briefly detain the person for questioning. At this juncture, persons who are stopped and questioned, or temporarily detained for further interrogation, but not arrested, are not considered to be in custody, are not accused of a crime, and therefore need not be advised or warned as to rights.

Note. Agents must be careful to distinguish between administrative rights that are applicable in removal proceedings (alien has a right to counsel at no expense to the government) and Miranda rights that apply to the criminal prosecution (counsel provided to indigent defendants at government expense). Failure to ensure and document the defendant's understanding that he has the right to free counsel in a criminal case can result in suppression of the defendant's admissions.

2. **Administrative:** Aliens should be advised of their rights pursuant to 8 CFR 287.3 the agent has determined there is sufficient information necessary to initiate formal administrative proceedings according to 8 U.S.C. 1357 (a)(2). This advice should occur when:

- (A) A decision is made to issue a Notice to Appear (NTA) Form I-862 by personal delivery, or
- (B) A Warrant for Arrest of Alien, Form I-200 is served on an alien.

Suggested language for warning subjects as to their rights in administrative proceedings is:

“Before we ask you any questions, you must understand your rights.”

“You have been arrested because it is believed you are an alien not lawfully entitled to be or remain in the United States.”

“You have the right to be represented by counsel of your choice at no expense to the government.”

Tucson Memorandum
Phone Calls and Visitors to Aliens in Detention



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

Office of the Chief Patrol Agent
U.S. Border Patrol – Tucson Sector
1970 West Ajo Way
Tucson, Arizona 85713
(520) 670-6871

TCA 50/10-P

DISTRIBUTED

12/21/04 cc: Legal Detention
js

December 20, 2004

MEMORANDUM FOR: PATROL AGENTS IN CHARGE
PROGRAM MANAGERS
TUCSON SECTOR

FROM:

for (b)(6) (b)(7)(C)
Chief Patrol Agent

SUBJECT: Phone Calls and Visitors to Aliens in Detention

The following legal interpretation, from CBP Assistant Chief Counsel (b)(6) (b)(7)(C) concerns phone calls and visitors to aliens within your custody:

"Border Patrol Stations have no legal obligation to accommodate visits to aliens who are being held in our custody pending transportation to long-term detention facilities or pending their removal from the country. This is true regardless of whether the visitors are the aliens' family members, attorneys, or friends, and this is also true regardless of who asks (the aliens or the visitors). The only exception required by law (and treaty) relates to consular communication, and we have to provide reasonable access by consular officers under the usual safeguards. See generally 8 C.F.R. 236.1(e).

There are different rules with respect to phone calls. Our standard operating procedures with respect to phone calls come from a stipulated settlement agreement in a nationwide class action known as *Lopez v. INS*, CV 78-1912-WBM (C.D. Cal. 1992). If an alien in custody requests to speak to an attorney, or if an alien in custody requests to speak to another person for the purpose of contacting an attorney, then we must:

1. Provide the alien with reasonable access to a telephone,
2. Provide the alien with the list of free legal services (unless the list is posted by the telephone), and
3. Provide the alien with a reasonable time (not less than 2 hours) to contact an attorney.

Memorandum for: Patrol Agents in Charge, Program Managers
Subject: Phone Calls and Visitors to Aliens in Detention

Page 2

Multiple calls and multiple attempts may be made. The settlement agreement does not specify any limit on the number of calls or the length of calls, so we fall back on whatever's reasonable under the circumstances.

As to the question, "At what point do we allow phone calls?" please note the following additional rules. If the alien requests to speak to an attorney during processing, then we may obtain certain "booking information" from the alien including the alien's name, DOB, sex, color of hair/eyes, complexion, height, weight, occupation, and place of employment, but not alienage.

(Note: We should have already determined alienage before placing the subject under arrest in the field, so this should not be a problem.) Once we obtain this "booking information, we must stop questioning and follow the above 3 steps.

During the 2-hour period, we may not question the alien, but we may still run fingerprint and record checks, etc. After the 2-hour period, we may resume questioning even if the alien has been unable to contact an attorney.

