Department of Justice

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(202) 514-2007
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Attorney General Vacates Compean Order, Initiates New Rulemaking to Govern Immigration Removal Proceedings

Attorney General Eric Holder today vacated the order issued in *Matter of Compean* by Attorney General Mukasey in January and announced his intention to initiate a new rulemaking proceeding for regulations to govern claims of ineffective assistance of counsel in removal proceedings.

"The integrity of immigration proceedings depends in part on the ability to assert claims of ineffective assistance of counsel, and the Department of Justice's rulemaking in this area will be fair, it will be transparent, and it will be guided by our commitment to the rule of law," Holder said. "It is important that the American people have the opportunity to participate in formulating our procedures in this area, and this new process will ensure they do."

On January 7, Attorney General Mukasey issued an order in *Matter of Compean* overturning Board of Immigration Appeals precedent and procedures governing assistance of counsel in removal proceedings. The order limited non-citizens' ability to make claims of ineffective assistance of counsel in immigration proceedings, and it did so without the full range of public input that a notice and comment rulemaking would have provided.

In the order issued today, Attorney General Holder directs the Executive Office for Immigration Review to initiate rulemaking procedures as soon as practicable to evaluate the existing framework for making claims of ineffective assistance of counsel, to solicit public comment, and, if appropriate, to issue a final rule.

By vacating the previous order, Attorney General Holder restores the procedures governing removal proceedings to those in place before the issuance of Attorney General Mukasey's order. A copy of the Attorney General's order is attached.

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