

The Honorable Richard A. Jones

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

NORTHWEST IMMIGRANT RIGHTS  
PROJECT (“NWIRP”), a nonprofit  
Washington public benefit corporation; and  
YUK MAN MAGGIE CHENG, an  
individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his  
official capacity as Attorney General of the  
United States; UNITED STATES  
DEPARTMENT OF JUSTICE;  
EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW; JUAN  
OSUNA, in his official capacity as  
Director of the Executive Office for  
Immigration Review; and JENNIFER  
BARNES, in her official capacity as  
Disciplinary Counsel for the Executive  
Office for Immigration Review,

Defendants.

NO. 2:17-cv-00716

*AMICUS CURIAE* BRIEF OF THE  
ATTORNEY GENERAL OF  
WASHINGTON IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR  
TEMPORARY RESTRAINING  
ORDER

NOTE ON MOTION CALENDAR:  
May 15, 2017

## I. INTRODUCTION

1 “The immigration system in this country is plagued with ‘notarios’ who prey on  
2 uneducated immigrants.” *Mendoza-Mazariegos v. Mukasey*, 509 F.3d 1074, 1077 n.4 (9th Cir.  
3 2007). The State of Washington (State) has a strong public policy of protecting consumers  
4 from such unauthorized practitioners of immigration law and promoting access to reliable and  
5 affordable legal assistance. The Northwest Immigrant Rights Project (NWIRP) is essential to  
6 this mission as the primary provider of free and low-cost immigration legal assistance in the  
7 State. A limitation of NWIRP’s critical services would be detrimental to the public interest.

## II. FACTUAL AND PROCEDURAL BACKGROUND

9  
10 NWIRP is the primary non-profit legal services provider for immigrants in removal  
11 proceedings in Washington and for persons detained at the Northwest Detention Center in  
12 Tacoma, Washington. Compl., ECF 1 ¶ 3.1. As a civil legal aid provider, NWIRP is a member  
13 of the statewide Alliance for Equal Justice, a group of forty non-profit organizations that  
14 collaborate in an effort to maximize the statewide justice system’s capacity to respond to the  
15 legal needs of Washington’s low-income population. *See* The Alliance for Equal Justice, *What*  
16 *is the Alliance?*, <http://allianceforequaljustice.org/about-the-alliance/> (last visited May 11,  
17 2017).

18 As set forth in its motion, NWIRP deliberately provides a mix of representations, from  
19 limited legal services to full representations, in order to respond to the legal need for free or  
20 low-cost immigration-related services. Mtn. for TRO, ECF 2 at 8-9. NWIRP’s diversity of  
21 services complements the goal of the Conference of Chief Justices and the Conference of State  
22 Court Administrators in Washington, which adopted a resolution in 2015 to support “100  
23 percent access to effective assistance for essential civil legal needs” through a “continuum of  
24 meaningful and appropriate services.” *See also* Am. Bar Ass’n, Standards for the Provision of  
25 Civil Legal Aid (Aug. 2006), [http://www.lsc.gov/sites/default/files/Grants/civillegalaidstds200](http://www.lsc.gov/sites/default/files/Grants/civillegalaidstds2006.pdf)  
26 [6.pdf](http://www.lsc.gov/sites/default/files/Grants/civillegalaidstds2006.pdf) (last visited May 11, 2017) (noting that “assistance offered by a provider will involve

1 non-representational assistance, such as community legal education and legal information to  
 2 help individuals avoid legal problems and take steps on their own to address their situation”);  
 3 *Performance Standards for Legal Aid in the State of Washington* (2009),  
 4 [http://www.wsba.org/~media/Files/Legal%20Community/Committees\\_Boards\\_Panels/ATJ%  
 5 20Board/Performance%20Standards%20for%20Legal%20Aid%20in%20the%20State%20of%  
 6 20Washington%20-%202009.ashx](http://www.wsba.org/~media/Files/Legal%20Community/Committees_Boards_Panels/ATJ%20Board/Performance%20Standards%20for%20Legal%20Aid%20in%20the%20State%20of%20Washington%20-%202009.ashx) (last visited May 11, 2017) (recommending legal service  
 7 providers “make *deliberate* choices about the mode of representation . . . it will use to respond  
 8 to clients’ needs.”) (emphasis added).

