Dear President Biden and esteemed leaders of the House and Senate:

The undersigned 149 immigration, civil rights, human rights, and service organizations, including many specializing in providing legal representation to immigrants, call upon you to prioritize the immediate and dramatic expansion of legal representation programs for people appearing in proceedings before the immigration courts. Funding for appointed counsel is critical to increasing fairness and government efficiency.

As negotiations move forward for the full year spending bill for fiscal year (FY) 2022, we urge you to support robust funding for appointed counsel for immigrants. Congress should adopt, at a minimum, the $50 million proposed in the FY 2022 House Commerce, Justice, Science, and Related Agencies (CJS) Appropriations bill (H.R.4505). These funds will allow the Department of Justice to pilot and expand legal representation programs. Although adequately funding such programs requires $200 million for FY 2022, the $50 million in the House bill would provide at least some meaningful investment in such programs.

While federal law provides the right to legal counsel in removal proceedings, the law does not guarantee the government will provide attorneys for immigrants who are unable to afford one on their own. The most recent data available indicate that 46 percent of all cases pending before our immigration courts involve non-citizens facing deportation without attorneys.1 These figures

---

are even higher for people stuck in immigration detention, among whom 70 percent did not have legal counsel between 2015 and 2017.\(^2\) Studies have shown that immigrants are five times more likely to obtain relief from removal when represented by counsel, with those in detention being ten-and-a-half times more likely to succeed.\(^3\)

The low levels of representation are a crisis given the exceptionally complex nature of immigration law, the fact that it is nearly impossible for immigrants to navigate our complex immigration system without the assistance of an attorney, and the severe consequences associated with deportation. Due process should not turn on whether or not an individual can afford to pay for a private attorney.

Providing legal representation would also increase efficiency in immigration proceedings and in the immigration system overall, as well as dramatically reduce costs associated with immigration enforcement and detention. People represented by counsel appear for their hearings over 96 percent of the time because a lawyer can help them navigate a complex system generally conducted in a language that is often not their own.\(^4\) People who are represented by counsel are also typically more prepared to proceed in their cases and less likely to request continuances.\(^5\) When combined, these factors mean that expanded legal representation will reduce the time judges spend on each case and contribute to more efficient court processing. Legal representation programs would also facilitate the Biden administration’s ongoing efforts to establish a better system for processing and ensuring full and fair review of asylum cases.

Both the Biden administration and Congress have previously recognized the dire need for appointed counsel in immigration cases. In 2020, the CJS bill (H.R.7667) that passed the House of Representatives included $15 million for a pilot program for representation for arriving asylum seekers. The President’s FY 2022 budget calls for $15 million in additional funding for the DOJ to provide legal representation programs.\(^6\) Most recently, the FY 2022 House CJS bill (H.R.4505) includes $50 million for legal representation programs.

Given all of the above, we firmly believe that at a minimum the $50 million included in H.R.4505 for FY 2022 must be included in the final FY2022 spending bill. That investment will serve as the building block to increase growth and funding for legal representation programs in future years. It is long past time for Congress and the executive branch to implement smart

---


\(^5\) *See U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division, Management of Immigration Cases and Appeals by the Executive Office for Immigration Review, October 2012, 30, [https://oig.justice.gov/reports/2012/e1301.pdf](https://oig.justice.gov/reports/2012/e1301.pdf).*

solutions that will help immigrants navigate the system more effectively while also reducing overall costs to the government and increasing its efficiency.

Please contact Greg Chen, Senior Director of Government Relations for the American Immigration Lawyers Association, gchen@aila.org or Jorge Loweree, Director of Policy for the American Immigration Council, jloweree@immcouncil.org with any questions or concerns.

