



Hassan M. Ahmad
Sharifa Abbasi
Humza Kazmi (MD)
8133 Leesburg Pike, Suite 801
Vienna, VA 22182

T: 703.964.0245
F: 703.997.8556

hma@hmalegal.com
www.hmalegal.com

Of Counsel
Omar Baloch (NC)

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VIA E-MAIL

RE: Testimony for House Judiciary Committee

To the Honorable, the Members of the Judiciary Committee of the U.S. House of Representatives:

My name is Hassan Ahmad. I am a licensed attorney and have practiced immigration law for over 16 years, much of it before the Executive Office for Immigration Review.

You may hear much today about the crisis in the immigration “courts” being caused by a crushing backlog, or a large number of people crossing the border, or presidential action or inaction.

These are red herrings. The root of the crisis is that the Executive Office for Immigration Review does not afford aliens due process of law, and *must* be shifted to an Article I court.

Take it from someone in the trenches: Immigration “court” isn’t court. Immigration judges have been transformed into little more than deportation commissioners. The prosecuting Immigration & Customs Enforcement (ICE) attorneys are supposed to seek justice, not deportation for the sake of deportation. But ICE attorneys show up to court without the file with disturbing regularity, and my clients are then blamed for lengthy delays. When ICE attorneys completely ignore mandates to submit documents at least 15 days prior to a hearing, they face no sanction. If I were to miss such a deadline, I would face not only the wrath of the Court, but that of the Bar. But immigration court judges would never sanction attorneys from a sibling agency.

The right to tell one's story freely and fully is sacrosanct and must be zealously guarded. It is a core part of justice. All attempts to take away those rights – whether by denying meaningful access to counsel, burdening counsel with delays, moving clients to squalid conditions in a detention facility or refugee camp outside the United States, or holding court in a tent – all cut against this core.

Immigration courts are variously considered civil or criminal – whichever option will cut against the non-citizen. My clients are in jail with criminal defendants, but don't get the constitutional protections afforded those defendants. Deportation may be a death sentence, but my clients don't even get the due process of traffic court.

Justice is not dispensed by quota. It requires stable procedures, not fiat and the whim of the Attorney

General.

In 2018, former Attorney General Jeff Sessions certified a case, *Matter of Castro-Tum*, to himself. The case was intended to strip immigration judges of “administrative closure,” the tool to control their own docket and operate efficiently. A colleague of mine stepped in and filed a friend-of-the-court brief to represent the alien, who was missing and unable to represent himself. When a hearing was finally scheduled, Sessions's Department of Justice abruptly removed the assigned immigration judge from the case, then (without telling the original judge) installed another judge from a different court who then denied the case. Such cherry picking to achieve a desired end goal flies in the face of fundamental fairness.

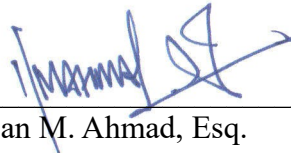
And once again today, we are forced to hear the perspective of the Center for Immigration Studies (CIS), a group that wouldn't have formed but for the white nationalism of Dr. John Tanton. Dr. Tanton was a eugenicist who believed the United States could not maintain its national identity without a large “Euro-American” majority. CIS has been in close contact with White House immigration czar Stephen Miller. CIS is not a neutral opposing voice, it is a white nationalist voice. In the future, CIS (and its sister organizations, the Federation for American Immigration Reform, NumbersUSA, and the Immigration Reform Law Institute) should not be invited to provide testimony before this Committee.

I used to appear before CIS fellow Andrew Arthur when he was an immigration judge in York, PA. He is a perfect example of what's been wrong with the immigration system. His clear anti-immigrant bias and commitment to Tanton's ideology render his past decisions and current testimony before this Committee suspect at best.

The true crisis in immigration courts is the increasing pressure on judges to curtail testimony and evidence, and to deny cases, coupled with changes in administrative law tailored to increase difficulty and bring immigration to a halt. Such a crisis cannot be fixed through draconian cuts that would further strip away due process. It must be resolved through provision of due process and the rule of law – and the first step is shifting immigration courts to the judiciary, where they belong.

Respectfully,

THE HMA LAW FIRM, PLLC

A handwritten signature in blue ink, appearing to read 'Hassan M. Ahmad', is written over a horizontal line.

Hassan M. Ahmad, Esq.

CC: