



BREAKING: STATEMENT BY IMMIGRATION JUDGES UNION ON MAJOR CHANGE ANNOUNCED TO IMMIGRATION COURTS

Statement by the Hon. Ashley Tabaddor, Pres. of the National Association of Immigration Law Judges

In an unprecedented attempt at agency overreach to dismantle the Immigration Court, the Department of Justice, Executive Office for Immigration Review (EOIR) today published a new interim rule, effective next Monday, which takes steps to dismantle the Immigration Court system. DOJ's action ends any transparency and assurance of independent decision making over individual cases.

By collapsing the policymaking role with the adjudication role into a single individual, the Director of EOIR, an unconfirmed political appointee, the Immigration Court system has effectively been dismantled," said Ashley Tabaddor, President of the National Association of Immigration Judges.

The new rule is a wolf in sheep's clothing. While couched in bureaucratic language, the impact of this regulation is to substitute the policy directives of a single political appointee over the legal analysis of non-political, independent adjudicators. The creation of a mini-Attorney General in the EOIR's Director, who

is a political appointee, not confirmed by the Senate and currently not empowered to

adjudicate cases, will in effect abolish the separation of functions where the Attorney General's duties as a law enforcement agent are distinct and separate from his adjudicatory duties. The unprecedented creation of an Office of Policy within EOIR under the Director's authority, designed to formulate, coordinate, and implement the executive branch's immigration law enforcement policies

combined with the Director's new direct adjudicatory role over individual cases, removes any semblance of an independent, non-political court system which ensures due process rather than political expediency.

Furthermore, this bold-faced power-grab undermines oversight by the public through the established notice and comment procedure.

The National Association of Immigration Judges received notice of this action only today when the press was advised. We are currently studying the regulation carefully to provide a more detailed analysis in the days ahead.