9 NWIRP plays a critical role in Washington’s integrated civil legal aid community.  
 10 NWIRP is regularly recognized for its work and, in the last decade alone, has received the  
 11 Moving Mountains Award from the State’s Office of Crime Victims Advocacy, the Human  
 12 Rights Award from the City of Seattle, the National Excellence in Litigation Award from the  
 13 American Immigration Lawyers Association (AILA), the William O. Douglas Award for  
 14 lifetime achievement from the ACLU of Washington, as well as the Daniel Levy Award from  
 15 the National Immigration Project of the National Lawyers Guild.<sup>1</sup> Most recently, the State’s  
 16 Office of Civil Legal Aid (OCLA) awarded NWIRP a dedicated grant for its work representing  
 17 immigrant crime victims because it is a trusted provider of free and low-cost immigration legal  
 18 services in Washington. See OCLA, *Statewide Civil Legal Aid to Crime Victims Plan* at 8 (July  
 19 2016), [http://ocla.wa.gov/wp-content/uploads/2016/08/OCLA-Crime-Victims-Service-  
 20 Delivery-Plan-Revised-Plan-7-25-16-w-map-and-chart-1.pdf](http://ocla.wa.gov/wp-content/uploads/2016/08/OCLA-Crime-Victims-Service-Delivery-Plan-Revised-Plan-7-25-16-w-map-and-chart-1.pdf) (last visited May 11, 2017).

21  
 22 <sup>1</sup> See NWIRP, *NWIRP Wins “Moving Mountains” Award from Office of Crime Victims Advocacy* (Mar.  
 23 27, 2009), <https://www.nwirp.org/nwirp-wins-moving-mountains-award-from-office-of-crime-victims-advocacy/>  
 24 (last visited May 11, 2017); Seattle Human Rights Commission, *Human Rights*,  
 25 <https://www.seattle.gov/humanrights/what-we-do/human-rights-day> (last visited May 11, 2017) (identifying  
 26 NWIRP as a former Human Rights Awardee); AILA, *AILA presents the Franco-Gonzalez Litigation Team with  
 the Jack Wasserman Memorial Award* (June 21, 2014), [http://www.aila.org/advo-media/press-  
 releases/2014/litigation-team-with-jack-wasserman-memorial-award](http://www.aila.org/advo-media/press-releases/2014/litigation-team-with-jack-wasserman-memorial-award) (last visited May 11, 2017); ACLU of  
 Washington, *ACLU Honors NW Immigrant Rights Project, Pasco Activists, Student Poet* (Nov. 5, 2015),  
<https://aclu-wa.org/blog/aclu-honors-nw-immigrant-rights-project-pasco-activists-student-poet> (last visited May  
 11, 2017); Seattle Times, *Seattle-based Northwest Immigrant Rights Project wins national award* (Oct. 22, 2009),  
<http://www.seattletimes.com/seattle-news/seattle-based-northwest-immigrant-rights-project-wins-national-award/>  
 (last visited May 11, 2017).

1 By letter dated April 5, 2017, the Executive Office for Immigration Review (EOIR)  
2 directed NWIRP to “cease and desist from representing aliens unless and until the appropriate  
3 Notice of Entry of Appearance form is filed with each client that NWIRP represents.” Compl.,  
4 Ex. 1, ECF 1-1. On May 18, 2017, NWIRP filed the present action and a Motion for  
5 Temporary Restraining Order as against EOIR’s cease and desist order. Compl., ECF 1; Mtn.  
6 for TRO, ECF 2. The State respectfully submits this *amicus curiae* brief in support of  
7 NWIRP’s Motion for Temporary Restraining Order.

