



Jan. 20, 2022

The Hon. Zoe Lofgren
Chair
House Judiciary Committee Subcommittee on Immigration and Citizenship
2138 Rayburn House Office Building
Washington, D.C. 20515

RE: CONGRESS MUST ESTABLISH AN INDEPENDENT IMMIGRATION COURT

Dear Rep. Lofgren:

The two undersigned organizations support a fairer, better, and more independent immigration court system. Therefore, we urge Congress to establish an immigration court system independent of the U.S. Department of Justice (DOJ).

Jobs With Justice (JWJ) believes that all workers, including immigrant workers, should have collective bargaining rights, employment security, and a decent standard of living within an economy that works for everyone. Similarly, Cleveland Jobs with Justice is a coalition of labor, faith, and community organizations working together to promote workers' rights in the Cleveland area through collective action. We believe in Comprehensive Immigration Reform to protect all workers and stop deportations until Congress passes the necessary reforms.

For many years, JWJ and Cleveland JWJ have worked to stop employers' use of immigration enforcement as a weapon against workers. Too often, when workers attempt to combat exploitation, employers threaten to report them to immigration enforcement or prey on the palpable fear of ICE held by workers. Employers wield this power to silence workers' concerns, squash organizing efforts, and evade labor law at their worksites. Under the constant threat of deportation, immigrant workers are forced to accept deplorable working conditions. This undermines wages and working conditions in the United States across the board. We all stand to lose when immigrant workers are silenced and exploited.

We understand that the inner workings of the immigration system in the United States remain a mystery to many, and that immigration court is perhaps the least understood aspect of the system. In an effort to promote transparency and accountability, the Immigration Working Group CLE, in collaboration with Cleveland Jobs with Justice and Indivisible CLE trained a team of 16 volunteers to record quantitative and qualitative findings in Cleveland Immigration Court.

This project continues today and has grown to include dozens of volunteers observing cases daily while the court is in session. Although the attached report only includes data collected between November 2018 and July 2019, the findings are not unique to Cleveland's immigration court. Rather, they are reflective of a deeply flawed system. Below we present some of the most striking findings along with recommendations to address these problems. Please see the attached report for further details.

The first significant issue we want to highlight is that the Immigration Court is an administrative court under the Executive Branch of Government and is not part of the Judicial Branch. Unlike independent federal judges, the US Attorney General both appoints and fires the immigration court judges without Senate confirmation or other input from Congress. If a decision of the local administrative judge is appealed, that appeal is sent to the Board of Immigration Appeals (BOIA). The BOIA is composed of 15 immigration judges hand-selected by the US Attorney General, again without Senate confirmation or other input from Congress. In addition, the Attorney General has the authority to cancel the BOIA decision or return it to the same immigration judge that issued the original order that was appealed. This leaves the respondents much more vulnerable to having their cases decided for political, rather than legal reason, and without the due process afforded to defendants by independent courts.


Furthermore, the report found serious systemic inequities such as limited language interpretation service, lack of legal counsel, bonds set unreasonably high, hearings set during school hours for children, and disrespectful and unprofessional behavior from courts' judges and personnel, among others. Immigration policy must adhere to fundamental international human rights standards by supporting dignity, doing justice, and operating fairly. Here are a few recommendations (see the report for a comprehensive list) we believe can help the system meet these standards.

RECOMMENDATIONS:

- Move Immigration Court from under the Executive branch and create another Federal Court under the Judicial branch with the same due process procedures as other federal courts, including the right to a court-appointed attorney and rights to due process and speedy trials.
- Standardized bond of no more than \$1,500 for civil detained cases and no more than \$15,000 for respondents with criminal charges.
- Require full-time interpreters on staff and in-house
- Waive all in-person hearings for minors after the initial hearing and require only the attorney to attend.



Erica Smiley
Jobs With Justice, Director



Deborah Kline
Cleveland Jobs With Justice, Director