

**Statement from the National Immigrant Justice Center**

**House Committee on the Judiciary  
Subcommittee on Immigration and Citizenship  
Hearing: “For the Rule of Law: An Independent Immigration Court”  
January 20, 2022**

Chairman Nadler, Chairwoman Lofgren, Ranking Member Jordan, Ranking Member McClintock, and Members of the Subcommittee:

Nearly a century ago, the Supreme Court of the United States described deportation as a deprivation of liberty that “may result ... in loss of both property and life, or of all that makes life worth living.”<sup>1</sup> Today, the gravity of an immigration judge’s decision to order deportation is no less weighty, determining whether an asylum seeker will be returned to the hands of her persecutor or whether a decades-long American resident will be torn from his family. Yet these cases are heard in a broken court system described by immigration judges themselves as “death penalty cases in a traffic court setting.”<sup>2</sup>

The immigration court system’s dysfunction is largely due to its position within the Department of Justice (DOJ), where it is vulnerable to the political whims of the executive. During the previous administration, explicit efforts to subvert the mission of the immigration court system resulted in a degradation of already scant procedural protections, with ever-increasing roadblocks for those seeking to access protection. Although modest reforms have reversed some of the worst court-related Trump era policies, the United States immigration court system remains in a state of decay. At the National Immigrant Justice Center (NIJC),<sup>3</sup> our legal teams witness the harms caused by a system grievously backlogged and lacking in fundamental protections, including erroneous deportations and pervasive family separations.

Fundamentally, the United States immigration court system is unable to meaningfully effectuate justice, described recently by the American Bar Association’s Commission on

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<sup>1</sup> *Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922).

<sup>2</sup> Bryan Schatz, *Mother Jones*, “Our Immigration Courts Aren’t Ready to Handle Millions of Deportations,” Mar. 31, 2017, <https://www.motherjones.com/politics/2017/03/immigration-court-deportations-trump-asylum/>.

<sup>3</sup> NIJC is a non-governmental organization (NGO) dedicated to safeguarding the due process rights of noncitizens. We are unique among immigrant advocacy groups in that our advocacy and impact litigation are informed by the direct representation we provide to our clients. Through our offices in Chicago, Indiana, San Diego, and Washington D.C., and in collaboration with our network of 1,500 *pro bono* attorneys, NIJC provides legal counsel to immigrants, refugees, unaccompanied children, and survivors of human trafficking.

Immigration as “irredeemably dysfunctional and on the brink of collapse.”<sup>4</sup> Transformational change is necessary to ensure respect for basic civil rights in the United States’ immigration courts. Establishing the court’s independence from DOJ is an important first step in this direction, but must be accompanied by other critical reforms.

NIJC applauds this Subcommittee’s consideration of the due process crisis within the immigration court system. We continue to call for the creation of an independent immigration court system with accompanying reforms that protect and support the immigrants navigating that system. Until that benchmark is reached, we call on Subcommittee members to engage in robust oversight of DOJ to safeguard the rights of those appearing before the Executive Office for Immigration Review (EOIR).

This statement: 1) provides a brief historical overview of EOIR’s vulnerability to political sway; 2) describes the ways in which the Trump administration weaponized an already harmful system; 3) outlines the state of today’s still-broken immigration court system; and 4) provides a brief set of principles that must be fulfilled to ensure fairness in the system.

## **I. The Executive Office for Immigration Review: a brief history of political sway**

EOIR is a component of the Justice Department that includes the immigration courts and their appellate body, the Board of Immigration Appeals (BIA). Unlike other judicial bodies, the immigration courts and the BIA lack meaningful independence from the executive because immigration judges and BIA members are appointed by the Attorney General.<sup>5</sup>

History has shown EOIR to be particularly vulnerable to improper political pressures and sway. In 2003, five members of the BIA were dismissed in what is now widely considered a politically motivated “purge” of left-leaning BIA members orchestrated by Attorney General John Ashcroft’s leadership team.<sup>6</sup> Only a few years later, in 2008, the DOJ Office of the Inspector General found that high ranking officials under Attorney General Alberto Gonzales

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<sup>4</sup> American Bar Association Commission on Immigration, 2019 Update: Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Cases, March 2019, [https://www.americanbar.org/content/dam/aba/publications/commission\\_on\\_immigration/2019\\_reforming\\_the\\_immigration\\_system\\_volume\\_1.pdf](https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/2019_reforming_the_immigration_system_volume_1.pdf).