(b) (7)(E)

As to incoming calls, we are under no legal obligation to verify for callers whether a particular alien is detained at our station, and we are under no legal obligation to put a detained alien on the phone in order to answer a call even from an attorney. The approach below seems real reasonable; i.e., politely inform the caller that you are not authorized to release any information regarding anybody in custody at the Station. If a caller insists on leaving a message, then make a reasonable effort to convey the message to the detainee, and the detainee can choose whether to return the call.

The above summary relates generally to aliens who are being processed for administrative/immigration purposes such as NTA or VR. As always, there are special rules for unaccompanied minors (under 18) and defendants who are being processed for criminal prosecution."

During the current detention crisis, the CBP Assistant Counsel recommends continued flexibility at least with respect to out-going phone calls so that the detainees have a reasonable opportunity to communicate with their attorneys and consular officers.

Questions may be directed to ACPA (b)(6) (b)(7)(C) Sector Headquarters, at 520-^{(b)(6) (b)(7)(C)}

cc: ACPAs

Northeast Emails

(b)(6) (b)(7)(C)

From: (b)(7)(E)
Sent: Saturday, July 09, 2011 10:24 AM
To: (b)(7)(E)
Subject: File: Representation at Deferred Inspections

(b)(6) (b)(7)(C)

Customs and Border Protection
Area Port Director (acting)
Boston, MA
617 (b)(6) (b)(7)(C) ext (b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)
To: (b)(6) (b)(7)(C)
Sent: Thu Jul 07 16:40:02 2011
Subject: FW: Representation at Deferred Inspections

PD (b)(6) (b)(7)(C)

To date we have not received any requests for attorneys to sit in on deferred inspections.

(b)(6) (b)(7)(C)

Chief CBPO (Acting)
Boston Logan Airport
617 (b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)
Sent: Friday, June 24, 2011 8:22 AM
To: (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C)
Subject: Representation at Deferred Inspections

Supervisors,

Although the practice in our area port over the years has been generally to refrain from allowing attorneys to sit in on deferred inspections, the policy has been clarified. The practice in other ports in the BFO has been to allow the attorneys to be present (provided the attorney does not interfere with the inspection or answer questions on behalf of his/her client) and we need to follow the same principle.

Please inform the officers involved in deferred inspections that they must refer to you any requests by an attorney to be present during the proceedings.

Since this is new to us, I would like the on-duty Chief to be involved in each request and to have the supervisor be close by should it be necessary to ask the attorney to leave if the situation evolves from one of "observation" to one of "representing". Please let me know if this situation arises.

Thanks,

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

Area Port Director (acting)
Customs and Border Protection
Boston, MA

617: **(b)(6) (b)(7)(C)**

(b)(6) (b)(7)(C)

From:- (b)(6) (b)(7)(C)
Sent: Friday, June 24, 2011 9:12 AM
To: (b)(6) (b)(7)(C)
Subject: RE: Representation at Deferred Inspections
WOW!

That's all I can say for now however, rest assured we will comply with the instruction.

(b)(6) (b)(7)(C) Supervisor /FI
U.S. Customs & Border Protection
Field Operations / Port of Hartford, CT
Bradley International Airport
(860) (b)(6) (b)(7)(C)
(860) Cell
(860) Fax

From: (b)(6) (b)(7)(C)
Sent: Friday, June 24, 2011 8:54 AM
To: (b)(6) (b)(7)(C)
Subject: Fw: Representation at Deferred Inspections

(b)(6) (b)(7)(C)

See below.

This has been bouncing back and forth for awhile. We are now required to have attorneys present for deferred inspections if they REQUEST to do so. However, if they begin to interfere, answer questions, etc. They should be escorted out of the inspection process.

I want to be emailed in every deferred inspection case whereby an attorney requests to be present for the inspection detailing what transpired. Also, because attorneys may be present during the inspection, officers must be cognizant of their conversations in the presence of these attorneys (taking phone calls with information of a sensitive nature, etc.)

If you have any questions regarding this, let me know.

