

Top Immigration Judge Departs Amid Broader Discontent Over Trump Policies

By [Katie Benner](#) Sept. 13, 2019



Immigration courts have strained under large caseloads as the Trump administration seeks to curb both legal and illegal migration. Ilana Panich-Linsman for The New York Times

WASHINGTON — The nation's immigration judges lost a key leader this week, the latest in a string of departures at the top of the system amid a backlog of cases and a migrant crisis at the southwestern border.

The official, David Neal, said that he would retire from his position as head of the judges' appeals board effective Saturday. "With a heavy heart, I have decided to retire from government service," Mr. Neal wrote in a letter sent to

the board Thursday and obtained by The New York Times.

He gave no reason for his abrupt departure and asked his colleagues to “keep true to your commitment to fairness and justice.”

No replacement has been announced, and a Justice Department spokesman declined to comment, citing a policy to not do so on personnel matters.

Mr. Neal’s decision follows a shake-up at the Executive Office for Immigration Review, the court system that adjudicates the country’s immigration cases, including asylum cases. It is part of the Justice Department, not the judicial branch.

Three of its senior career officials — MaryBeth T. Keller, the chief immigration judge; Jean King, the general counsel; and Katherine H. Reilly, the deputy director — all left their roles this summer. Ms. King stayed at the immigration office in a different post.

Mr. Neal’s departure also comes amid the backdrop of the Trump administration’s efforts to curb both illegal and legal immigration, which have taxed the immigration courts, the criminal courts and border patrols along the nation’s southwestern border and prompted [long-running discontent](#) among immigration judges that they are being used to expedite deportations.

As Mr. Trump has sought to suppress immigration and cut down on the number of people who claim asylum in the United States, he has notched two wins at the Supreme Court.

On Wednesday, justices said in an unsigned order that amid an ongoing legal battle, the administration could [bar most Central American migrants from seeking asylum](#) in the United States if they passed through another country and were not denied asylum there. That decision will allow the

administration to effectively bar migration across the southwestern border by Hondurans, Salvadorans, Guatemalans and others who must travel through other countries to get to the United States.

And in July, the Supreme Court said that the Trump administration could [use \\$2.5 billion in Pentagon money](#) to build a barrier along the border with Mexico, which would help Mr. Trump fulfill a campaign promise to build a wall on the border to stop immigration.

Amid these hard-line policies, a vocal group of immigration judges — part of the larger total of about 400 judges and appeals judges — have been at loggerheads with the Trump administration for more than a year.

Leaders of the judges' union have pushed back against the imposition of quotas that they have said would expedite deportations at the expense of due process. Under former Attorney General Jeff Sessions, they accused the Justice Department of trying to turn the immigration courts into a deportation machine.

Mr. Sessions treated the judges "like immigration officers, not judges," said Paul Schmidt, a former judge in the immigration courts.

Some judges have also bristled at a recent Justice Department decision that handed over the power to rule on appeals cases to the director of the office, a political appointee. The judges saw the move as an attempt to undermine their authority.

That decision also directly impacted Mr. Neal, demoting him "in practice," by transferring his authority to decide appeals cases to the director of the office, said Ashley Tabbador, the president of the union that represents immigration judges.

"This regulation upends the entire system created to decide these cases," Ms. Tabbador said. Should the new system run into problems, "the

chairman would have been held accountable. I would have quit, too, if I were in David's position."

Though they are part of the Justice Department, many immigration judges view themselves as independent arbiters of the law and believe they must act within the confines of existing immigration statutes.

They have long deliberated over whether they should be part of the Justice Department — a debate that has intensified under President Trump.

Last month, tensions increased when a daily briefing that is distributed to federal immigration judges [contained a link to a blog post](#) that included an anti-Semitic reference and came from a website that regularly publishes white nationalists.

After the episode, the immigration review office said that it would stop sending the daily briefing and would not renew its contract with the service that provided it.

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