### 8 III. IDENTITY AND INTEREST OF *AMICUS CURIAE*

9 The Attorney General is the legal adviser to the State of Washington. *See* Wash. Rev.  
10 Code § 43.10.030. The Attorney General’s constitutional and statutory powers include the  
11 submission of amicus briefs on matters that affect the public interest. *See Young Ams. for*  
12 *Freedom v. Gorton*, 588 P.2d 195, 200 (Wash. 1978).

13 The Attorney General has an interest in protecting the public interest, including  
14 protecting consumers from the unauthorized practice of immigration law and promoting access  
15 to safe and affordable legal assistance for low-income persons. *See City of Seattle v. McKenna*,  
16 259 P.3d 1087, 1091-12 (Wash. 2011) (Attorney General’s “general powers and duties”  
17 including “discretionary authority to act in any court, state or federal, trial or appellate, on a  
18 matter of public concern”) (internal quotation marks omitted); Wash. Rev. Code § 19.154.010  
19 (Legislative finding that “the practice by nonlawyers and other unauthorized persons of  
20 providing legal advice and legal services to others in immigration matters substantially affects  
21 the public interest” and “may impact the ability of their customers to reside and work within  
22 the United States and to establish and maintain stable families and business relationships”);  
23 Wash. Rev. Code § 2.53.005 (Legislative finding that “the provision of civil legal aid services  
24 to indigent persons is an important component of the state’s responsibility to provide for the  
25 proper and effective administration of civil and criminal justice”). This case presents issues of  
26 significant public interest, including the possible loss of access to essential limited legal

1 services for thousands of individuals who otherwise may be left to face removal proceedings  
 2 without the assistance of counsel, greatly increasing the possibility of deportation and  
 3 separation of Washington families. *See* Mtn. for TRO, ECF 2 at 5.

#### 4 IV. ARGUMENT

5 The unauthorized practice of immigration law continues to be a serious issue affecting  
 6 consumers in Washington and across the country. Monica Schurtman & Monique C. Lillard,  
 7 *Remedial and Preventive Responses to the Unauthorized Practice of Immigration Law*, 20 Tex.  
 8 *Hisp. J. L. Pol’y* 47, 49 (2014) (“Unauthorized practice of immigration law (UPIL), often  
 9 called ‘notario fraud,’ continues to be rampant in the United States.”). The Attorney General of  
 10 Washington has long been engaged in combatting what’s commonly referred to as notario<sup>2</sup>  
 11 fraud through consumer education, policy initiatives, and enforcement.<sup>3</sup> Critical to protecting

---

12  
 13 <sup>2</sup> “The term ‘notario’ or ‘notary’ in our immigration case law refers to individuals who either (a) hold  
 14 themselves out as immigration law experts, even though they are not attorneys; or (b) act as gatekeepers for  
 15 ‘appearance attorneys’ with limited or no knowledge of their client’s case.” *Avagyan v. Holder*, 646 F.3d 672, 675  
 16 n.2 (9th Cir. 2011) (citing *Mendoza-Mariegos v. Mukasey*, 509 F.3d 1074, 1077 n.4 (9th Cir. 2007)).

