

NJC Condemns the Department of Justice's Latest Effort to Co-Opt the Immigration Court System for Political Ends

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Yesterday, *The Washington Post* [reported](#) that the Department of Justice is moving to impose quotas on immigration judges in its latest cynical effort to co-opt the immigration court system to be a mass deportation machine.

According to the article, Attorney General Jeff Sessions intends to punish immigration judges for not completing cases quickly enough and for failing to expedite life-or-death decisions that require deliberation and care.

Imposing case quotas or their equivalent on immigration judges demonstrates a dangerous misperception of the role of the immigration judge. Immigration judges should have one goal: the fair adjudication of each case that comes before them. That is the only metric that should count for any judicial system, but particularly in immigration court, where lives are on the line every day. Immigration judges must determine whether a gender violence survivor merits protection in the United States or should be returned to the persecutor that tortured her. Immigration judges are asked to decide whether a longtime green card holder should be deported or allowed to remain in the United States where he supports a U.S. citizen wife and children. Judicial independence and discretion in adjudicating these cases must be paramount.

At NIJC, we have witnessed the errors that occur in immigration proceedings when judges feel forced to expedite. The people who come before them often are detained

and have no idea how to properly defend themselves against deportation. They request more time, known as “continuances,” so they can find lawyers to represent them, a task made harder for those locked up in remote detention facilities. Even those who do have lawyers need time to gather evidence and prepare their cases, a complicated undertaking which should not be subject to arbitrary timelines. We are grateful every day for the generosity of lawyers willing to represent immigrant clients on a *pro bono* basis in a constantly changing immigration court system, and we witness the struggle of unrepresented immigrants trying to represent themselves in complex proceedings opposite a federal prosecuting attorney. In either scenario, the judge’s ability to exercise discretion in granting continuances may literally be a question of life and death.

The administration has been explicit for months about its perception of immigration judges as another tool in their arsenal to pursue deportations at the expense of due process protections. In August, the **Department of Justice trumpeted** its mobilization of immigration judges to detention facilities where 90 percent of the decisions issued ordered deportation. The agency touted these statistics as a “return to rule of law,” but in reality these statistics illustrate how stacked the deck is against immigrants forced to defend themselves without counsel and in **remote jails**, far from the evidence they need to support their claims to protection. The same month, immigration judges received **new guidance** restricting their discretion to grant continuances needed for case preparation and efforts to obtain counsel.

The administration’s latest step is therefore not surprising, but no less disturbing. We urge the Department of Justice to reverse course immediately and allow immigration judges to maintain this critical discretion.

- 208 S. LaSalle St., Suite 1300, Chicago, IL 60604
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