<sup>5</sup> 8 U.S.C. § 1101(b)(4); 8 CFR 1003.1(a)(1).

<sup>6</sup> See Ricardo Alonso-Zaldivar and Jonathan Peterson, *Los Angeles Times*, “5 on Immigration Board Asked to Leave; Critics Call It a ‘Purge,’” Mar. 12, 2003, <http://articles.latimes.com/2003/mar/12/nation/na-immig12>.

“committed misconduct, by considering political and ideological affiliations in soliciting and selecting [immigration judges].”<sup>7</sup>

The past decade has hardly been kinder, as judges have been repeatedly forced to rearrange their dockets by executive branch officials driven by political expediency and anti-immigrant rhetoric.<sup>8</sup> As New York City Immigration Judge Amiena Khan recently put it, “It is just a cumbersome, huge system, and yet administration upon administration comes in here and tries to use the system for their own purposes...”<sup>9</sup>

The immigration court system today is extremely fragile, crippled by a backlog of nearly 1.6 million cases that stretch out an average of more than 900 days.<sup>10</sup> Unacceptable disparities in decision making mean that the legal merits of an individual case rarely determine the outcome.<sup>11</sup> The deck is stacked against immigrants, who frequently speak to judges through interpreters, more often than not representing themselves in the face of a maze of complex laws,<sup>12</sup> and often in the immediate aftermath of having survived torture or severe persecution.

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<sup>7</sup> See Eric Lichtblau, *The New York Times*, “Report Faults Aides in Hiring at Justice Department,” July 29, 2008, <https://www.nytimes.com/2008/07/29/washington/29justice.html>; U.S. Department of Justice Office of the Inspector General and Office of Professional Responsibility, *An Investigation of Allegations of Politicized Hiring by Monica Goodling and Other Staff in the Office of the Attorney General*, July 28, 2008, <https://oig.justice.gov/special/s0807/final.pdf>.

<sup>8</sup> See Hon. Paul Wickham Schmidt, *The Federal Lawyer*, “Immigration Courts: Reclaiming the Vision,” May 2017, [http://www.fedbar.org/Resources\\_1/Federal-Lawyer-Magazine/2017/May/Features/Immigration-Courts-Reclaiming-the-Vision.aspx?FT=.pdf](http://www.fedbar.org/Resources_1/Federal-Lawyer-Magazine/2017/May/Features/Immigration-Courts-Reclaiming-the-Vision.aspx?FT=.pdf); see also United States Government Accountability Office, *Immigration Courts: Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges*, June 2017, <https://www.gao.gov/assets/690/685022.pdf>.

<sup>9</sup> Kate Brumback, Deepti Hajela and Amy Taxin, *Associated Press*, “AP Visits Immigration Courts Across US, Finds Nonstop Chaos,” Jan. 19, 2020, <https://apnews.com/7851364613cf0afb67cf7930949f7d3>.

<sup>10</sup> As of December 2021, the immigration courts are backlogged by 1,596,193 cases with an average case completion of 901 days. See TRAC, *Immigration Court Backlog Tool*, last accessed Jan. 17, 2022, [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/).

<sup>11</sup> A recent study showed that the particular judge assigned to an individual seeking asylum changes his or her odds of receiving asylum by over 56 percentage points. In the New York City immigration court, for example, the rate by which individual judges grant asylum varies from 41% to 97.8%. Compare this variance to the Atlanta court, where the grant rate spans 29.2% to 2.3%. See TRAC, “Asylum Outcome Increasingly Depends on Judge Assigned,” Dec. 2, 2016, <https://trac.syr.edu/immigration/reports/590>. Immigration judges in Atlanta have been accused of overt bias against asylum seekers. See Christie Thompson, *The Marshall Project*, “America’s Toughest Immigration Court,” Dec. 12, 2016.

<sup>12</sup> Nationally fewer than 40% of immigrants are able to obtain representation in their immigration court proceedings. Ingrid Eagly and Steven Shafer, *American Immigration Council*, “Access to Counsel in Immigration Court,” Sept. 28, 2016, <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

## II. Weaponizing the courts: the Trump administration's explicit efforts to convert the immigration court system into an enforcement machine

Over the four years of the Trump Administration, the White House, Department of Justice and Department of Homeland Security acted in concert to deliver an astonishing array of policies and procedures that further destabilized the immigration courts and doggedly oriented case outcomes toward removal. An Associated Press investigation into the state of the United States' immigration courts in early 2020 found “nonstop chaos.”<sup>13</sup> The investigation found immigrants regularly receiving notices to appear in court on dates or times when court was not in session.<sup>14</sup> Asylum seekers were frequently released from custody without their asylum paperwork, unable to obtain copies from the court without filing a request under the Freedom of Information Act.<sup>15</sup> The investigative reporters observed young children “everywhere...,” forced to “sit on the floor or stand or cry in cramped courtrooms.”<sup>16</sup>

In the fall of 2018, DOJ began implementing a disastrous system of quotas on the immigration courts, requiring judges to complete at least 700 cases per year while meeting other numerical goals.<sup>17</sup> Prior to its implementation, civil rights advocates and immigration judges themselves voiced fierce resistance to the plan.<sup>18</sup> Former immigration judge Bruce Einhorn, who served as an immigration judge from 1990 to 2007, referred to the plan as an “affront to judicial independence and the due process of law.”<sup>19</sup> Ilyce Shugall, who resigned from her position as an immigration judge as a matter of conscience in March 2019, explained the quotas' impact: “My colleagues and I felt the impact of the case quotas on our ability to render correct and well-reasoned decisions.... [J]udges were forced to schedule at least two cases in one time slot ... regardless of whether it was possible to hear two cases in such a short time frame or whether this would allow a judge to consider fully the merits of each case.”<sup>20</sup>

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<sup>13</sup> Brumback, “Nonstop chaos,” *supra* n. 9.

<sup>14</sup> Sophia Tareen, *Associated Press*, “Lawyers: Immigration court system is ‘red tape gone crazy,’” Jan. 19, 2020, <https://apnews.com/b8e7f7148b2d104ca21c1e41fff70d23>.

<sup>15</sup> *Id.*

<sup>16</sup> Brumback, “Nonstop chaos,” *supra* n. 9.

<sup>17</sup> See Betsy Woodruff, *The Daily Beast*, “New Quotas for Immigration Judges are ‘Incredibly Concerning,’ Critics Warn,” Apr. 2, 2018, <https://www.thedailybeast.com/new-quotas-for-immigration-judges-are-a-recipe-for-disaster-critics-warn?source=articles&via=rss>.

<sup>18</sup> National Association of Immigration Judges, “Threat to Due Process and Judicial Independence Caused by Performance Quotas on Immigration Judges,” Oct. 1, 2017, <http://www.aila.org/infonet/naij-states-that-performance-quotas-on-immigration>.

<sup>19</sup> Bruce Einhorn, *Washington Post*, “Jeff Sessions wants to bribe immigration judges to do his bidding,” Apr. 5, 2018, [https://www.washingtonpost.com/opinions/jeff-sessions-wants-to-bribe-judges-to-do-his-bidding/2018/04/05/fd4bdc48-390a-11e8-acd5-35eac230e514\\_story.html](https://www.washingtonpost.com/opinions/jeff-sessions-wants-to-bribe-judges-to-do-his-bidding/2018/04/05/fd4bdc48-390a-11e8-acd5-35eac230e514_story.html).

<sup>20</sup> Ilyce Shugall, *Los Angeles Times*, “Why I resigned as an immigration judge,” Aug. 3, 2019, <https://www.latimes.com/opinion/story/2019-08-03/immigration-court-judge-asylum-trump-policies>.

Amidst the scrambling of dockets and pressure cooker atmosphere for immigration judges, DOJ also took aggressive steps to undermine rights through the manipulation of the immigration law itself. The Attorney General possesses the authority to refer cases of the Board of Immigration Appeals to himself for review,<sup>21</sup> and this authority became a weapon in the hands of Attorney Generals Sessions and Barr. The Trump administration issued a dizzying number of certifications, massively curtailing the rights of asylum seekers and immigrants through a trove of decisions that collectively: undermined the ability of immigration judges' to manage their own dockets, cruelly attacked the ability of survivors of domestic- and gang-related violence to obtain asylum protections, and imposed new barriers for immigrants previously involved in the criminal legal system to seek a second chance in immigration court.<sup>22</sup>

Finally, EOIR issued a number of proposed rules in the last six months of the Trump administration, many times in concert with DHS, designed to reduce procedural protections for asylum seekers and immigrants. These rules include overhauling asylum protections in contravention of U.S. and international law;<sup>23</sup> labeling asylum seekers a “danger to the security of the United States” under the pretense of public health;<sup>24</sup> stripping asylum eligibility from most people seeking refuge if they traveled through one other country before entering the United States;<sup>25</sup> tampering access to appellate review;<sup>26</sup> and denying protection to asylum seekers and torture survivors if they fail to meet a two-week deadline after their first hearing.<sup>27</sup> Not only did EOIR propose such rules, but they proceeded to finalize them within days or weeks of the end of

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<sup>21</sup> Lisa Riordan Seville and Adiel Kaplan, *NBC News*, “AG Barr using unique power to block migrants from U.S., reshape immigration law,” July 31, 2019, <https://www.nbcnews.com/politics/immigration/ag-barr-using-unique-power-block-migrants-u-s-reshape-n1036276>.

<sup>22</sup> See, e.g., Liz Vinson, Southern Poverty Law Center, “U.S. Attorney General Tips the Scales in Immigration Court, Leaving One Man Fighting for His Freedom – and His Life,” Dec. 2019, <https://www.splcenter.org/attention-on-detention/us-attorney-general-tips-scales-immigration-court-leaving-one-man-fighting>; Dara Lind, *Vox*, “Jeff Sessions is exerting unprecedented control over immigration courts—by ruling on cases himself,” May 14, 2018, <https://www.vox.com/policy-and-politics/2018/5/14/17311314/immigration-jeff-sessions-court-judge-ruling>. This list is non-exhaustive.

<sup>23</sup> See *Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review*, 85 Fed. Reg. 80274 (Dec. 11, 2020); *Pangea Legal Servs. v. U.S. Dep’t of Homeland Sec’y*, 512 F.Supp.3d 966 (N.D. Ca. 2021) (enjoining rule prior to implementation).

<sup>24</sup> See *Security Bars and Processing*, 85 Fed. Reg. 84160 (Dec. 23, 2020).

<sup>25</sup> See *Asylum Eligibility and Procedural Modifications*, 85 Fed. Reg. 82260 (Dec. 17, 2020).

<sup>26</sup> See *Appellate Procedures and Decisional Finality in Immigration Proceedings; Administrative Closure*, 85 Fed. Reg. 81588 (Dec. 16, 2020); *Catholic Legal Immigration Network v. EOIR*, 2021 WL 3609986 (D.D.C. 2021) (staying implementation of final rule).

<sup>27</sup> See *Procedures for Asylum and Withholding of Removal*, 85 Fed. Reg. 81,698 (Dec. 16, 2020); *Centro Legal de la Raza v. EOIR*, 524 F.Supp.3d 919 (N.D. Ca. 2021) (granting injunction); *Nat’l Immigrant Justice Ctr. v. EOIR*, 2021 WL 1737159 (D.D.C. Jan. 14, 2021) (enjoining rule before implementation).

the Trump administration<sup>28</sup>—signaling clear political interest to make permanent changes impacting generations of immigrants and asylum seekers prior to a change in administration. This conduct falls short of what we should expect from impartial adjudicators in charge of making life-or-death decisions for millions.

