



American Immigration Law Foundation

For Immediate Release

AILF Applauds Attorney General Holder's Withdrawal of Bush Administration's No-Right-To-Counsel Decision

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Washington DC – The American Immigration Law Foundation (AILF) applauds Attorney General Eric Holder's withdrawal of a decision issued by outgoing Attorney General Michael Mukasey that purported to unravel decades of legal precedent on the important role of and right to competent counsel in immigration proceedings.

Mukasey's last-minute legal opinion affected many thousands of people facing life-changing consequences—namely, deportation. Mukasey's decision held that immigrants facing deportation have no legal or constitutional right to representation by a lawyer. Thus, he said, they have no right to complain or seek redress if their rights were violated because of incompetent representation.

Mukasey's decision was *Matter of Compean*, 24 I & N Dec. 710 (A.G. 2009). The Attorney General's decision says that the Department of Justice will initiate rulemaking procedures on the right to relief for ineffective counsel in deportation proceedings. In the meantime, the decision says, the law will revert to the prior law, which provided an avenue for victims of ineffective counsel to reopen their cases.

AILF submitted extensive legal arguments to Mukasey on this issue and spearheaded a letter to Holder in February 2009, joined by 130 other organizations, asking him to take these precise actions.

“We are very encouraged that Attorney General Holder appreciates the importance of immigrants' rights in deportation proceedings,” said Nadine Wettstein, Director of AILF's Legal Action Center (LAC). “Mukasey's decision, if left in place, would have created years of confusion in the immigration and federal courts and would have resulted in potentially thousands of people being thrown out of the country without having had their day in court.”

“We are gratified that Attorney General Holder has expressed a higher regard for the fundamental principles of due process and improving the integrity of immigration court decisions,” said Ben Johnson, AILF Executive Director.

- The Attorney General's decision today is available [here](#).
- AILF's letter to Holder and related materials are available [here](#).
- Mukasey's decision in Matter of Compean, 24 I & N Dec. 710 (A.G. 2009) is available [here](#).

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