



FALLS CHURCH, VA - OCTOBER 12: Attorney General Jeff Sessions delivers a speech titled "the crisis facing our asylum system." at the Executive Office for Immigration Review, on October 12, 2017 in Falls Church, Virginia. (Photo by Mark Wilson/Getty Images)

EXCLUSIVE: Justice Department Makes Crucial Reforms To Immigration Courts



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The Justice Department is enacting several reforms in order to address a backlog of several hundred thousand immigration cases, according to DOJ documents and officials.

As of Sept. 22, the Executive Office for Immigration Review's pending caseload exceeded 634,000, which is double the 2011 caseload. Three groups of people represent the bulk of these cases: people who entered the U.S. illegally, immigrants who violated the terms of their visas and immigrants with legal status, and immigrants with legal status who have committed crimes.

The EOIR plans to reduce this caseload through several initiatives, many of which seem rather obvious. For example, since 2001 the EOIR identified a need to replace a paper-based filing system with an electronic one, which the agency is now finally planning to implement.

There at least 100 courtrooms around the nation that are unused every Friday due to days taken off by immigration judges. The EOIR is now working with the immigration judge union to ensure that courtrooms aren't unoccupied.

"Anyone who understands immigration law and understands immigration process can understand that the prior policies were not necessarily designed to resolve cases or adjudicate cases," one DOJ official told The Daily Caller.

Attorney General Jeff Sessions announced in April that he is speeding up the process to hire immigration judges, and the new streamlined process aims to reduce the hiring time from more than two years to less than two months, according to a DOJ document. The department is also working to change the culture in which these judges work in by encouraging them to complete cases in a timely manner.

This will be accomplished through better training and an establishment of evaluative benchmarks.

"The president and the attorney general care about the rule of law and they are committed to enacting policies and restoring policies that continue the rule of law in this country in every way that we can find," a DOJ official told TheDC. "Things that were done in the past weren't always done the right way."

The Trump administration has been attacked by liberal critics for heavy-handedness when it comes to immigration, however, addressing immigration court backlog is one area where it has received less push-back.

"We are very happy at the notion of increasing the amount of immigration judges and being able to address the backlog," Jennifer Quigley, an immigration expert at Human Rights First, told Politico in April.

EOIR is also planning to address the amount of times it takes for cases to get adjudicated. The amount of days to respond to a motion to reopen or reconsider a case will be reduced from 15 to 10 days, according to an official.

A memo signed July 31 issued guidance for immigration judges to limit the amount of continuances granted in cases.

"In 2012, the Office of the Inspector General of the U.S. Department of Justice found that 'frequent and lengthy continuances' were a significant contributing factor to increased case processing times and that over half of all cases surveyed had one or more continuances, with an average in those cases of four continuances and 368 days of continuance, per case," an official noted.

Officials said not to expect a sudden reduction in the backlog, but pointed to leveling off of the growth rate in cases as a “huge victory.” However, an EOIR memo did note that if the department’s goals are realized, the reduction in the caseload could potentially be halved by 2020.

“Many of the policies in recent years have contributed to a three-fold increase of the immigration courts’ pending caseload,” DOJ spokesman Devin O’Malley told TheDC. “This massive increase necessitated the Justice Department’s ‘Strategic Caseload Reduction Plan,’ a series of common-sense reforms that aim to reduce the so-called ‘backlog’ by realigning the agency towards completing cases, increasing both productivity and capacity, and changing policies that lead to inefficiencies and waste.”

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