

Findings

- **Judges and Trial Attorneys:** There are too few Immigration Court Judges and clerks to manage current caseloads, and the process for appointing Judges is too often politicized and opaque. A culture of professionalism and impartiality must be cultivated among Judges and Trial Attorneys, with appropriate oversight in place.
- **Proceedings:** Accurate rulings are impeded by the use of videoconferencing; the lack of effective, unbiased translation and pre-hearing conferences; and the difficulty of accessing court records. The BIA lacks the necessary resources to ensure a fair appeal.
- **Representation:** Immigrants encounter much difficulty in securing pro bono representation, and those representing themselves lack crucial information on Immigration Court procedures, as well as filing and pleading standards.

Recommendations

- Reform the selection process for Immigration Judges and the Board of Immigration Appeals to promote impartiality
- Provide Immigration Judges with the necessary staff and resources to achieve justice
- Cultivate a culture of professionalism in the Immigration Courts
- Empower Trial Attorneys to handle cases more professionally and more efficiently
- Help the unrepresented and *pro se* immigrants by facilitating access to pro bono practitioners and by providing critical information on court procedures
- Improve court processes to advance fairness and efficiency by:
 - Enhancing the accuracy of proceedings through effective translation
 - Reducing the unfairness of videoconferencing
 - Improving the reliability and availability of court records
- Ensure that the BIA has the resources necessary to make the correct ruling on appeal

Methodology

- This report is based on more than 100 confidential interviews, conducted in two rounds over a 15-month period, with Immigration Court practitioners and experts. Using a structured questionnaire that included both broad and targeted questions, more than 70 initial interviews were conducted with these stakeholders.
- Trained court observers attended more than 100 hours of immigration hearings in Chicago, Los Angeles and New York, reporting back on issues relating to procedures and outcomes.

- Results of the initial interviews and court-watching sessions, as well as a thorough literature review, led Appleseed to develop a list of preliminary proposals for reform. This list served as the basis for more than 35 additional interviews with particularly knowledgeable stakeholders.
- In-depth discussions with eminent Immigration Judges and with BIA Chairman Juan Osuna, contributed to Appleseed's final analysis and recommendations. Interviews with current and former Trial Attorneys also informed the development of our proposals.