As the Trump administration came to an end, due process and civil rights protections had become so elusive in the immigration court system that some immigration judges chose to resign out of ethical concerns. Ilyce Shugall explained her choice to resign as follows: “I felt like as more and more policies were coming down, it was making it harder and harder to effectively hear cases in the way that I felt was appropriate and in compliance with the state regulations and Constitution.”<sup>29</sup>

### III. Today’s broken immigration courts

Although the Biden administration has taken small steps to undo some of the most egregious court-related Trump-era policies, it has failed to tackle meaningful immigration court reform initiatives. For attorneys and immigrants navigating the court system, the ability to remain in the United States is most often determined not by the merits of one’s claim to relief but by a series of random factors including the assigned judge, location of the court, and one’s ability to secure a *pro bono* or low-cost attorney.<sup>30</sup> In early 2020, NIJC attorney Ashley Huebner told the Associated Press: “Attorneys are spending so much time on work that is effectively meaningless.... It’s unnecessary, bureaucratic red tape gone crazy.”<sup>31</sup> Tragically, this state of affairs has not meaningfully changed in the past year.

We describe here two policy initiatives continued or rolled out by EOIR during the Biden administration that are illustrative of the ways in which political sway continues to undermine the integrity of the immigration courts:

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<sup>28</sup> Another rule EOIR finalized in the last days of the Trump administration proposed exorbitant fee increases. *See* EOIR; *Fee Review*, 85 Fed. Reg. 82,750 (Dec. 18, 2020); *Catholic Legal Immigr. Network v. EOIR*, 2021 WL 184359, at \*1 (D.D.C. Jan. 18, 2021) (enjoining rule prior to implementation).

<sup>29</sup> Priscilla Alvarez, *CNN*, “Immigration Judges Quit in Response to Administration Policies,” Dec. 27, 2019, <https://www.cnn.com/2019/12/27/politics/immigration-judges-resign/index.html>.

<sup>30</sup> John Washington, *The Nation*, “These jurisdictions have become asylum free zones,” Jan. 18, 2017, <https://www.thenation.com/article/archive/these-jurisdictions-have-become-asylum-free-zones/>.

<sup>31</sup> Tareen, “Immigration court system,” *supra* n. 14.

1) *“Dedicated docket” repeats mistakes of past rocket dockets, undermining due process rights for asylum seeking families*

In May 2021, DOJ and the Department of Homeland Security announced the creation of a new “dedicated docket” with the stated goal of “more expeditiously and fairly mak[ing] decisions in immigration cases of families who arrive between ports of entry at the Southwest Border.”<sup>32</sup> The new pronouncement included the directive that immigration judges “work generally to issue a decision within 300 days of the initial master calendar hearing.”<sup>33</sup> NIJC and other organizations decried the pronouncement, noting with concern the failure to learn lessons from past “rocket dockets” that gutted due process protections and served only to “inject[] further chaos into the overburdened courts.”<sup>34</sup>

The expedited docket has now been up and running for seven months, and data shows our concerns to have been well-founded. A recently released report from Syracuse University’s Transactional Records Access Clearinghouse reveals that only 15.5% of those on the docket have been able to find lawyers, with a shocking *94 percent* of the cases decided thus far resulting in deportation.<sup>35</sup> The administration’s efforts to provide legal orientation programming on the docket have fallen far short of the need for full representation among the asylum seekers facing expedited hearings. San Francisco’s public radio station recently spoke with one of the asylum seekers struggling to find legal counsel to represent him in a political asylum claim, whose fear was palpable as he described the immigration judge’s warning to him that if he did not have counsel at his next hearing she would be forced to proceed to his trial regardless.<sup>36</sup>

2) *EOIR persists in mass use of video hearings despite due process concerns*

In 2017, a robust review of the use of televideo technology to remotely adjudicate immigration court cases, published in the Northwest University Law Review, found immigrants in detention assigned to televideo courtrooms (as opposed to in-person courtrooms) to be less

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<sup>32</sup> United States Department of Justice, DHS and DOJ Announce Dedicated Docket Process for More Efficient Immigration Hearings, May 28, 2021, <https://www.justice.gov/opa/pr/dhs-and-doj-announce-dedicated-docket-process-more-efficient-immigration-hearings>.

<sup>33</sup> *Id.*

<sup>34</sup> National Immigrant Justice Center, “Biden’s Return to the Failed Immigration Court ‘Rocket Docket’ Will Deprive Asylum Seekers of Justice & Endanger Lives,” May 28, 2021, <https://immigrantjustice.org/press-releases/bidens-return-failed-immigration-court-rocket-docket-will-deprive-asylum-seekers>.

