

Senate Judiciary Committee Holds Key Hearing on Challenges Facing Immigration Courts

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Washington, D.C.—The American Immigration Council’s Legal Action Center commends Senator Patrick Leahy (D-VT), Chairman of the Senate Judiciary Committee, for convening today’s hearing on [“Improving Efficiency and Ensuring Justice in the Immigration Court System”](#) [1]. Immigration courts have long suffered from crushing backlogs that can delay the scheduling of hearings for years at a time. Additionally, immigrants who appear before these courts enjoy fewer legal protections than most Americans expect from any fair system of justice. With the dramatic and rapid escalation of immigration enforcement policies and resources, too little attention has been paid to the many challenges that face our immigration court system.

The backlogs in our nation’s immigration courts are longer today than at any time in U.S. history. In many U.S. cities, immigrants must wait eighteen months or longer for a hearing before an immigration judge. These backlogs not only delay the removal of noncitizens with no lawful claim to remain in the United States, but also impose hardships on individuals—such as asylum seekers—whose status and ability to work remain in limbo until their cases are resolved. The troubles that have long faced our immigration court system have been magnified and compounded by the Department of Homeland Security’s increasing reliance on state and local law enforcement agencies. So long as the federal government continues to expand its enforcement efforts through programs like Secure Communities and ignores the need for court reform, our nation’s immigration courts will continue to be flooded beyond capacity.

Moreover, immigrants in removal proceedings have historically been denied the very rights that Americans have come to expect from civilized justice systems. Unlike criminal defendants, immigrants who cannot afford an attorney have no right to appointed counsel. Immigrants can also be removed on the basis of hearsay and other evidence that would be excluded in federal courts. Vulnerable immigrants, including those who lack mental competency, are often deported without inquiries into their ability to comprehend the proceedings against them. And the immigration court system remains largely exempt from crucial checks and balances like judicial review.

“For far too long, immigration courts have failed to provide a fair and efficient system of justice for immigrants in this country,” said Melissa Crow, Director of the Legal Action Center at the American Immigration Council. “While the enactment of comprehensive immigration reform should remain Congress’s ultimate goal, improving the immigration courts would help treat a chronic, if underappreciated, symptom of our broken immigration system.”

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[3] http://www.americanimmigrationcouncil.org/sites/default/files/docs/Senate_Hearing_on_Immigration_Courts_051811.pdf