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NWIRP CHALLENGES ORDER FROM DEPARTMENT OF JUSTICE TO CEASE AND DESIST PROVIDING LEGAL ASSISTANCE TO UNREPRESENTED INDIVIDUALS IN DEPORTATION PROCEEDINGS

Today, Northwest Immigrant Rights Project filed a lawsuit in federal district court challenging an order from the Department of Justice instructing NWIRP to “cease and desist” from assisting unrepresented immigrants in deportation proceedings. The DOJ letter purports to rely on agency regulations issued in 2008 that require attorneys to enter a formal notice of appearance if they provide any legal assistance to persons in deportation proceedings. However, the immigration courts do not allow limited appearances, so once an attorney files a notice of appearance they are obligated to take over full representation in the deportation proceedings.

There is no right to a public defender or appointed counsel in immigration court. Consequently, the majority of people do not have attorneys to represent them in those proceedings. Given the resulting grave need for legal representation and NWIRP’s limited resources, the cease and desist order threatens to preclude the majority of people in deportation proceedings in Washington State from receiving any legal assistance in their cases.

For over thirty years NWIRP has been providing community presentations, workshops, and individual consultations to help people in deportation proceedings understand their rights and identify defenses from deportation and types of immigration relief. Last year alone NWIRP screened over a thousand people with cases pending before the immigration tribunals, and more than six hundred persons seeking to apply for asylum. While NWIRP is able to provide full representation in some of those cases, the majority of people are left without an attorney. In response, NWIRP has historically provided limited assistance to help those individuals fill out applications for asylum, cancellation of removal, family visas; file motions to reopen removal proceedings, change venue, and to terminate proceedings; and advise them on defenses, forms of relief, and the procedural requirements for moving forward on cases. But now the cease and desist order has caused a dramatic and immediate impact in the way NWIRP is able to serve hundreds of unrepresented persons.

The lawsuit, filed by NWIRP and the cooperating law firm of Davis Wright Tremaine LLP, asserts that the DOJ order violates NWIRP attorneys’ constitutional right to free speech, impeding their ability to promote and defend the rights of immigrants in Washington State. In addition, the suit charges that the regulation unlawfully interferes with Washington’s authority to regulate the conduct of how Washington State attorneys provide legal services.

“The cease and desist letter has slammed the door on the only chance hundreds of unrepresented individuals have to receive any legal assistance,” said Matt Adams, Legal Director for NWIRP. “But we will not be so easily deterred. We are asking the Court to protect our rights to advocate on behalf of immigrants, including children and people locked up in immigration detention, who have no other avenues for help.”

A copy of the complaint can be found [here](#).

A copy of the motion for temporary restraining order can be found [here](#).

A copy of the cease and desist letter can be found [here](#).

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