

## **Effort on Immigration Courts Faulted; Review Finds Inadequate Progress on Most Initiatives**

The Washington Post

September 8, 2008 Monday, Regional Edition

Copyright 2008 The Washington Post All Rights Reserved



**Distribution:** Maryland

**Section:** A-SECTION; Pg. A06

**Length:** 667 words

**Byline:** Spencer S. Hsu and Carrie Johnson

Washington Post Staff Writers

### **Body**

---

A two-year-old Bush administration effort to improve the nation's backlogged immigration courts has not adequately increased oversight of immigration judges, tightened the appeals process or consistently sought funding for new judges, according to a report.

The review, funded by the Carnegie Foundation and released yesterday, reported that out of a 22-point plan unveiled by then-Attorney General Alberto R. Gonzales in August 2006, the Justice Department and the Executive Office for Immigration Review have failed to complete six initiatives. They include conducting performance evaluations for judges and appellate judges, completing a code of judicial conduct, and finalizing a rule to decrease cases in which a single appellate judge affirms a case without an opinion.

The report said eight measures have been partially completed, raising doubts about their effectiveness. For example, the EOIR has assigned an assistant chief immigration judge to handle complaints about judges but has not published information about how the process works or how many complaints have been processed.

"Political promises were made. They put out the 22 points. . . . But, in the meantime, they haven't done much," said David Burnham, co-director of the Transactional Records Access Clearinghouse, an independent research organization at Syracuse University that tracks the Justice Department and conducted the study.

The report said department officials have largely completed eight upgrades, including publishing standardized procedures, assigning supervisory judges to all courts, adding appeals judges and training lawyers.

Carrie Nelson, a spokeswoman for the Justice Department, disagreed with TRAC's characterization, saying, "The Department of Justice has made significant progress in implementing the 22 measures, as nearly all of them are completed or near completion."

## Effort on Immigration Courts Faulted; Review Finds Inadequate Progress on Most Initiatives

Nelson said the department began performance reviews for appeals judges in July and is negotiating with the union to do the same for immigration judges. It is also putting into place systems to track the performance of new judges and complaints against all judges, she said. The department requested 120 additional positions from Congress this year but did not receive them, she said.

The EOIR has a budget of \$238 million and oversees 54 immigration courts, 200 administrative judges and the 15-member board of appeals.

The review comes after the Justice Department's inspector general and Office of Professional Responsibility reported in July that they found widespread problems with the hiring of immigration judges from 2004 to 2006.

Investigators said former department officials improperly took political and ideological considerations into account while screening applications for the career civil service positions.

The staff members used Internet searches to determine whether candidates had made political campaign contributions and to seek out their voting patterns and affiliations, the report said. The searches "contributed to significant delays in appointing immigration judges" at a time when the courts were burdened by a rising workload, investigators said.

As many as 40 judges won jobs through the improper process, but efforts by Democratic lawmakers and interest groups to dislodge them are unlikely. Attorney General Michael B. Mukasey told an American Bar Association audience last month, after the inspector general's report emerged, that unseating the judges would be "unfair -- and quite possibly illegal given their civil service protections." A candidate mentioned in the report, Garry D. Malphrus, was promoted this year to serve as a judge on the Board of Immigration Appeals.

"The illegal hiring process casts a stain on the entire deportation process and calls into question whether immigration courts can perform the job of handling thousands of deportation cases annually in accordance with individualized due process, fairness and judicial neutrality," ACLU legislative counsel Joanne Lin said in a statement.

## Classification

---

**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** JUDGES (95%); IMMIGRATION (90%); IMMIGRATION LAW (90%); APPEALS COURTS (90%); US FEDERAL GOVERNMENT (89%); LAW ENFORCEMENT (89%); JUDICIAL ETHICS (89%); JUSTICE DEPARTMENTS (89%); INVESTIGATIONS (89%); APPELLATE DECISIONS (78%); LEGAL ETHICS (78%); DECISIONS & RULINGS (78%); ATTORNEYS GENERAL (78%); CAMPAIGN FINANCE (77%); CAMPAIGNS & ELECTIONS (76%); AGENCY ADJUDICATION (73%); AGENCY RULEMAKING (73%); APPEALS (72%); POLITICS (72%); POLITICAL DONATIONS & FUNDRAISING (67%); ASSOCIATIONS & ORGANIZATIONS (66%); CIVIL SERVICES (60%); EDITORIALS & OPINIONS (51%)

**Organization:** US DEPARTMENT OF JUSTICE (84%); US DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (83%); SYRACUSE UNIVERSITY (55%)

**Person:** ALBERTO GONZALES (58%)

Effort on Immigration Courts Faulted; Review Finds Inadequate Progress on Most Initiatives

**Geographic:** UNITED STATES (79%)

**Load-Date:** September 8, 2008

---

End of Document