17 <sup>3</sup> *See, e.g.*, Press Release, Washington State Office of Attorney General, “Latino immigrants at risk of  
 18 being exploited by ‘notarios’” (Oct. 28, 2009), <http://www.atg.wa.gov/news/news-releases/latino-immigrants-risk-being-exploited-notarios>;  
 19 Press Release, Washington State Office of Attorney General, “Attorney General Puts an  
 20 End to Three Illegal Immigration Services (July 23, 2010), <http://www.atg.wa.gov/news/news-releases/attorney-general-puts-end-three-illegal-immigration-services>;  
 21 Press Release, Washington State Office of Attorney General, “Washington Attorney General announces 10 new immigration service cases” (Apr. 4, 2011),  
 22 <http://www.atg.wa.gov/news/news-releases/washington-attorney-general-announces-10-new-immigration-service-cases>;  
 23 Press Release, Washington State Office of Attorney General, “Federal and state officials expose immigration services scams, unveil new prevention and enforcement initiatives” (June 9, 2011),  
 24 <http://www.atg.wa.gov/news/news-releases/federal-and-state-officials-expose-immigration-services-scams-unveil-new>;  
 25 Press Release, Washington State Office of Attorney General, “Attorney General announces three additional immigration services cases” (Aug. 30, 2011), <http://www.atg.wa.gov/news/news-releases/attorney-general-announces-three-additional-immigration-services-cases>;  
 26 Press Release, Washington State Office of Attorney General, “AG announces new tools to fight immigration fraud” (Oct. 21, 2011), <http://www.atg.wa.gov/news/news-releases/ag-announces-new-tools-fight-immigration-fraud>;  
 Press Release, Washington State Office of Attorney General, “CONSUMER ALERT: AG Ferguson, Rep. Moscoso and Sen.-elect Jayapal warn of possible notario scams” (Dec. 3, 2014), <http://www.atg.wa.gov/news/news-releases/consumer-alert-ag-ferguson-rep-moscoso-and-sen-elect-jayapal-warn-possible>;  
 Press Release, Washington State Office of Attorney General, “AG announces sweep to crack down on illegal immigration assistance” (Aug. 19, 2015), <http://www.atg.wa.gov/news/news-releases/ag-announces-sweep-crack-down-illegal-immigration-assistance>;  
 Press Release, Washington State Office of Attorney General, “AG shuts down repeat offenders offering unauthorized immigration assistance” (Sept. 14, 2015), <http://www.atg.wa.gov/news/news-releases/ag-shuts-down-repeat-offenders-offering-unauthorized-immigration-assistance>;  
 Press Release, Washington State Office of Attorney General, “AG takes on Everett immigration scammer targeting Russian-speaking community” (Dec. 10, 2015), <http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-community>.

1 consumers from non-lawyers engaged in the unauthorized practice of immigration law – which  
 2 “can irreparably damage the lives of immigrants and their citizen family members,” sometimes  
 3 resulting in deportation and family separation, *id.* – is the availability of, and access to, free or  
 4 low-cost immigration legal services. In Washington, NWIRP plays a crucial role in meeting  
 5 this essential need.

6 **A. NWIRP’s Services Further the State’s Interest in Combatting Notario Fraud**

7 The State has a clear interest in protecting Washington consumers from notario fraud.  
 8 In furtherance of that interest, the Attorney General of Washington requested legislation in  
 9 2011 to crack down on the use of the term “notario” and impose additional legal consequences  
 10 for non-lawyers making false representations about being skilled in immigration law.<sup>4</sup> The  
 11 resulting statute, the Immigration Services Fraud Prevention Act (ISFPA), Wash. Rev. Code  
 12 chapter 19.154, prohibits non-lawyers and unauthorized individuals from “engaging in the  
 13 practice of law in an immigration matter for compensation.” Wash. Rev. Code §  
 14 19.154.060(1). The ISFPA makes plain that persons who are not lawyers or otherwise  
 15 permitted to represent others under federal law in an immigration matter are prohibited from  
 16 engaging in enumerated conduct constituting the practice of immigration law, including  
 17 “[s]oliciting to prepare documents for, or otherwise representing the interests of, another in a  
 18 judicial or administrative proceeding in an immigration matter,” for compensation. Wash. Rev.  
 19 Code § 19.154.060(2), (2)(d).

