



The Need for Enhanced Judicial Security for Immigration Judges August 2021

ISSUE: Immigration judges make life and death decisions in cases involving immigrants that the government is seeking to remove from the United States and determine whether noncitizens in removal proceedings should be detained. Clearly the stakes for those in removal proceedings could not be higher. Heightened anti-immigration rhetoric, increased vitriol surrounding immigration issues, and intensified public scrutiny of immigration courts and judges have further created an unstable security environment for immigration judges and heightened the need for enhanced security. Immigration judges need enhanced security. Like federal judges, immigration judges are under constant security threat due to their position.

DISCUSSION: As trial level judges, immigration judges are the face of our nation's immigration laws and policies to the thousands of individuals who pass through our courtrooms every year. Some individuals have serious criminal histories while others are victims of domestic or gang violence and attend proceedings in desperate fear of their abusers. While district court and circuit court judges already work in federal buildings with tight security, many immigration courts are located in privately leased commercial buildings with far less security. Like district court proceedings, most immigration court proceedings are open to the public. Immigration judges typically do not have access to private entrances or elevators, and cramped courthouse spacing puts immigration judges in frequent, direct, and uncontrolled contact with witnesses, family members, and respondents. Immigration judges face security risks at least comparable to that of district court judges.

Immigration judges have received threats nationwide including threatening voicemails at work and at home targeting judges and their families, menacing letters, and a frightening tire-slashing incident. Immigration judges have been threatened in retaliation for their decisions in ordering removal of non-citizen gang members.

The Department of Justice's (DOJ) response to these threats has been insufficient. Inside courthouses, immigration judges are provided with minimal security measures such as a court bench panic alarm and a roving security guard assigned to cover multiple courtrooms. Immigration judges do not have bailiffs in their courtrooms and frequently do not even have a clerical staff member present. The DOJ has done almost nothing to protect immigration judges outside the courthouse and has taken no steps to safeguard judges' personally identifiable information (PII). The DOJ has rebuffed NAIJ's request to assist judges in removing PII, and instead indicated interested judges should take protective measures to shield PII at their own expense.

NAIJ has raised ongoing concerns about inadequate safety measures at courthouse entrances and parking areas specifically at courthouses located at immigration detention facilities. In March 2019, an individual with a weapon accompanied a litigant into the Montgomery Street Immigration Court in San Francisco. Fortunately, the firearm was discovered at a security checkpoint. In June 2019 there was an active shooter at the federal building housing the Dallas Immigration Court. Most recently, in Los Angeles, an armed individual with a cache of weapons attempted to enter the parking facility of the federal building housing the 300 North Los Angeles Street Immigration Court, but was apprehended.

Throughout the country and on a regular basis, public protests at immigration courts now disrupt court proceedings and require extra security and a law enforcement presence at immigration courthouses.

SOLUTION: Federal immigration judges should be treated equally to other federal court judges with regard to security matters. They need their physical safety assured, both on and off the job. Their family members need protection, as well. We request that the appropriations bill include funding for increased judicial security. We also request that the DOJ study immigration judge security and recommend enhanced security measures, including protection regarding Internet data.