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Too few immigration judges, too many detainees: “The system as it is right now is not sustainable”

By Stateside Staff • March 30, 2017



Moore said the current immigration system needs “real change

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Stateside's conversation with immigration attorney Meghan Moore.

The U.S. Immigration and Customs Enforcement (ICE) has been picking up undocumented people, but processing their cases is hitting a bottleneck.

There are not enough immigration judges to handle the additional caseload.

Immigration attorney Meghan Moore said Detroit currently has three immigration judges working at the city's immigration court.

“And we found out about one week ago that two of them would be temporarily reassigned to hear southern border cases,” Moore said.

It's unknown when the two judges will return to Michigan cases. But even with three judges working in Detroit, there's a serious backlog of cases.

Moore said judges hear two main types of immigration cases: detained cases and non-detained cases.

Most undocumented immigrants picked up by ICE are eligible to ask a judge for a bond for release, Moore said. That means they aren't held and that their cases fall into the "non-detained" category.

Those cases can take years.

"We have a client whose final trial was supposedly going to be this week," Moore said. "He was waiting since 2012, and it was one of the ones that was canceled and will be rescheduled. We don't know for when, but we're seeing them scheduled for as far out as 2020 and 2021."

Meanwhile, detained cases "take priority."

"Those cases can last a couple of weeks to several months," she said, "even a year if there are appeals involved."

Because beds are limited in Michigan detention facilities partnering with ICE, Moore said not all undocumented people are detained nearby.

"They could really go wherever," she said. "We just saw, unfortunately, a group of people be arrested in a raid in Detroit who were sent to a detention center, I believe, in Ohio. And their court cases will be heard then by judges in Kansas, I believe."

Moore said situations like this one cause problems for detained immigrants and their families.

"Where do you hire the attorney? Do you hire an attorney where the family is, where the detainee is or where the court is? And there are a limited number of organizations that are able to offer pro bono legal assistance for immigration cases," Moore said.

Situations like this also force families to travel long, often costly, distances to visit and assist the detainee.

For these reasons, Moore said the current system needs "real change."

For the full interview, including how the Trump administration "wiped the slate clean," listen above.

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