



January 19, 2022

The Honorable Zoe Lofgren
Chair, Subcommittee on Immigration and Citizenship, House Judiciary Committee
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Re: Immigration Hub Statement for the Record Ahead of Hearing on an Independent Immigration Court

Dear Subcommittee Chair Lofgren,

We, the Immigration Hub, write in strong support of establishing an immigration court system that is independent of the Department of Justice (DOJ) ahead of tomorrow's hearing titled, "For the Rule of Law, An Independent Immigration Court."

The current immigration court system is flawed and in need of change. According to a recently released [report](#) by the Transactional Records Access Clearinghouse (TRAC), as of the end of December 2021, the U.S. immigration court system has 1,596,193 pending cases, the largest backlog in history. This immense backlog is indicative of the urgent need for change, and the change that would have the most impact on the backlog and ability of the system to serve immigrants the way it should, is establishing an independent court.

The U.S. immigration court system's profound structural problems have severely eroded public confidence in its outcomes and its capacity to deliver just decisions in a timely manner, as evidenced by the backlog. The root cause of the court's dysfunction is a conflict of interest built into the system itself because the Executive Office for Immigration Review (EOIR), which manages the Immigration Court and the Board of Immigration Appeals (BIA), is currently housed under the Department of Justice (DOJ). As a result, the immigration courts are overseen by the Attorney General, who also supervises the DOJ lawyers who prosecute immigration cases in federal courts. In years past, administrations have taken advantage of this flawed structure to make decisions based on politics, not fairness and efficiency.

In its current state, the immigration court system requires a structural overhaul to solve its foundational problems. The creation of an independent immigration court system outside the control of DOJ would protect and advance America's core values of fairness and equality by safeguarding the independence and impartiality of the immigration court system, while ensuring the timely adjudication of cases.

We respectfully urge you and your colleagues in the House to continue to work toward establishing an independent immigration court system in order to restore due process for immigrants and to achieve judicial independence. We thank you for your leadership in organizing today's hearing and look forward to continuing to work with you and your staff on this issue.

Sincerely,

Immigration Hub