

Congress of the United States
Washington, DC 20515

October 3, 2018

Attorney General Jeff Sessions
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Sessions:

We write to express our concern and request information regarding structural and bureaucratic obstacles to individuals and families wishing to comply with our immigration laws to attend required hearings and to plead their case before a judge, especially if they are not represented by legal counsel.

In 2014, the United States began to experience an influx of migrants from El Salvador, Guatemala, and Honduras seeking humanitarian assistance and safety. Many women and young children arrived at our southern border to present themselves to border agents with the intent of applying for asylum in compliance with our laws. Many families were unable to obtain legal representation and faced a difficult and complex immigration system riddled with structural and bureaucratic obstacles rigged against them. Ultimately, many were ordered removed *in absentia* because they unintentionally, and often due to mistakes by the government, missed an immigration court hearing.

Using data obtained through the Freedom of Information Act (FOIA) regarding the representation and removal of 29,808 families from July 2014 to November 2016, a study conducted jointly by the Asylum Seeker Advocacy Project of the Urban Justice Center (ASAP) and the Catholic Legal Immigration Network, Inc.(CLINIC) found that 22,270 asylum applicants, or 75 percent of the 29,808 families who entered the United States between July 2014 and November 2016, did not have legal representation. Additionally, in 24,862 cases, or 83 percent of the 29,808 families, an immigration judge ordered a family removed. Of those ordered removed, in 21,041 cases, or 85 percent, the order was issued *in absentia*. Moreover, a high percentage of these families ordered removed *in absentia* had passed a credible fear interview with an asylum officer.

The study found that many families seeking asylum had been ordered removed *in absentia* after a missed court date due to reasons largely outside their control. This includes families that did not receive sufficient notice of their hearing from the Executive Office for Immigration Review (EOIR),¹ were provided incorrect government information on their hearing notices, had serious medical problems, experienced language barriers, or had severe trauma or disabilities.

¹ Many asylum-seeking families received notices to appear that did not specify a hearing date, time, or location, similar to the notice found to be deficient by the Supreme Court in *Pereira v. Sessions*.

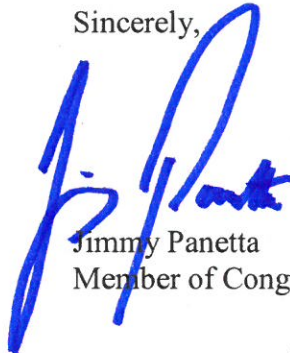
What the data reveals is a flawed bureaucratic process for legitimate asylum seekers attempting to comply with the law as set out by statute. Rather than use punitive tactics, such as *in absentia* removals, we encourage you to make administrative changes that ensure fair hearings and basic due process rights. The Department of Justice, the Department of Homeland Security, and relevant immigration agencies have significant discretion to implement guidance and regulations that would address many of the causes of unintended *in absentia* removal orders to ensure fairness and due process for legitimate asylum seekers.

Given the serious concerns revealed by the FOIA data, in addition to the recent Supreme Court decision in *Pereira v Sessions*, we ask that you provide the following information:

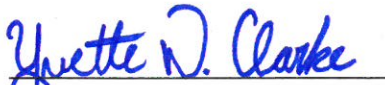
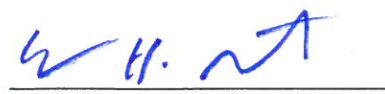
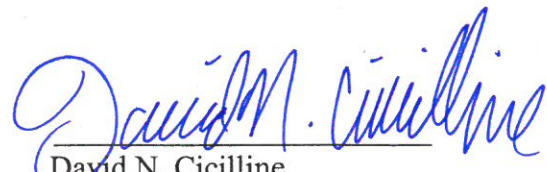
- The most up to date data available on the number of asylum-seeking families ordered removed between January 2017 and June 2018, the number of these families ordered removed *in absentia*, and the percentage of families represented by counsel in each case. (See attachment for specific questions)
- What steps, if any, EOIR is taking to ensure asylum seekers get the information and resources they need to comply with the law?
- What steps, if any, EOIR is taking to address the issue of deficient notices raised in *Pereira v. Sessions*?

Thank you for your attention to this matter.