Thanks,

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)
Assistant Port Director
Providence Service Port
401 (b)(6) (b)(7)(C) Ext. (b)(6) (b)(7)(C)
617 (b)(6) (b)(7)(C) Blackberry

From: (b)(6) (b)(7)(C)
To: (b)(6) (b)(7)(C)
Sent: Fri Jun 24 08:30:55 2011
Subject: FW: Representation at Deferred Inspections

Please adhere to the dramatic change in policy of allowing attorney's into deferred INSPECTION interviews. Good luck.

9/27/2012

(b)(6) (b)(7)(C)

Port Director, Service Port of Providence
49 Pavilion Avenue
Providence, R.I. 02905
(401)(b)(6) (b)(7)(C) Work
(202)(b)(6) (b)(7)(C) New Mobile

From: (b)(6) (b)(7)(C)

Sent: Friday, June 24, 2011 8:22 AM

To: (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

Subject: Representation at Deferred Inspections

Supervisors,

Although the practice in our area port over the years has been generally to refrain from allowing attorneys to sit in on deferred inspections, the policy has been clarified. The practice in other ports in the BFO has been to allow the attorneys to be present (provided the attorney does not interfere with the inspection or answer questions on behalf of his/her client) and we need to follow the same principle.

Please inform the officers involved in deferred inspections that they must refer to you any requests by an attorney to be present during the proceedings.

Since this is new to us, I would like the on-duty Chief to be involved in each request and to have the supervisor be close by should it be necessary to ask the attorney to leave if the situation evolves from one of "observation" to one of "representing". Please let me know if this situation arises.

Thanks,

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

Area Port Director (acting)
Customs and Border Protection
Boston, MA
617-(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)

Sent: Friday, May 27, 2011 10:12 AM

To: (b)(6) (b)(7)(C)

Cc: (b)(6) (b)(7)(C)

Subject: RE: Restrictions on Access to Counsel

(b)(6) (b)(7)(C)

Both locations cited in the letter have responded; unfortunately there are inconsistent practices in place regarding counsel presence at deferred inspections.

Highgate Springs and Derby Line

At the Vermont POEs, there is not and has never been an official policy to bar counsel from deferred inspections or at inspections involving the adjudication of L-1 petitions and TN status. Highgate Springs is the sole deferred inspection site in Vermont and allows attorney presence at deferred inspections, i.e. attorneys may accompany the alien but are not permitted to answer questions for the applicant. It is believed that the impression that a policy change has taken place is the direct result of the elimination (through attrition) of the Free Trade Examiners at the POEs. Attorneys were able to deal directly with only one officer regarding all matters surrounding L-1 and TN applications. Currently, numerous officers are trained to adjudicate these applications and an attorney may encounter any one at any given time. At both Highgate Springs and Derby Line, attorneys are permitted to remain in the lobby with their clients but are not permitted to answer any questions on behalf of the applicant for admission.

It should be noted that port directors in Vermont maintain open lines of communication with many of the attorneys who assist clients in L-1 or TN processing. While not every issue is resolved to the attorney's satisfaction, there has always been positive dialogue and supervisors and managers are available to discuss. The below identified guidelines are shared with all officers and supervisors monitor the inspectional areas to insure that issues are resolved as soon as possible after they arise.

Guidelines for Law Professionals

- Law professionals may enter the port of entry.
- Law professionals may sit near their clients and confer quietly with them.
- Law professionals may interact with a CBP Officer if the officer requests it. At the counter, the officer will interact with the applicant.
- Law professionals are asked not to have more than three (3) clients present at any one time as the lobby chairs are for other applicants for entry as well. It would be best if applicants could be scheduled at intervals so as not to have more than one present at a time. If situations warrant, exceptions can be made.
- Law professionals may enter the POE at other times to speak with officers or supervisors.

Boston-Logan International Airport

Logan Airport as a practice does not generally allow for Attorney participation at deferred inspections. Attorneys are not allowed to accompany their clients into CBP Offices, and no counsel is permitted at primary or secondary inspection, although telephonic inquiries can and have taken place. CBPOs will at times accept court certified documents or other legally

5/27/2011

sufficient documents presented by an attorney at deferred inspections. Regarding the case cited in the inquiry, it appears that the alien was an aggravated felon and subject to detention. It was determined that any additional documentation provided by the attorney at that time was immaterial to both the subject's inadmissibility mandatory detention and was therefore not accepted.

