

How Attorney General Jeff Sessions could make it easier to deport immigrants

[Gustavo Solis](#), The Desert Sun 2:02 p.m. PST December 29, 2016



Attorney General nominee Sen. Jeff Sessions, R-Ala. (AP Photo/Molly Riley)(Photo: Molly Riley, AP)

The Department of Justice hired 59 immigration judges in 2016.

There are more immigration judges now – 296 – than at any point in the agency’s history. Given the 500,000-case backlog in the immigration court system, that current hiring spree is not expected to change.

But something that is expected to change is the person who decides who future immigration judges will be. Immigration judges are employees of the Department of Justice and, as head of that agency, the incoming attorney general will have a say in who is hired.

“Whoever is ultimately confirmed to head the Department of Justice is hugely significant,” said Cesar Cuauhtemoc Garcia Hernandez, law professor at the University of Denver who runs a website that follows developments in immigration law and detention policies.

For attorney general, President-Elect Donald Trump plans to nominate Jeff Sessions, a Republican Senator from Alabama who has made a name for himself as one of the most anti-immigrant voices in Washington.

The National Review, a conservative news magazine, credited Sessions with single-handedly destroying immigration reform attempts in 2004 and 2014. He is strongly opposed to illegal immigration and is also in favor of limiting legal immigration because he believes it harms domestic workers.

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Sessions, or whoever the head of the Department of Justice is, can hire judges who will decide deportation, asylum and all immigration cases over the next four years.

During 2016's hiring spree, immigration judges were hired at courts throughout the country. However, since January 2015, the court in Imperial County has not had a sitting judge. It is the only immigration court in the country to have a vacant bench.

The case backlog in Imperial County is so large that hearings are being scheduled for 2019 and 2020.

Julio Cesar Mendez, 42, has been fighting a deportation case in Imperial County since 2009.

"I've been waiting all those years," he said. "It is very difficult, very stressful and frustrating. I don't have a criminal charge."

Mendez hasn't had a court hearing since 2009. His next hearing is currently scheduled for Dec. 2017 but Mendez suspects that it will get pushed back.

While he waits, Mendez can stay in the country and pay \$600 each year to apply for an annual work permit. He would like to buy a house, but the bank wants him to pay 30 percent upfront because of his status, which he cannot afford from the money he makes installing and repairing air conditioning units.

Mendez, who has one son at UCLA and another in high school who has been accepted to California State University, Fullerton, has thought of trying to move the case to immigration courts in San Diego or Los Angeles, but the motion costs \$1,000 to file and there is no guarantee a judge will grant it.

Sessions could push current immigration judges, who do not share his politics, into early retirement by transferring them to undesirable locations like the Imperial courthouse.

"Short of firing, life can be made difficult or unpleasant for employees," Garcia Hernandez said. "Superiors can increase workloads or transfer them to unattractive locations. These are highly qualified professionals with deep ties to a particular community so the prospect of being transferred may be enough for them to say, 'You know what, I might just do something else.'"

There is precedent for attorney generals pushing people out of the Department of Justice.

In 2003, then-Attorney General John Ashcroft asked five members of the Board of Immigration Appeals – a panel that reviews the decisions of immigration judges – to find new jobs. Critics saw it as a purge of their most pro-immigration members while the Department of Justice defended the move as a way to streamline the appeals process, [according to media reports at the time](#).

If confirmed by Congress, Sessions will play a key role in realizing Trump's campaign promises of deporting millions of immigrants and securing the U.S. borders.

As attorney general, he would not only be in charge of who he hires but also how immigration judges are trained. One way he could influence what kind of judges are hired is by prioritizing those with previous experience as prosecutors for the Department of Homeland Security who work deportation cases, Garcia Hernandez said.

Immigration judges are employees of the justice department,” Garcia Hernandez said. “Just like any other employee of the Justice Department, they answer to the AG.”

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