

INTERNATIONAL FEDERATION OF
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AFL-CIO & CLC

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Hon. John Cornyn, Chair
Subcommittee on Immigration
326 Russell Office Building
Washington, DC 20510

Hon. Richard Durbin, Ranking Senator
Subcommittee on Immigration
322 Russell Office Building
Washington, DC 20510

Dear Chairman Cornyn & Ranking Senator Durbin:

On behalf of the International Federation of Professional and Technical Engineers (IFPTE) and the National Association of Immigration Judges (NAIJ), we are writing regarding today's news reports about the Department of Justice (DOJ) commissioned Booze-Allen-Hamilton report involving the Immigration Court (IC), specifically with respect to its recommendations contrary to the imposition of production quotas for Immigration Judges (IJs).

Just last week your subcommittee held a hearing in relation to this issue where James McHenry, the Director of the Executive Office of Immigration Review (EOIR), testified in defense of EOIR's misguided decision to impose IJ production quotas. At the same hearing, NAIJ and the American Bar Association testified that such a quota system was inappropriate for Judges, would threaten the integrity and independence of the court and potentially increase the court's backlog. Based on the news that resulted from today's press conference held by the American Immigration Lawyers Association (AILA), it appears that Director McHenry's testimony contradicts DOJ's own internally commissioned study.

Unfortunately, the findings in the study were not even mentioned at last week's hearing, nor were they shared with NAIJ, despite repeated attempts by the union to obtain a copy. It is disconcerting, to say the least, that the EOIR would refuse to disclose this report to the NAIJ, and then publicly release a redacted version under the Freedom of Information Act. Not surprisingly, the report reinforces many of the positions put forward by the NAIJ and others at last week's hearing, including the most appropriate way to measure Immigration Judge performance while protecting due process and judicial independence and the need to continue the Legal Orientation Program. This in-depth study merits close review by your Subcommittee.

We find it disturbing that the EOIR testimony failed to acknowledge the findings in the report. Even today the DOJ is refusing to release a complete, unredacted copy of the report. This information is not classified, nor is it national security related, and it should be made public for the NAIJ, and the Congress to see. In this regard, we urge you to request the complete unredacted report and data it is based on be made public immediately.

Thank you for your consideration. Should you have any questions, please contact Matt Biggs or Faraz Khan at (202) 239-4880.

Sincerely,



Paul Shearon,
Secretary-Treasurer



Judge Ashley Tabaddor,
NAIJ President

Cc: Hon. Jerry Moran, Chairman - Commerce, Justice & Science Appropriations Subcommittee
Hon. Jeanne Shaheen, Ranking Senator - Commerce, Justice & Science Appropriations Subcommittee