

Appleseed This Week

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A nonprofit network of 16 public interest justice centers in the U.S. and Mexico, Appleseed is dedicated to building a society in which opportunities are genuine, access to justice is universal and equal, and government advances the public interest.

SAVE THE DATE!

On Thursday, March 25, 2010, Appleseed and Chicago Appleseed will proudly host our annual joint fundraising event, *Organizing for Change in Chicago*, at the Art Institute of Chicago.

At the event, we will honor an outstanding

Strong New Voice for Immigration Court Reform

Affirming several Appleseed proposals for reforming the U.S. immigration court system, the American Bar Association this week released a report calling for new policies and practices to ensure due process for immigrants facing deportation.

The ABA recommendations, like those listed in Appleseed's *Assembly Line Injustice* report (June 2009), aim to promote accuracy, efficiency, and legitimacy at all stages of the adjudicatory process. As such, several of the proposals neatly overlap, providing further impetus for consideration by the Department of Justice (DOJ), Department of Homeland Security (DHS), the Executive Office of Immigration Review (EOIR), and other relevant agencies.

"The nation's immigration courts are strained by a lack of staffing and resources, while immigrants themselves struggle with a convoluted litigation process that has lost touch with the values of fairness and impartiality," said Appleseed Executive Director Betsy Cavendish. "We applaud the ABA for bringing further attention to these issues."

The ABA and Appleseed reports put forward a number of parallel recommendations, of which the most notable are:

- Increasing the number of immigration judges and clerks in order to ease caseloads (in 2008 each IJ on average handled more than a thousand cases) and allow for the issuance of more written opinions
- Increasing members and staff attorneys for the Board of Immigration Appeals (BIA) and require three-member review panels; avoiding affirmances without opinion
- Providing additional training for immigration judges to ensure professionalism and accuracy of rulings
- Assigning a single DHS trial attorney to each case in order to facilitate the use of prosecutorial discretion, and

individual, law firm, and corporate leader for their commitment to pro bono.

Roger Pascal
Schiff Hardin LLP

Kirkland & Ellis LLP

William Von Hoene
Exelon Corporation

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- encouraging prehearing conferences to narrow issues and avoid unnecessary litigation
- Limiting the use of videoconferencing during hearings, as the practice limits the court's ability to assess credibility and other key factors
- Avoiding the detention of noncitizens in remote facilities far from family, counsel, and other resources; maximizing pro bono representation and developing a litigant guide that explains immigration law and immigration court procedure

Perhaps the most ambitious reform proposed by both organizations is the reorientation of immigration courts under Article I of the U.S. Constitution - the system is currently overseen by DOJ - a move that would promote independence by insulating the courts from political influence. Though a lofty long-term goal, the ABA's concurrent support may help build momentum.

In the meantime, Appleseed looks forward to working with the ABA whenever possible to implement other necessary reforms identified in the respective reports. Indeed, Karen Grisez, chair of the ABA Commission on Immigration and partner at Fried, Frank, Harris, Shriver & Jacobson, is part of an Appleseed steering committee on immigration court reform. The full ABA report will be available next week. To view an electronic version of Assembly Line Injustice, [click here](#).