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Matter of Lozada Social Media Toolkit

Find more AILA resources on this issue:

<https://www.aila.org/library/featured-issue-its-time-to-change-the-em-lozada-em-standard>

Background

To safeguard the Constitution's guarantee of due process, American courts will reexamine decisions if an attorney commits an error that harms their client. In 1984, the Supreme Court set the nationwide standard for reviewing such cases in *Strickland v. Washington*. In 1988, the Board of Immigration Appeals departed from the national standard in the case *Matter of Lozada*, which added a bureaucratic hurdle to the process that has led to unfair and unjust results in immigration court.

AILA urges reforms to make the process of reopening cases where counsel has been ineffective, fairer, and more consistent with U.S. law. First, AILA urges Congress to act on Senator Chris Murphy's (D-CT) "Strengthening Immigration Procedures Act of 2024" which will bring immigration law in line with Supreme Court jurisprudence and restore fairness in such cases. Second, AILA urges the Biden Administration to correct the legal standard and require immigration courts to re-adopt the Supreme Court's *Strickland* standard.

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General

X (Twitter)	
The Strengthening Immigration Procedures Act of 2024 would: • Promote due process • Ensure consistency • Increase fairness • Remove unnecessary, burdensome filing requirements 	The introduction of the “Strengthening Immigration Procedures Act of 2024” by @ChrisMurphyCT is an important step forward to remove barriers to justice and #dueprocess in #immigration court. Learn more about this issue from @AILANational: https://www.aila.org/library/featured-issue-its-time-to-change-the-em-lozada-em-standard
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AILA urges reforms to make the process of reopening cases with ineffective counsel fairer and more consistent with U.S. law. 	The “Strengthening Immigration Procedures Act of 2024,” introduced by @ChrisMurphyCT, would align ineffective assistance of counsel claims in #immigration matters to the #SCOTUS <i>Strickland</i> standard. LEARN more from @AILANational: https://www.aila.org/library/featured-issue-its-time-to-change-the-em-lozada-em-standard
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- Promote due process
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Policy Brief

X (Twitter)/Threads

A long-standing Board of Immigration Appeals decision, *Matter of Lozada*, unnecessarily burdens immigrants, attorneys, and state bar associations in a way that affects no other area of law. LEARN more about this issue in @AILANational's latest policy brief:

<https://www.aila.org/library/policy-brief-ending-the-reign-of-lozada-and-removing-barriers-to-ineffective-assistance-of-counsel-claims-in-immigration-law>

Ineffective assistance of counsel can be life-altering and prompts many immigrants to appeal their case with new counsel. This @AILANational policy brief examines how *Matter of Lozada* poses a challenge in pursuing justice in #immigration court:

<https://www.aila.org/library/policy-brief-ending-the-reign-of-lozada-and-removing-barriers-to-ineffective-assistance-of-counsel-claims-in-immigration-law>

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**Policy Brief:
Ending the Reign of *Lozada*
and Removing Barriers to
Ineffective Assistance of
Counsel Claims in
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Blog Post

[Think Immigration: How the Immigration Court System Pits Immigration Lawyers Against Each Other for the “Good of Clients”](#)

X (Twitter)/Threads
.@AILANational’s Ethics Committee recently recommended the elimination of the bar complaint requirement under <i>Matter of Lozada</i>. READ more on #ThinkImmigration from Committee Chair @cyrusmehta: <u>https://bit.ly/4dbxbKM</u> <u>CLICK TO TWEET SAMPLE 1</u>
As it is now, the bar complaint requirement under <i>Matter of Lozada</i> is unnecessary to accomplish the clients’ and courts’ goals. @AILANational Ethics Committee Chair @cyrusmehta explains more on #ThinkImmigration: <u>https://bit.ly/4dbxbKM</u>

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Petition

X (Twitter)/Threads

Join @AILANational's petition urging @TheJusticeDept and @DHSgov to align #immigration courts with the national *Strickland* standard for motions to reopen based on ineffective assistance of counsel. Add your voice here:

<https://aila.quorum.us/campaign/65358/>

[CLICK TO TWEET SAMPLE 1](#)

When it comes to ineffective assistance of counsel, #immigration courts have set a different, more difficult, standard than the *Strickland* standard set by #SCOTUS. Add your name to @AILANational's petition to ensure fair and consistent immigration courts: <https://aila.quorum.us/campaign/65358/>

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Petition to the Attorney
General and Homeland
Security Secretary Mayorkas to
re-instate the *Strickland*
standard for immigration cases



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