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DOJ Strips Immigration Courts of Independence

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WASHINGTON, D.C. - The Executive Office for Immigration Review (EOIR), part of the Department of Justice (DOJ), has instituted strict quotas as part of immigration judges' individual performance evaluations, a shift that strips away the independence held by judges who are making high stakes decisions about whether a person will be deported.

"For years, the immigration court system has been strained past the breaking point, too often denying immigrants, even children, a fair chance to present their claims," said Jeremy McKinney, AILA Secretary. He continued, "The system is so flawed that it's being mocked by late night comedians like [John Oliver](#)'s show this past Sunday. Congress just appropriated more money to fund the immigration courts, but instead of working to improve structural flaws, the Administration is weakening its foundation. These unprecedented numeric quotas are so onerous that many judges will rush through cases to protect their own jobs.

Decisions in immigration court have life or death consequences and cannot be managed like an assembly line. This policy adds another cog to the administration's deportation machine that seeks to rapidly remove massive numbers of people at the expense of due process. This push to compel judges to complete cases is new and dangerous and is the latest example of why the courts need independence."

Karen Lucas, Director of the Immigration Justice Campaign, a joint effort of AILA and the American Immigration Council, added, "We can't forget that this is a system that already

lacks basic procedures to ensure a fair hearing, like the right to legal counsel if you cannot afford one and, in many cases, the right to a bond hearing. The impact of these quotas will fall hardest on the most vulnerable and isolated individuals: detained immigrants, often including those seeking protection from persecution in their home countries. Placing time constraints on judges will pressure them to reach decisions without allowing sufficient time for evidence to be secured, for interpreters in rare languages to be obtained, and perhaps most important, for legal counsel to be found. Data shows detained immigrants who have legal counsel are ten times more likely to be granted asylum or other relief from the court. Forcing immigrants to move forward without an attorney eliminates any meaningful chance at a fair day in court. We should not sacrifice due process for speed and make an already rushed deportation process even more unfair."

[Listen to a recording of the April 4, 2018, telephonic press briefing on EOIR's new performance metrics for immigration judges –](#)

[\[Link not included in pdf\]](#)



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