

WITHDRAWN**AMERICAN BAR ASSOCIATION****COMMISSION ON IMMIGRATION****REPORT TO THE HOUSE OF DELEGATES****RECOMMENDATION**

1 RESOLVED, That the American Bar Association
2 supports the following measures regarding legal
3 representation and legal information for noncitizens in the
4 immigration removal system:

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- 6 (a) In proceedings raising substantial questions of
7 law, such as appeals to the Board of Immigration
8 Appeals (“BIA”) where a significant legal issue is
9 presented, all appeals to the federal appellate courts,
10 and in the preparation of habeas petitions challenging
11 expedited removal orders, representation should be
12 provided by an attorney. In other matters, attorneys
13 or second-level accredited representatives should be
14 able to represent noncitizens;
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- 16 (b) Permit BIA-recognized nonprofit agencies to
17 charge “reasonable and appropriate fees”;

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- (c) Require immigration judges to consult with local bar associations and other local stakeholders in determining the criteria for inclusion on the pro bono service providers list;
- (d) Amend the Rules of Conduct to allow for civil monetary penalties to be imposed by immigration judges against government attorneys as well as other representatives; and
- (e) Expand and improve the Executive Office of Immigration Review pro bono program to facilitate and encourage attorney participation.