20 The Attorney General’s Office has since continued to warn consumers about resorting  
 21 to notarios and has vigorously enforced the ISFPA.<sup>5</sup> However, shutting down notarios and

22 <sup>4</sup> See Press Release, Washington State Office of Attorney General, “Federal and state officials expose  
 23 immigration services scams, unveil new prevention and enforcement initiatives” (June 9, 2011),  
 24 [http://www.atg.wa.gov/news/news-releases/federal-and-state-officials-expose-immigration-services-scams-unveil-](http://www.atg.wa.gov/news/news-releases/federal-and-state-officials-expose-immigration-services-scams-unveil-new)  
 25 [new](http://www.atg.wa.gov/news/news-releases/federal-and-state-officials-expose-immigration-services-scams-unveil-new); Schurtman & Lillard, 20 Tex. Hisp. J. L. Pol’y at 106 (“Prompted by years of experience litigating against  
 26 Washington state notarios, the Washington Attorney General’s Office, working with community-based  
 organizations such as the Northwest Immigrant Rights Project, proposed a bill to eliminate the statutory loopholes  
 facilitating notario fraud and to strengthen penalties against offenders.”).

<sup>5</sup> See, e.g., Press Release, Washington State Office of Attorney General, “CONSUMER ALERT: AG  
 Ferguson, Rep. Moscoso and Sen.-elect Jayapal warn of possible notario scams” (Dec. 3, 2014),  
<http://www.atg.wa.gov/news/news-releases/consumer-alert-ag-ferguson-rep-moscoso-and-sen-elect-jayapal-warn->

1 directing consumers to seek proper legal assistance in immigration matters can only go so far  
 2 without the availability of free and low-cost legal help. *See* Schurtman & Lillard, 20 Tex. *Hisp.*  
 3 J. L. Pol’y at 114 (“Chief among the reasons for persistence of UPIL [unauthorized practice of  
 4 immigration law] is the scarcity of affordable and competent legal representation in  
 5 immigration matters.”). NWIRP is the primary non-profit legal services provider for  
 6 immigration matters in Washington. As such, the Attorney General’s Office has consistently  
 7 counted on being able to direct consumers to NWIRP as a reliable resource.<sup>6</sup>

8 In addition, NWIRP is a critical partner in helping the State prevent and combat notario  
 9 fraud. Immigrants whose legal status in the country is uncertain may understandably be wary  
 10 of voluntarily contacting a government agency to report notario abuse. As a trusted legal aid  
 11 provider in the community, NWIRP is often in a superior position to learn about notario fraud  
 12 and regularly refers matters to our office for investigation and enforcement. Recognizing the  
 13 special role NWIRP is able to play, the Attorney General’s Office awarded NWIRP a \$125,000  
 14 *cy pres* grant in 2015 to engage in notario fraud prevention, consumer outreach and

15 \_\_\_\_\_  
 16 possible; Press Release, Washington State Office of Attorney General, “AG announces sweep to crack down on  
 17 illegal immigration assistance” (Aug. 19, 2015), <http://www.atg.wa.gov/news/news-releases/ag-announces-sweep-crack-down-illegal-immigration-assistance>; Press Release, Washington State Office of Attorney General, “AG  
 18 shuts down repeat offenders offering unauthorized immigration assistance” (Sept. 14, 2015),  
 19 <http://www.atg.wa.gov/news/news-releases/ag-shuts-down-repeat-offenders-offering-unauthorized-immigration-assistance>;  
 20 Press Release, Washington State Office of Attorney General, “AG takes on Everett immigration  
 21 scammer targeting Russian-speaking community” (Dec. 10, 2015), <http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-community>.

