



U. S. Department of Justice

Executive Office for Immigration Review

*Office of the Director*

Director

5107 Leesburg Pike, Suite 2600

Falls Church, Virginia 22041

September 26, 2005

Mr. Steve Wright  
Editor  
San Jose Mercury News  
750 Ridder Park Drive  
San Jose, CA 95190

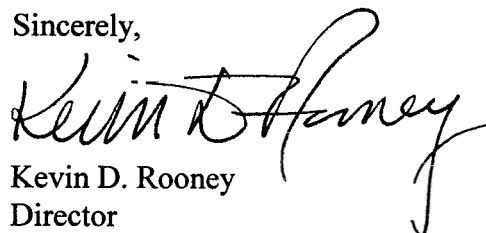
Dear Mr. Wright:

The public is seriously misled by the misrepresentation of facts in your editorial "Asylum Seekers Deserve a Chance at a Fair Hearing" (September 20). You assert that the Ninth Circuit Court of Appeals "overturned two-thirds of the most important appeals it heard" from the Board of Immigration Appeals (BIA). The reality is that the Circuit Court's own statistics show that it upholds the BIA's decisions more than 90% of the time.

You also state that "the [A]ttorney [G]eneral runs the courts and also prosecutes cases in front of the immigration judges he appoints." The reality is that the trial attorneys who represent the Government before the immigration courts are employees of the Department of Homeland Security, quite independent of the Attorney General.

Your editorial unfortunately fails to engage in a careful examination of the reasons for the current surge in immigration appeals and ignores several independent studies of the issue. Your decision to misrepresent the facts does a disservice not only to the dedicated professionals at the BIA, but most of all to your readers.

Sincerely,



Kevin D. Rooney  
Director