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Immigration judge laments lack of due process in immigration courts

by Ryan Lovelace | Jun 9, 2017, 12:44 PM

Immigration Judge Dana Leigh Marks criticized the structure of immigration courts in the United States as inhibiting due process during remarks at the American Constitution Society's national convention Friday.

Immigration courts are the "forgotten piece of the enforcement puzzle" said Marks, an immigration judge in California who spoke in her capacity as president of the National Association of Immigration Judges. The group is a voluntary association "legally constituted as a labor organization" that it says gives it the authority to advocate for its members' interests separate from the Justice Department.

"We need to assure that due process is provided in our courts," Marks said Friday. "I don't know how you can do that with the structure being housed in a law enforcement agency that treats us as attorneys in the department."

The immigration judges are under the umbrella of the Justice Department's Executive Office for Immigration Review. Marks, who stressed that she was not speaking for the Justice Department, said department heads "tie my hands" when it comes to docketing issues. The number of backlogged cases has hit 437,000, double what it was in 2006, according to a new assessment from the Government Accountability Office. That works out to 1,456 cases for each of the nation's 300 immigration judges.

The problems in effectively administering due process given the current structure of the immigration courts is the immigration issue that Marks said matters most now, given that those courts are "teetering on the edge of keeping it together."

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