22 <sup>6</sup> *See, e.g.*, Press Release, Washington State Office of Attorney General, “Latino immigrants at risk of  
 23 being exploited by ‘notarios’” (Oct. 28, 2009), <http://www.atg.wa.gov/news/news-releases/latino-immigrants-risk-being-exploited-notarios>;  
 24 Press Release, Washington State Office of Attorney General, “Attorney General Puts an  
 25 End to Three Illegal Immigration Services (July 23, 2010), <http://www.atg.wa.gov/news/news-releases/attorney-general-puts-end-three-illegal-immigration-services>;  
 26 Press Release, Washington State Office of Attorney General, “Federal and state officials expose immigration services scams, unveil new prevention and enforcement  
 initiatives” (June 9, 2011), <http://www.atg.wa.gov/news/news-releases/federal-and-state-officials-expose-immigration-services-scams-unveil-new>;  
 Press Release, Washington State Office of Attorney General, “AG announces sweep to crack down on illegal immigration assistance” (Aug. 19, 2015),  
<http://www.atg.wa.gov/news/news-releases/ag-announces-sweep-crack-down-illegal-immigration-assistance>;  
 Press Release, Washington State Office of Attorney General, “AG shuts down repeat offenders offering  
 unauthorized immigration assistance” (Sept. 14, 2015), <http://www.atg.wa.gov/news/news-releases/ag-shuts-down-repeat-offenders-offering-unauthorized-immigration-assistance>;  
 Press Release, Washington State Office of Attorney General, “AG takes on Everett immigration scammer targeting Russian-speaking community” (Dec. 10,  
 2015), <http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-community>.

1 enforcement.<sup>7</sup> NWIRP hired an attorney to join its team and undertake the work funded by the  
 2 grant, in partnership with the Attorney General’s Office. *See* Northwest Public Radio,  
 3 “Immigrant Advocates Work to Fight Notary Fraud” (June 2, 2016),  
 4 <http://nwpr.org/post/immigrant-advocates-work-fight-notary-fraud>.

5 A reduction in NWIRP’s ability to provide free or low-cost limited legal services for  
 6 thousands facing removal proceedings, as a result of the cease and desist order, would be  
 7 detrimental to the State’s interest in combatting notario fraud. *See* Mtn. for TRO, ECF 2 at 5.  
 8 NWIRP is one of *only two* pro bono legal service providers in Washington state registered with  
 9 the Executive Office for Immigration Review’s Office of Legal Access Programs. *See* EOIR,  
 10 List of Pro Bono Legal Service Providers, [https://www.justice.gov/eoir/list-pro-bono-legal-](https://www.justice.gov/eoir/list-pro-bono-legal-service-providers)  
 11 [service-providers](https://www.justice.gov/eoir/list-pro-bono-legal-service-providers) (last visited May 11, 2017); EOIR, List of Pro Bono Legal Service Providers,  
 12 Washington, <https://www.justice.gov/eoir/file/ProBonoWA/download> (visited May 11, 2017).  
 13 Notably, the other provider, Kids in Need of Defense, “only represents minors and  
 14 unaccompanied children.” *See* EOIR, List of Pro Bono Legal Service Providers, Washington,  
 15 <https://www.justice.gov/eoir/file/ProBonoWA/download> (visited May 11, 2017). As EOIR  
 16 reports, “[m]any individuals who appear before EOIR are indigent and cannot afford a private  
 17 attorney.” *See* EOIR, FY 2016 Statistics Yearbook, [https://www.justice.gov/eoir/page/file/fysb1](https://www.justice.gov/eoir/page/file/fysb16/download)  
 18 [6/download](https://www.justice.gov/eoir/page/file/fysb16/download) (last visited May 11, 2017), at F1. 16.9% of foreign born residents in Washington  
 19 live below the federal poverty level. Immigrant families with children under 18 experience a  
 20 20.4% rate of poverty, and for families headed by a single mother, the rate jumps to 47%. *See*  
 21 U.S. Census, 2011-2015 American Community Survey 5-Year Estimates,  
 22 [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_5](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5)  
 23 [YR\\_S0501&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5) (last visited May 11, 2017).