Sincerely,

National

Aldea - The People’s Justice Center
Alianza Americas
American Friends Service Committee (AFSC)
American Humanist Association
American Immigration Council
American Immigration Lawyers Association (AILA)
American-Arab Anti-Discrimination Committee (ADC)
Amnesty International USA
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
Black Alliance for Just Immigration (BAJI)
Bridges Faith Initiative
CASA
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Church World Service
Civil Rights Education and Enforcement Center
Climate Refugees
Coalition on Human Needs
Congregation of Sisters of St. Agnes
Council for Global Equality
Evangelical Lutheran Church in America
Faith in Public Life
Families for Freedom
Friends Committee on National Legislation
Haitian Bridge Alliance
HIAS
Hispanic Federation
Hispanic Federation
Human Rights First
Immigrant and Non-Citizen Rights Clinic
Immigrant Justice Corps
Immigration Center for Women and Children
Immigration Hub
Innovation Law Lab
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jobs With Justice
Justice in Motion
Kids in Need of Defense
Law Offices of Sheila Starkey Hahn
Leadership Conference of Women Religious
National Association of Social Workers
National Education Association
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Immigration Law Center
National Immigration Litigation Alliance
National Immigration Project (NIPNLG)
National Network for Immigrant and Refugee Rights
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
NETWORK Lobby
Oxfam America
Presente.org
Public Defender Coalition for Immigrant Justice
RAICES
Rainbow Beginnings
Refugees International
Save the Children
Sisters of St Joseph of Carondelet
Sisters of St. Francis of the Providence of God
Stanford University
Tahirih Justice Center
The Jus Semper Global Alliance
UndocuBlack Network
Union for Reform Judaism
University of California Davis Immigration Law Clinic
VECINA
Vera Institute of Justice
Witness at the Border
Women’s Refugee Commission
World Relief

State and Local

AIDS Foundation Chicago
American Civil Liberties Union of New Jersey
American Gateways
Americans for Immigrant Justice
Arizona Jobs with Justice Coalition
Arizona Justice For Our Neighbors
Asociacion Guatemaltecos Sin Fronteras
Ayuda
Caminando Juntos - Presentation Sisters Hispanic Ministry
Capital Area Immigrants’ Rights Coalition
Casa Ruby
Central American Resource Center Houston (CRECEN)
Central American Resource Center of Northern CA (CARECEN SF)
Central American Resource Center, Los Angeles (CARECEN-LA)
Church of the Ascension
Church Women United in New York State

Clergy and Laity United from Economic Justice Ventura County (CLUE VC)
Coalition for Humane Immigrant Rights (CHIRLA)
Community Asylum Seekers Project
Community Economic Development Center New Bedford, MA
Delaware Civil Rights Coalition
Florence Immigrant & Refugee Rights Project
Forging Opportunities for Refugees in America
Georgia Asylum and Immigration Network (GAIN)
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Immaculate Heart Community Commission on Justice for Immigrants and Refugees
Immigrant Advocates Response Collaborative
Immigrant Justice Committee of New Castle Presbytery, Delaware
Immigrant Justice Committee, PCUSA, Delaware
Immigration Justice Committee
International Institute of New England
Kentucky Coalition for Immigrant and Refugee Rights
La Raza Centro Legal San Francisco
Law Office of Helen Lawrence
Law Office of Helen Lawrence
Legal Aid Justice Center
Legal Aid Justice Center
Louisiana Advocates for Immigrants in Detention (LA-Aid)
Mariposa Legal, program of COMMON Foundation
MICA Project
Migrant Center for Human Rights
Mississippi Center for Justice
Mobilization for Justice, Inc.
New Sanctuary Movement of Atlanta
New York Immigration Coalition
North Carolina Justice Center
Northwest Immigrant Rights Project
Pathways Counseling Associates
Public Counsel
Refugee Action Network
Rian Immigrant Center
Richards Law Office, PC
Safe Passage Project
Seattle Immigrant Rights Action Group
Services, Immigrant Rights and Education Network (SIREN)
Sisters and Brothers of Immigrants
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA
Sisters of St. Dominic of Blauvelt, New York
St George’s Episcopal Church, Hawthorne, CA
STRANGERS NO LONGER (Michigan)
TASSC (Torture Abolition & Survivors’ Support Coalition) International
Tennessee Justice for Our Neighbors
Texas Civil Rights Project
The Advocates for Human Rights
The Legal Aid Society (New York)
The Masliah Firm PC
Transformations CDC
United Food and Commercial Workers Local 1445
Wallingford Indivisible
Westchester Jewish Coalition for Immigration
Wind of the Spirit Immigrant Resource Center
Workers Center of Central NY