

San Francisco Chronicle

July 3, 2019

Trump administration ending in-person interpreters at immigrants' first hearings

WASHINGTON — The Trump administration is preparing to replace in-court interpreters at initial immigration court hearings with videos informing asylum seekers and other immigrants facing deportation of their rights, The Chronicle has learned.

The administration portrays the change as a cost-saving measure for an immigration court system bogged down under a growing backlog. But advocates for immigrants are concerned the new procedure could jeopardize their due-process rights, add confusion and potentially make the system less efficient by causing more of them to go underground or appeal cases.

The Justice Department informed the nation's immigration judges of the change last month at a training session, multiple sources familiar with the situation told The Chronicle.

At issue are "master calendar" hearings where immigration judges meet with undocumented immigrants, usually dozens of them, in rapid succession to schedule their cases and to inform them of their rights. The quick sessions are intended mainly to be sure the immigrants understand what is happening and know when their next hearing will be and what steps they need to take in the interim.

Under the new plan, which the Justice Department told judges could be rolled out by mid-July, a video recorded in multiple languages would play informing immigrants of their rights and the course of the proceedings. But after that, if immigrants have questions, want to say something to the judge or if the judge wants to confirm they understand, no interpreter would be provided.

Many of the immigrants come from Central America, but collectively they speak a diverse range of indigenous languages and sometimes don't know Spanish. Immigrants from all over the world also come before the court system, which is run by the Justice Department.

The shift would especially affect immigrants who do not have attorneys to explain proceedings. Many immigrants lack representation at the initial hearing, and legal services around the country say they are being stretched thin. The government does not provide attorneys.

Instead of turning to an in-court interpreter, judges would have to rely on any who happen to be in the building for other purposes, or call a telephone service for on-demand translation that judges say can be woefully inadequate or substantially delayed.

“It’s a disaster in the making,” one judge said, speaking on condition of anonymity because the person did not have Justice Department approval to talk publicly. “What if you have an individual that speaks an indigenous language and has no education and is completely illiterate? You think showing them a video is going to completely inform them of their rights? How are they supposed to ask questions of the judge?”

The Justice Department billed the move as a cost-saving measure. Sources familiar with the interpreter situation say there have been ongoing issues with the budget and the contract with the primary interpreter provider, leading the administration to encourage more use of the telephone service and look for other ways to keep costs down.

A Justice Department official who was not authorized to speak on the record said the shift away from in-person interpretation was “part of an effort to be good stewards of (the department’s) limited resources.” The official said the direction to judges was not a policy change, but declined to elaborate.

The immigration judges union, the National Association of Immigration Judges, said the change was another in a line of steps the administration has taken to force judges to do more with fewer resources at the risk of fairness.

Asked to comment, union President Ashley Tabaddor, a judge in Los Angeles, said the Justice Department had not given enough notice for the union to raise objections or provide input on the change.

She dismissed budget concerns as a justification.

“Interpreter cost is not a surprise cost — it’s an integral part of every case,” Tabaddor said. “If they actually look at the courts as a real court, they would never be dismissive of the role of an interpreter. But the fact that we are here and have these budget shortfalls means they have prioritized the budget in a way that is dismissive of the integral role of the interpreters, and reflects the flaw of having the courts run by a law enforcement agency.”

The immigration courts have been overwhelmed for years with a burgeoning load that is now approaching 1 million cases. The judges association has advocated for the courts to be removed from the Justice Department and made an independent system.

The Trump administration has made a series of efforts it says are intended to speed up the process and avoid having hundreds of thousands of immigrants build lives in the U.S. while waiting to learn if they will be deported. Critics, including immigration lawyers and advocates and some judges, say many of the changes have actually undermined the system, confusing immigrants and creating grounds for lengthy appeals.

Some judges said it's common at master calendar hearings for immigrants to misunderstand the advice to find a lawyer. Some conclude that means they should not return for their next hearing if they don't have a lawyer. Failing to appear is grounds for a deportation order.

The system is "not an assembly line," said Jeffrey Chase, a former immigration judge and former senior legal adviser to the immigration appeals court who now volunteers for organizations that provide legal assistance to immigrants. He said the master calendar is most immigrants' first impression ever of a court system, and that a lack of interpreters and interaction with a judge could foster a sense of distrust.

"You're dealing with people's lives," Chase said. "All kinds of crazy issues arise. Sometimes there's a health issue, and you need to be able to communicate to find this stuff out.

"And also, people come in so afraid," Chase said. "If they're able to talk with the judge and realize, 'This person is a human being and they're able to work with me' -- being played a tape reinforces this feeling that, 'I'm dealing with this deportation machine.' "

Chase said concerns about the cost and length of the process are legitimate, but he questioned the administration's way of addressing them.

"You always hear the word 'efficiency' from this administration now, and it's very infrequent that you hear 'due process' or 'justice,' " Chase said. "There's no longer concern about the balance. It's totally efficiency-heavy these days, and I think it's being decided by people who haven't been in the court much and don't understand the consequences."

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