<sup>35</sup> TRAC Immigration Reports, “Unrepresented Families Seeking Asylum on ‘Dedicated Docket’ Ordered Deported by Immigration Courts,” Jan. 13, 2022, <https://trac.syr.edu/immigration/reports/674/>.

<sup>36</sup> KQED, “‘I hope a lawyer will answer’: Asylum-Seekers Risk Deportation in Expedited Process,” Jan. 3, 2022, <https://www.kqed.org/news/11900546/i-hope-a-lawyer-will-answer-asylum-seekers-risk-deportation-in-expedited-process>.

likely to retain counsel, less likely to apply for lawful status in the United States, and ultimately more likely to be ordered deported.<sup>37</sup>

This study affirmed the observations of legal service providers and advocates, who have raised concerns about the fairness of video teleconference (VTC) adjudications in immigration court hearings for years. The American Bar Association, for example, has recommended that the use of VTC “should be limited to non-substantive hearings where the noncitizen has consented to its use,” and should not be used at all for children.<sup>38</sup> The American Immigration Lawyers Association, similarly, recommends that individual immigration hearings (i.e. hearings on the merits) be scheduled as in person unless the individual affirmatively requests a virtual hearing.<sup>39</sup>

Despite this growing evidence that VTC adjudications undermine due process rights, and the growing call from the legal and advocacy community to limit or discontinue their use, EOIR has persisted in its use (and expansion) of VTC and WebEx technology. In November 2020, EOIR issued a policy memo on the use of telephonic and video-teleconference (VTC) hearings, claiming that “VTC remains a reliable and effective tool for EOIR for conducting immigration hearings in an efficient manner consistent with due process,” and affirming EOIR’s policy “that VTC may be used for any immigration court hearing, particularly when operational need calls for its usage.”<sup>40</sup> This policy memo has not been updated or changed under the Biden administration.

#### **IV. Principles for reform**

Establishing judicial independence and integrity for the United States immigration court system will require a top-to-bottom reimagining of the immigration court system. Removing EOIR from the ambit of DOJ and establishing its independence is a critical first step, but it must not be the only step. In considering proposals for immigration court reform, NIJC encourages members of Congress to prioritize the following seven principles:

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<sup>37</sup> Ingrid V. Eagly, “Remote Adjudication in Immigration,” 109-4 NW. U. L. Rev. 933 (2015), <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1217&context=nulr>.

<sup>38</sup> American Bar Association, 2019 Update Report – Reforming the Immigration System: Proposals to Promote Independent, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Cases, March 2019, at p. ES-18 [https://www.americanbar.org/content/dam/aba/publications/commission\\_on\\_immigration/2019\\_reforming\\_the\\_immigration\\_system\\_volume\\_1.pdf](https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/2019_reforming_the_immigration_system_volume_1.pdf).

<sup>39</sup> American Immigration Lawyers Association, AILA Position on the Use of Virtual Hearings in Immigration Removal Proceedings, Oct. 20, 2021, <https://www.aila.org/infonet/use-of-virtual-hearings-in-removal-proceedings->.

<sup>40</sup> Executive Office for Immigration Review, PM 21-03 “Immigration Court Hearings Conducted by Telephone and Video Conferencing,” Nov. 6, 2020, <https://www.justice.gov/eoir/eoir-policy-manual/OOD2103/download>.

- Ensure judicial independence by removing the immigration court system from the Department of Justice.
- Give immigration judges authority over their courtrooms by removing categorical bars to relief and ensuring that all immigrants have the opportunity to have a fair day in court.
- Promote judicial transparency at the trial court and appellate levels.
- Grant the appellate body the scope of review necessary for the fair administration of justice.
- Restore fairness to immigration adjudication by providing the jurisdiction necessary for the trial court and appellate body to ensure fairness and due process for everyone seeking immigration relief.
- Restore strong judicial review at the federal court level.
- Ensure that all individuals appearing before the immigration court have access to counsel by providing for the availability of appointed counsel for all immigrants facing removal.

These principles reflect the dire need for judicial independence and functional management of a court system that is in tragic disarray. NIJC calls on members of Congress to engage in robust oversight of DOJ and EOIR to protect the impartiality of the immigration court system.