The Boston Field Office is addressing the policy in place at Logan Airport and has mandated a more open approach to attorney presence at deferred inspections.

Please contact me if you have any additional questions.

(b)(6) (b)(7)(C)

Assistant Director, Border Security
Boston Field Office
U.S. Customs and Border Protection
617-**(b)(6) (b)(7)(C)**

From: **(b)(6) (b)(7)(C)**

Sent: Thursday, May 26, 2011 2:39 PM

To: **(b)(6) (b)(7)(C)**

Subject: FW: Restrictions on Access to Counsel

(b)(6) (b)(7)(C) - Any feedback from the field office or port on this inquiry? Thx

(b)(6) (b)(7)(C)

Assistant Executive Director
Admissibility and Passenger Programs
Customs and Border Protection
202-**(b)(6) (b)(7)(C)**

From: **(b)(6) (b)(7)(C)**

Sent: Monday, May 16, 2011 4:47 PM

To: **(b)(6) (b)(7)(C)**

(b)(6) (b)(7)(C)

Cc: **(b)(6) (b)(7)(C)**

Subject: FW: Restrictions on Access to Counsel

Directors – attached is an inquiry to the Commissioner from the American Immigration Council and the American Immigration Lawyers Association regarding attorney access at ports of entry and deferred inspection locations.

Regulations do not allow for legal representation to applicants for admission unless we are contemplating criminal proceedings, however, current policy and practice allow for limited attorney presence at deferred inspections, at the discretion of the supervisor in charge, and provided the attorney does not interfere with the inspection or answer questions on behalf of his/her client

Please review the attached inquiries related to your ports of entry or deferred locations and provide any feedback. We do not support expanded access, and would like to be able to demonstrate that current policies and practices adequately reflect existing statutory and regulatory protections. Therefore, any feedback that you can provide to refute alleged unprofessional interactions would be very helpful in drafting our response for the Commissioner. We do not yet have a due date, but I will advise if we get an official tasking due date.

Thanks in advance for your assistance.

(b)(6) (b)(7)(C)

Assistant Executive Director

5/27/2011

Admissibility and Passenger Programs
Customs and Border Protection
202-(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)
Sent: Monday, May 16, 2011 8:50 AM
To: (b)(6) (b)(7)(C)
Cc: (b)(6) (b)(7)(C)
Subject: FW: Restrictions on Access to Counsel

(b)(6) (b)(7)(C) If this hasn't made its way to your office, I imagine it will soon. Please let us know once you've reviewed and have a few minutes to discuss. Thanks as always.

(b)(6) (b)(7)(C)

CBP Department of Homeland Security
202-(b)(6) (b)(7)(C)
Attn: [Redacted]

From: Ben Johnson <BJohnson@immcouncil.org>
To: BERSIN, ALAN D.
Cc: Kroloff, Noah; Sandweg, John; Olavarria, Esther; Fong, Ivan; Grossman, Seth; Ryan, Kelly; Schlanger, Margo; LOPEZ, MARCO A; LADUZINSKY, BRETT; MCKENNEY, WILLIAM P.; ROBLES, ALFONSO; Crystal Williams <CWilliams@aila.org>
Sent: Wed May 11 18:07:43 2011
Subject: Restrictions on Access to Counsel

Commissioner Bersin:

On behalf of the American Immigration Council and the American Immigration Lawyers Association, I am attaching a letter that we have put together addressing the issue of restrictions on access to counsel by CBP officers. We believe that these limitations reflect overly restrictive interpretations of existing regulations and may violate applicable due process guarantees. The purpose of the letter is to highlight our concerns and to pursue the opportunity for a dialogue about these issues.

We look forward to the chance to discuss these matters in greater detail.

Sincerely,

Benjamin Johnson
Executive Director
American Immigration Council
Direct: 202-507-7510
email: bjohnson@immcouncil.org
website: www.americanimmigrationcouncil.org