



Detail

Complaint Number: 748

Immigration Judge: (b)(6)

Complaint Received Date: 04/01/13

Current ACIJ
Sukkar, Elisa M.
Past ACIJ:

Base City
(b) (6)

Status
CLOSED

Final Action
Oral counseling

Final Action Date
04/22/13

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Bias Due process In-court conduct Legal	Anonymous (b) (6)
		(b) (6)

Complaint Narrative: Attorney complains that the ij requires for parent of juvenile to be present even when attorney objects because parent may be illegal. Further, attorney states that judge is too harsh, is intimidating, the juveniles are scared. The judge does not have the right temperament.

Complaint History

04/09/13 ACIJ listens to DAR
04/09/13 ACIJ spoke to the attorney
04/18/13 ACIJ has full discussion with ij concerning tone and approach
04/22/13 Oral counseling
05/01/13 Database entry created

Sep 11, 2013

1 of 1

Immigration Judge Complaint Intake Form

HQ Use Only:
complaint #: _____
source: first / subsequent

Date Received at OCIJ: _____

complaint source type	
<input checked="" type="checkbox"/> anonymous <input type="checkbox"/> respondent's attorney <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	<input type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input type="checkbox"/> DHS <input type="checkbox"/> OIG <input type="checkbox"/> Main Justice <input type="checkbox"/> media
complaint receipt method	
<input type="checkbox"/> letter <input type="checkbox"/> fax <input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown	<input type="checkbox"/> email <input type="checkbox"/> other: _____ <input checked="" type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person
date of complaint source	complaint source contact information
(i.e., date on letter, date of appellate body's decision) Phone call: April 1, 2013	name: _____ address: _____ email: _____ phone: _____ fax: _____
additional complaint source details	<div style="background-color: black; color: white; font-size: 48px; text-align: center; padding: 20px;"> (b) (6) </div>
(i.e., DHS component, media outlet, third party details, A-number) A(b) (6)	

IJ name	base city	ACIJ
IJ(b) (6)		ACIJ Sukkar
relevant A-number(s)	date of incident	
A(b) (6)	March 27, 2013 (Master Calendar)	
allegations		
Attorney (b) (6) complains that the judge requires for parent of juvenile to be present even when attorney objects because parent may be illegal. Further, attorney states that judge is too harsh, is intimidating, the juveniles are scared. The judge does not have the right temperament.		
nature of complaint		
<input checked="" type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity	<input type="checkbox"/> out-of-court conduct <input type="checkbox"/> other: _____	<input checked="" type="checkbox"/> due process <input checked="" type="checkbox"/> bias <input checked="" type="checkbox"/> legal <input type="checkbox"/> criminal

[illegible]

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Tuesday, April 16, 2013 2:12 PM
To: Kelly, Ed (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Court matter

Sensitivity: Confidential

Ed and MTK:

This is to keep you informed.

(b) (6) is very receptive to making the necessary changes or adjustments.

(b) (6) is running the numbers too high and it causes stress on (b) (6) and everyone else. (b) (6) was doing juvenile masters with 35 cases when most judges do juvenile dockets with only 15.

(b) (6) is very driven about completions but she has to step back a bit. I have asked the CA to reduce the number of juveniles on (b) (6) masters to 15.

Thanks,

EMS

From: (b) (6) (EOIR)
Sent: Tuesday, April 16, 2013 8:44 AM
To: Sukkar, Elisa (EOIR)
Subject: RE: Court matter
Sensitivity: Confidential

Good morning Judge:

I listened to your voice mail message and it does confirm what we had discussed previously. In the future I will refrain from issuing the frivolous warnings to the children or requesting that their parents be present. Also, I think the proposed addition of a full day every other month for the juvenile docket will be beneficial and cut down on the wait/stress.

I will make myself available to discuss the rest of the issues you have mentioned as your schedule permits. Just let me know when.

Thank you.

(b) (6)

Sincerely,

(b) (6)
Immigration Judge

(b) (6)

From: Sukkar, Elisa (EOIR)
Sent: Wednesday, April 10, 2013 5:35 PM
To: (b) (6) (EOIR)
Subject: RE: Court matter
Sensitivity: Confidential

Hi Judge:

I have been in meetings all day with visitors from Vera and HQ.

I will listen to DAR in the interim since I know you will be out.

I left a message yesterday on the issue of frivolous warnings on juveniles and it seems that the consensus is that a more flexible approach is needed.

I have done some research and the one year does not apply to the juveniles and neither does the safe country provisions. I was wondering and thinking that the same approach could be used for the frivolous warnings.

There is certainly no provision to giving the frivolous warnings to a relative who is not in proceedings and not even covered under that I-589. That will not be binding on anyone. As we discussed on Monday, even if the finding is ever made, it will be hard for the BIA to uphold a frivolous warning on a juvenile. Please keep in mind that for any fraud issues, if the person is under the age of 14, no fraud charge can be lodged by DHS. Keeping with the same flexible approach, the same argument could be made for these juveniles even if over the age of 14. A lifetime bar is very serious and the BIA will be unlikely to uphold such a finding anyway on a child.

As far as requiring an undocumented person to come to court to hear the frivolous asylum warnings, that is placing a person and the respondent's attorney in a predicament. If the person gets detained, that person will blame the court and the public may think that we are working in unison with ICE to detain an individual. That is not good for the court. The attorneys feel that they have an ethical obligation to protect their clients, and their relatives, who are not even in proceedings from being apprehended.

In addition to any situation that may have occurred today, I do need to discuss a few other matters as to the juvenile docket. Attorneys are feeling intimidated by what is happening in court and they feel that the children are also feeling intimidated. Attorneys are complaining that it takes them 4 hours to be heard on one of these masters.

I have reviewed some of the juvenile dockets and the numbers in (b) (6) are running very high. The norm is to do 15 to 20 but no more than that. I have seen juvenile dockets in (b) (6) running at 35 plus cases. I have asked the CA to speak to you and to reduce the number of juvenile cases to reduce stress and the waiting time for everyone. Waiting 4 hours to be heard on a master, or on any type of setting, is excessive.

Thank you,

Judge Sukkar

Non-Responsive

Non-Responsive