

February 23, 2009

Mr. Tom Shroder
Editor
The Washington Post Magazine

Dear Mr. Shroder:

Phuong Ly's article in The Washington Post Magazine ["The Outsider," Feb. 22, 2009] incorrectly describes the public's access to immigration proceedings. Immigration courts are open to the public. However, when the public's interest in access is at odds with the Government's interest in protecting the right to privacy and the safety concerns of the parties to the proceedings, access can be restricted. While the Department cannot discuss individual cases, an asylum applicant can request that his or her hearing be closed. By indicating that closed hearings are the rule rather than the exception, the article inaccurately implies a lack of transparency and due process in immigration hearings.

We appreciate the opportunity to comment.

Sincerely,
Thomas G. Snow,
Acting Director
Executive Office for Immigration Review