24 <sup>7</sup> *See* Press Release, Washington State Office of Attorney General, “AG announces sweep to crack down  
 25 on illegal immigration assistance” (Aug. 19, 2015), [http://www.atg.wa.gov/news/news-releases/ag-announces-](http://www.atg.wa.gov/news/news-releases/ag-announces-sweep-crack-down-illegal-immigration-assistance)  
 26 [sweep-crack-down-illegal-immigration-assistance](http://www.atg.wa.gov/news/news-releases/ag-announces-sweep-crack-down-illegal-immigration-assistance); Press Release, Washington State Office of Attorney General,  
 “AG takes on Everett immigration scammer targeting Russian-speaking community” (Dec. 10, 2015),  
[http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-](http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-community)  
[community](http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-community).

1 Leaving Washington consumers to face removal proceedings without the assistance of  
2 counsel they otherwise may have received from NWIRP could greatly increase the possibility  
3 of deportation and separation of Washington families. Research shows that unrepresented  
4 individuals fare poorly in immigration court, as compared to those with legal representation.  
5 Between 2007 and 2012, nationwide, “[r]epresented immigrants in detention who had a  
6 custody hearing were four times more likely to be released from detention (44 percent with  
7 counsel versus 11 percent without).” American Immigration Council, Special Report, “Access  
8 to Counsel in Immigration Court” (Sept. 28, 2016), <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>  
9 (last visited May 11, 2017). “Detained  
10 immigrants with counsel were nearly 11 times more likely to seek relief [from deportation]  
11 such as asylum than those without representation (32 percent with counsel versus 3 percent  
12 without).” *Id.* “Immigrants who were never detained were five times more likely to seek relief  
13 if they had an attorney (78 percent with counsel versus 15 percent without).” *Id.* “Among  
14 detained immigrants, those with representation were twice as likely as unrepresented  
15 immigrants to obtain immigration relief if they sought it (49 percent with counsel versus 23  
16 percent without).” *Id.* “Represented immigrants who were never detained were nearly five  
17 times more likely than their unrepresented counterparts to obtain relief if they sought it (63  
18 percent with counsel versus 13 percent without).” *Id.* These statistics are jarring.

19 Furthermore, the possibility that those who may have benefitted from the assistance of  
20 NWIRP may instead resort to the assistance of a notario, out of desperation, is also of great  
21 concern. *See, e.g.*, Schurtman & Lillard, 20 Tex. *Hisp. J. L. Pol’y* at 54 (“Reliance on notarios  
22 for immigration assistance can result in the denial of claims, deportation, and permanent  
23 inadmissibility.”).

24 Despite great efforts in the State to provide civil legal aid to meet the needs of low-  
25 income Washingtonians, there is still much work to be done to improve access to free or low-  
26

1 cost legal representation, including for immigrants. NWIRP's efforts to serve as many  
2 individuals as possible are vital to furthering this important State interest.

3 **V. CONCLUSION**

4 For the foregoing reasons, the State respectfully requests that the Court grant NWIRP's  
5 motion for a temporary restraining order.

6 RESPECTUFLY SUBMITTED this 12<sup>th</sup> day of May 2017.

7  
8 ROBERT W. FERGUSON  
Attorney General

9 *s/ Patricio A. Marquez*  
10 PATRICIO A. MARQUEZ, WSBA #47693  
11 MARSHA CHIEN, WSBA #47020  
Assistant Attorneys General  
12 Civil Rights Unit  
Office of the Attorney General  
13 800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
14 (206) 442-4492  
[PatricioM@atg.wa.gov](mailto:PatricioM@atg.wa.gov)  
15 Attorneys for Amicus Curiae  
16 Attorney General of Washington  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED this 12th day of May, 2017, at Seattle, Washington.

s/ Patricio A. Marquez  
PATRICIO A. MARQUEZ, WSBA #47693  
MARSHA CHIEN, WSBA #47020  
Assistant Attorneys General  
Civil Rights Unit  
Attorneys for Amicus Curiae  
Attorney General of Washington

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26