



Juan P. Osuna
Director
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

August 25, 2016

VIA USPS AND EMAIL

**Re: Reports raising due process concerns for detained *pro se* Respondents,
Stewart Immigration Court, Lumpkin, Georgia**

Dear Director Osuna:

We write to raise concerns regarding reported practices at the immigration court located
migrants appearing before
where the rate of legal representation is

¹ During a recent stakeholder visit at Stewart on August 10, 2016, we spoke with
over 126 detained individuals—the overwhelming majority of whom were representing

sum, there is evidence of bias against asylum seekers, and potential breaches of professional and ethical standards. The second part of this letter includes recommendations as to how these potential violations may be remedied and prevented in the future. We request that the Executive

to ensure that basic information is imparted to respondents before they appear in immigration court.

- **Respondents report that immigration judges often set prohibitively high bonds.** Several detained individuals and numerous local advocates report that bond-eligible individuals have been given bond amounts that are beyond their means to pay, even when demonstrating extensive family and community ties in the United States and other equities.
- **Respondents and other advocates report that *pro se* respondents are not permitted to bring writing implements or paper with them to record or document information during their hearings.** Lack of writing implements and paper have prevented respondents from being able to record important information related to their case and potential appeal. We do not know of this practice existing in any other immigration court in the country. While we are unsure of the origin of this prohibition, the EOIR has a responsibility to ensure that ICE and its contractors do not impose rules that violate respondents' right to equal treatment before the court.

II. Recommendations

In light of these reports, we recommend that EOIR immediately implement the following corrective measures at the Stewart immigration court:

- **EOIR should investigate and monitor immigration judges at the Stewart Immigration Court to ensure compliance with standards to protect due process and impartiality.** EOIR should immediately investigate IJ Arrington for potential misconduct based on biased statements against respondents and Central American asylum seekers. EOIR should also instruct all immigration judges to provide a blank I-589 to all those appearing at a master calendar hearing following a positive credible fear interview, provide information required for appeal to the BIA, to inform all respondents of their right to appeal an order of removal, and to ensure that respondents whose claims are denied, in whole or in part, and who reserve appeal, are provided with the necessary forms to file their notices of appeal.
- **EOIR should require that recording equipment must remain on whenever an immigration judge is present in the courtroom, including before the start of proceedings.** In addition, we request that EOIR immediately instruct court administrators to release copies of recordings of hearings to respondents upon request, including to individuals in detention.
- **EOIR should require that IJs provide information about the Legal Orientation Program (LOP) in operation at Td ()Tj EMC /P <</MCID 25 >>BDC -10**

- **EOIR should require IJs and the Court Clerk to provide all respondents at Stewart with paper and writing implements during any hearing, or ensure that they are allowed to enter the courtroom with writing implements and documents they have themselves brought with them.**
- **EOIR should instruct immigration judges that they must consider ability to pay in cases where bond is required for release, and EOIR should implement**