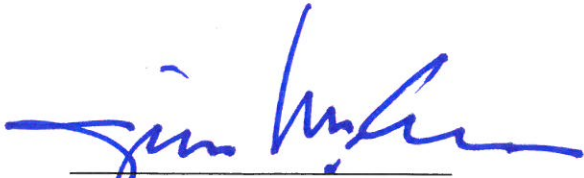
Sincerely,



Jimmy Panetta
Member of Congress


Yvette D. Clarke
Member of Congress
André Carson
Member of Congress
Eleanor Holmes Norton
Member of Congress
David N. Cicilline
Member of Congress

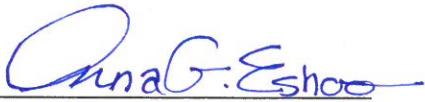
cc: James McHenry, Director of the Executive Office of Immigration Review



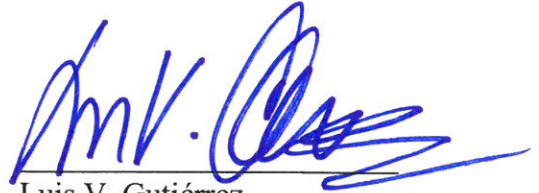
James P. McGovern
Member of Congress



Jan Schakowsky
Member of Congress



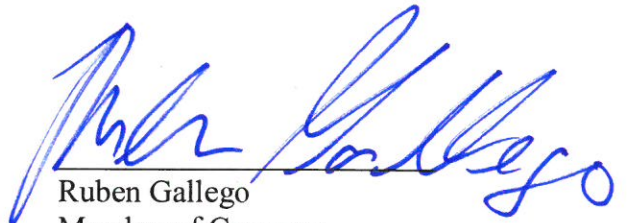
Anna G. Eshoo
Member of Congress



Luis V. Gutiérrez
Member of Congress



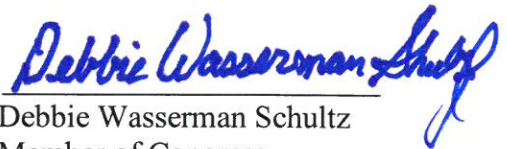
Earl Blumenauer
Member of Congress



Ruben Gallego
Member of Congress



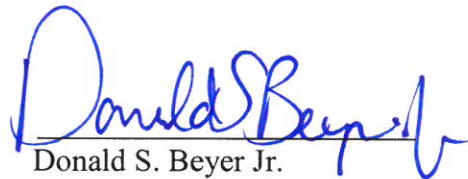
Val B. Demings
Member of Congress



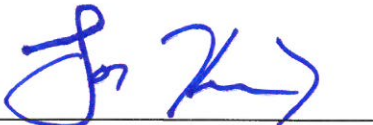
Debbie Wasserman Schultz
Member of Congress



Darren Soto
Member of Congress



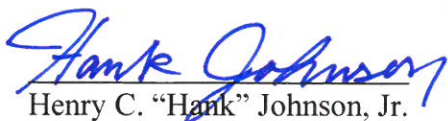
Donald S. Beyer Jr.
Member of Congress



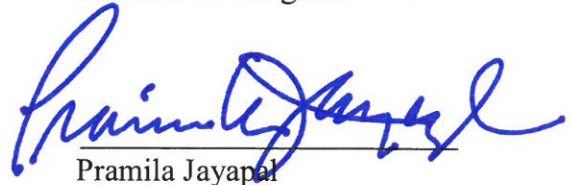
Joseph P. Kennedy, III
Member of Congress



