

BASF and JDC Join Amicus Brief in U.S. v. Hernandez-Becerra, Urging Protection of Due Process Rights for Defendants Prosecuted through Operation Streamline

April 19, 2019 – San Francisco – The Bar Association of San Francisco and the Justice & Diversity Center joined 42 leading nonprofit organizations, immigrant rights and community groups, law clinics, and mental health providers in filing an amicus brief to the U.S. Court of Appeals for the Ninth Circuit in U.S. v. Hernandez-Becerra.

The overarching interest of the amici curiae is to improve the quality of justice for those subject to immigration detention, deportation proceedings, and the criminal legal system--particularly in light of Operation Streamline. Operation Streamline began as a set of immigration enforcement policies mandating the mass criminal prosecution of individuals crossing the U.S.-Mexico border without inspection. To facilitate the mass prosecution of migrants, defendants are held in inhumane conditions in border patrol jails before being brought to federal criminal court, where magistrate judges complete all court proceedings—from arraignment to sentencing—in a single hearing.

The amici's concerns stem from research indicating that a majority of Operation Streamline defendants are subjected to coercive pre-plea conditions and do not understand the meaning of their guilty pleas in federal criminal court, including the constitutional rights they forego in entering them. In light of these findings, amici are concerned with Operation Streamline's profound impact on access to justice, human dignity, and mental and physical well-being.

The brief was filed on behalf of the following entities:

Al Otro Lado
American Civil Liberties Union of San Diego & Imperial Counties
American-Arab Anti-Discrimination Committee (ADC)
Americans For Immigrant Justice
Antioch University
Bender's Immigration Bulletin (LexisNexis)
Boston College Immigration Clinic
Brooklyn Defender Services
Coalition for Humane Immigrant Rights (CHIRLA)
Columbia Law School Immigrants' Rights Clinic
Cornell Law School Asylum and Convention Against Torture Appellate Clinic
Council on American-Islamic Relations - California
Dolores Street Community Services
Hofstra Law School

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Immigrant and Non-Citizen Rights Clinic, CUNY School of Law
Immigrant Justice Corps
Immigrant Rights Subcommittee, Montgomery, County, MD ACLU
Immigration and Human Rights Work Group, New York University
Postdoctoral Program in Psychotherapy and Psychoanalysis
Justice & Diversity Center of the Bar Association of San Francisco
Justice Strategies
Kathryn O. Greenberg Immigration Justice Clinic, Cardozo School of Law
LatinoJustice PRLDEF
Law Office of Patricia M. Corrales
Loyola University New Orleans College of Law
Make the Road New York
Maryland Carey Immigration Clinic
Mississippi College School of Law Immigration Clinic
Muslim Advocates
NSC Community Legal Defense
Pangea Legal Services
Project South
Public Counsel
Reformed Church of Highland Park
Southeast Asia Resource Action Center
The Bar Association of San Francisco
The Florence Immigrant & Refugee Rights Project
Transit Immigrant Assistance Silver Spring
UC Davis Immigration Law Clinic
University of Colorado Law School
UnLocal, Inc.
Washington Defender Association
Western State College of Law Immigration Clinic



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The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of attorneys, law students, and legal professionals in the San Francisco Bay Area. Founded in 1872, BASF enjoys the support of more than 7,500 individuals, law firms, corporate legal departments, and law schools. Through its board of directors, its committees, task forces and its community efforts, BASF has worked actively to promote and achieve equal justice for all and oppose discrimination in all its forms, including, but not limited to, discrimination based on race, sex, disability, and sexual orientation. BASF provides a collective voice for public advocacy, advances professional growth and education, and attempts to elevate the standards of integrity, honor, and respect in the practice of law.