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AILA: AG Sessions Cites Flawed Facts in Missive on the Immigration Court System

WASHINGTON, D.C. – The American Immigration Lawyers Association (AILA) condemned today’s attacks by Attorney General Jeff Sessions on the immigration court system and the attorneys who work tirelessly to protect the due process rights of immigrants with the following statement:

“Once again, the Attorney General cites flawed facts to castigate the immigration bar for the significant case backlog and inefficiencies in our immigration court system,” said Benjamin Johnson, AILA Executive Director. “He blames immigration attorneys for seeking case continuances, disregarding the fact that continuances are also routinely requested by counsel for the government, or are issued unilaterally by the court for administrative reasons. In fact, although the report cited by the Attorney General indicates an 18% increase in continuances requested by respondents, that same report found a 54% increase in continuances requested by the Department of Homeland Security (DHS), and a 33% increase in ‘Operational-related’ continuances. That said, continuances are often a necessary means to ensure due process is afforded in removal proceedings. The number one reason a continuance is requested by a respondent is to find counsel. Other reasons include securing and authenticating documentary evidence from foreign countries, or to locating critical witnesses. And when the government refuses to share information from a client’s immigration file and instead makes them go through the lengthy process of a Freedom of Information/Privacy Act request, a continuance is often a client’s only lifeline to justice. For the AG to blame immigration lawyers for imagined trespasses is both malicious and wrong. We will not let that misinformation pass without setting the record straight.

“The immigration court backlog is a function of years and years of government spending on enforcement without a commensurate investment in court resources. Our nation would be better served if the immigration courts were an independent judiciary, free from the auspices of the Department of Justice, where every immigrant has access to counsel. Immigration court is not small claims court or traffic court; each decision has the potential to tear apart families or keep them together, to destroy businesses or build our economy, to send someone back to certain death, or bring hope for a new and better life. Immigration judges should make those decisions with all information at hand, without any undue influence or arbitrary case completion requirements. That is a goal we can all work toward.”

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The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.