Mark DeSaulnier
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



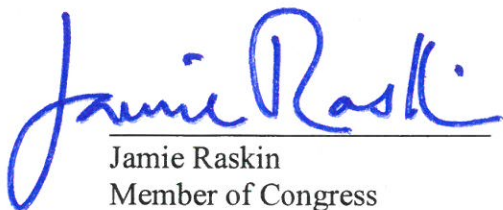
Pramila Jayapal
Member of Congress



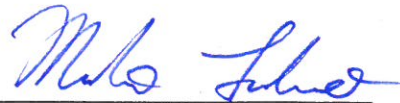
Carol Shea-Porter
Member of Congress



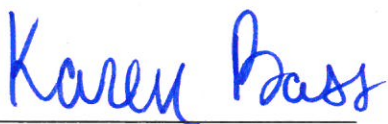
Thomas R. Suozzi
Member of Congress



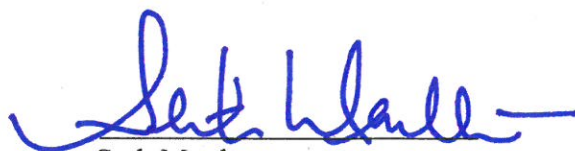
Jamie Raskin
Member of Congress



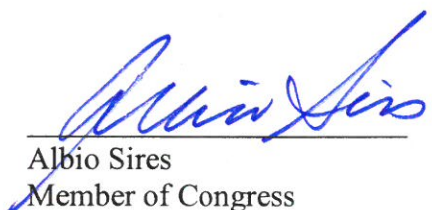
Mark Takano
Member of Congress



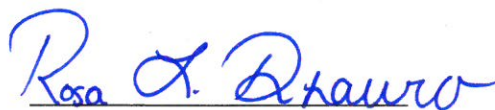
Karen Bass
Member of Congress



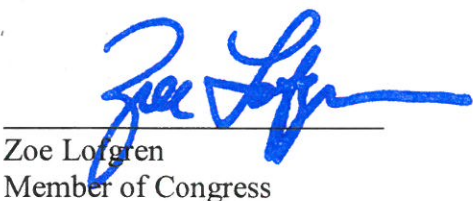
Seth Moulton
Member of Congress



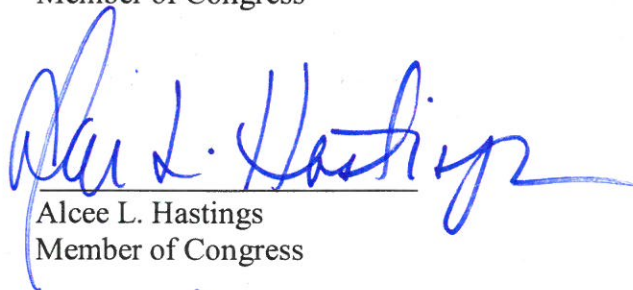
Albio Sires
Member of Congress



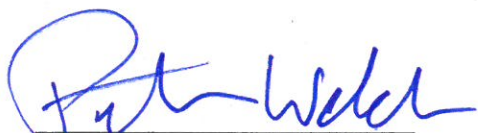
Rosa L. DeLauro
Member of Congress



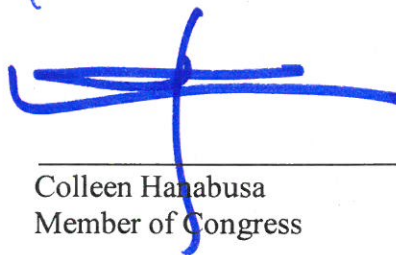
Zoe Lofgren
Member of Congress



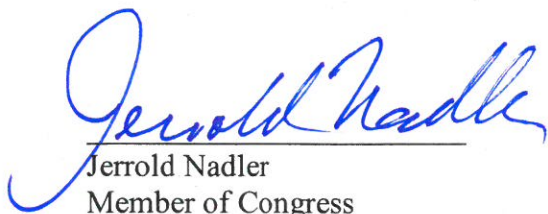
Alcee L. Hastings
Member of Congress



Peter Welch
Member of Congress



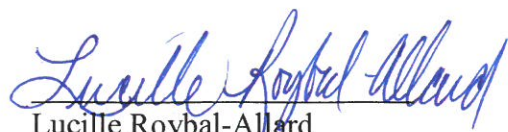
Colleen Hanabusa
Member of Congress



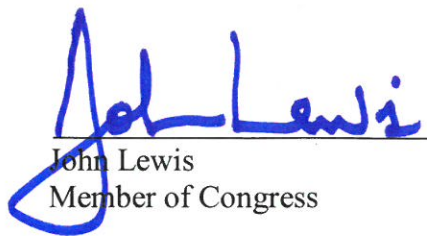
Jerrold Nadler
Member of Congress



Adriano Espaillat
Member of Congress



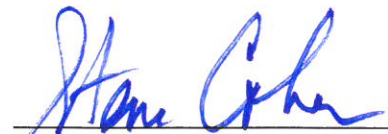
Lucille Roybal-Allard
Member of Congress



John Lewis
Member of Congress



Nanette Diaz Barragán
Member of Congress



Steve Cohen
Member of Congress



Diana DeGette
Member of Congress