

Lawsuit Seeks to Learn How Government Responds to Complaints of Misconduct by Immigration Judges

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Washington, DC - The public has a right to know whether the government adequately investigates and resolves complaints alleging misconduct by immigration judges, the American Immigration Lawyers Association (AILA) said in a lawsuit filed today in federal district court in Washington, D.C.

The lawsuit, filed under the Freedom of Information Act (FOIA), challenges the refusal of the Executive Office for Immigration Review (EOIR) to disclose complaints alleging misconduct by immigration judges and records that would reveal whether the agency adequately investigates and resolves those complaints. Public Citizen (PC) and the American Immigration Council (AIC) represent AILA in the lawsuit.

Each year, in immigration courts around the country, immigration judges conduct more than 200,000 formal court proceedings to determine whether noncitizens are subject to removal from the United States. In recent years, numerous observers have documented misconduct by immigration judges and weaknesses in the integrity of our nation's immigration courts.

Yet formal discipline of immigration judges is rare, and EOIR, the agency responsible for overseeing immigration judges, is not transparent about its process for resolving complaints. Based on aggregate statistics released by EOIR, in Fiscal Year 2012, formal disciplinary action was taken in response to only 1 percent of complaints resolved by EOIR against immigration judges. In contrast, nearly half of the complaints ended in what EOIR has vaguely termed "informal action."

AILA, a national association of more than 12,000 attorneys and law professors who practice and teach immigration law, submitted a FOIA request to EOIR in November 2012, asking that the agency disclose complaints against immigration judges and records that indicate how the agency resolves those complaints. To date, EOIR has failed to provide the documents, prompting today's lawsuit.

"The public has a right to decide for itself whether EOIR takes seriously complaints that immigration judges have engaged in bad behavior on the bench," said Julie Murray, an attorney at Public Citizen and lead counsel in the case. "Keeping complaint information secret undermines the legitimacy of our nation's immigration courts at a time when public interest in the immigration system is exceedingly high."

"Immigration judges make decisions that are life-changing for the noncitizens before them," said Laura Lichter, AILA president. "Individuals appearing in immigration court often lack attorneys to advocate on their behalf, which makes reports of abusive behavior or unethical conduct by some immigration judges all the more concerning."

The case is American Immigration Lawyers Association v. Executive Office for Immigration Review, et al., No. 13-840 (D.D.C. filed June 6, 2013). A copy of the complaint is available at <http://www.citizen.org/documents/American-Immigration-Lawyers-Association-v-Executive-Office-Immigration-Review-Complaint.pdf> [1].

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