

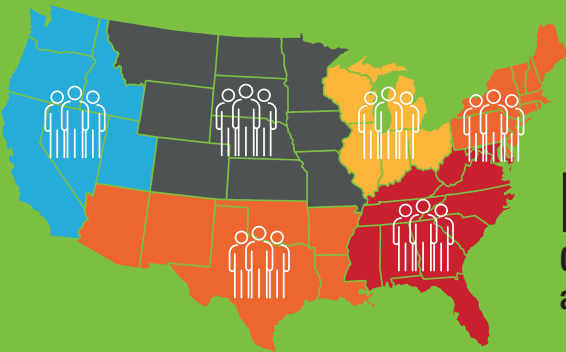


AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

PROTECT DUE PROCESS, DEMAND ACCOUNTABILITY

AMERICA NEEDS:

- An accountable immigration system
- Fair, efficient immigration courts
- Due process at the border



**15,000 MEMBERS
NATIONWIDE**

Calling on Congress to [#ProtectDueProcess](#)
and [#HoldUSCISAccountable](#)



Guaranteeing Due Process and Accountability in the Immigration System

America's immigration system is in urgent need of reform. In its current state, the system makes it difficult for businesses to stay competitive, American families to reunite with loved ones, and the persecuted to seek protection. As the nation's immigration customer-service agency, U.S. Citizenship and Immigration Services (USCIS) suffers from crisis-level delays and has erected barriers to legal immigration for businesses, families, and individuals. Positioned under the executive branch, the immigration courts are hamstrung by laws and policies that interfere with judges' independence and their ability to decide cases fairly. At the borders, arriving migrants and asylum seekers are turned away, detained, given only perfunctory screening, and even subjected to abuse—practices which undermine due process and the Constitution.

AILA calls upon Congress and the executive branch to put aside partisan divisions and advance solutions that best serve American families, American businesses, and American values. Comprised of over 15,000 immigration lawyers representing clients in every area of immigration law, AILA offers unparalleled expertise to lawmakers searching for commonsense strategies. Improving USCIS, reforming the courts, and ensuring due process at the border can be accomplished in a bipartisan fashion. By working together, Congress and the President can fix the system and ensure America's prosperity in the 21st century.



America Needs Immigration Reform

AILA calls upon Congress and the President to overcome partisan differences and enact laws that uphold American values and bring our legal immigration system into the twenty first century.

PASS PROTECTIONS FOR DREAMERS AND TPS RECIPIENTS

AILA urges Congress to pass legislation providing permanent legal status for Dreamers and TPS recipients. Both groups are long-standing members of our communities who have built lives, families, businesses, and careers in the U.S. and are vital contributors to our economy. See www.aila.org/Dreamers.

UPDATE OUR LEGAL IMMIGRATION SYSTEM TO ENSURE PROSPERITY

Every day, AILA members represent immigrants, American families, and U.S. businesses. Our members know that immigration is vital to our economy and to our future. AILA supports reforms to the legal immigration system to make it more responsive to the needs of U.S. employers and our rapidly changing economy.

EMPLOY SMART, HUMANE ENFORCEMENT

The country needs a sensible immigration enforcement plan that is based on clearly articulated goals and priorities and that is accountable to the public. Congress should increase its oversight of ICE and CBP whose personnel and operations have grown dramatically in the past decade. See www.aila.org/enforcementmap.

SUPPORT A PLAN TO LEGALIZE AUTHORIZED IMMIGRANTS

Overwhelmingly Americans support a plan that legalizes the status of unauthorized immigrants to stay permanently in the country. A legalization plan will strengthen American families, businesses, the economy and the nation.

REUNITE FAMILIES QUICKLY

For more than half a century, our country and our communities have reaped the extensive benefits of family-based immigration policies: family immigration drives small business creation, fuels innovation, promotes integration, ensures the maintenance of strong family support systems, and strengthens our nation. American needs an immigration system that continues to recognize family unity as a core national value. See www.aila.org/family.

Ensure Fairness, Consistency, and Efficiency in Immigration Decisions

For generations, immigration has been a mighty engine of growth in the United States. Immigrants coming to join family, to work, and to find protection from danger have enriched our nation. They contribute to our shared economic growth by launching businesses, fueling entrepreneurship, and sustaining the U.S. labor force. In recent years, however, crisis level delays and new policies are creating obstacles to legal immigration and redirecting USCIS toward enforcement rather than customer-service. AILA urges Congress to conduct vigorous oversight and hold USCIS accountable to its mission to ensure the agency best serves American businesses, families, and our nation.

- **Crisis-Level Delays in Processing Applications:** During fiscal years 2017 and 2018, USCIS's average case processing time increased by 46 percent - a dramatic shift that will cause millions of people to wait significantly longer for their decisions. The severe delays harm families, U.S. businesses, and vulnerable populations that depend on timely and reliable adjudications.



USCIS PROCESSING TIMES ARE ON THE RISE

FY 2017—7.98 Months FY 2018—9.48 Months

UP 19%

WHILE OVERALL CASE RECEIPTS ARE ON THE DECLINE

FY 2017—8.53 Million FY 2018—7.53 Million

DOWN 17%



- **Unnecessary Barriers to Legal Immigration:** USCIS has adopted policies erecting unnecessary hurdles to legal immigration, including one policy that calls for duplicative review of past decisions and another that requires in-person interviews even when the officer determines it is unnecessary. USCIS also plans to rescind existing regulations that allow the spouses of H-1B employees to work. These H-4 spouses are primarily women who already legally reside in the U.S.
- **Transforming USCIS Into an Enforcement Agency:** USCIS has shifted its focus to immigration enforcement through several new policies. One policy would result in more foreign students being put into removal proceedings if they even inadvertently or trivially violate their status. Another policy allows officers to deny applications without giving people the chance to provide more evidence. And still another policy aims to put more applicants immediately into removal proceedings. USCIS even cooperated with Immigration and Customs Enforcement (ICE) in the arrest of people with removal orders who were going to USCIS interviews as part of the process for obtaining lawful permanent residence.

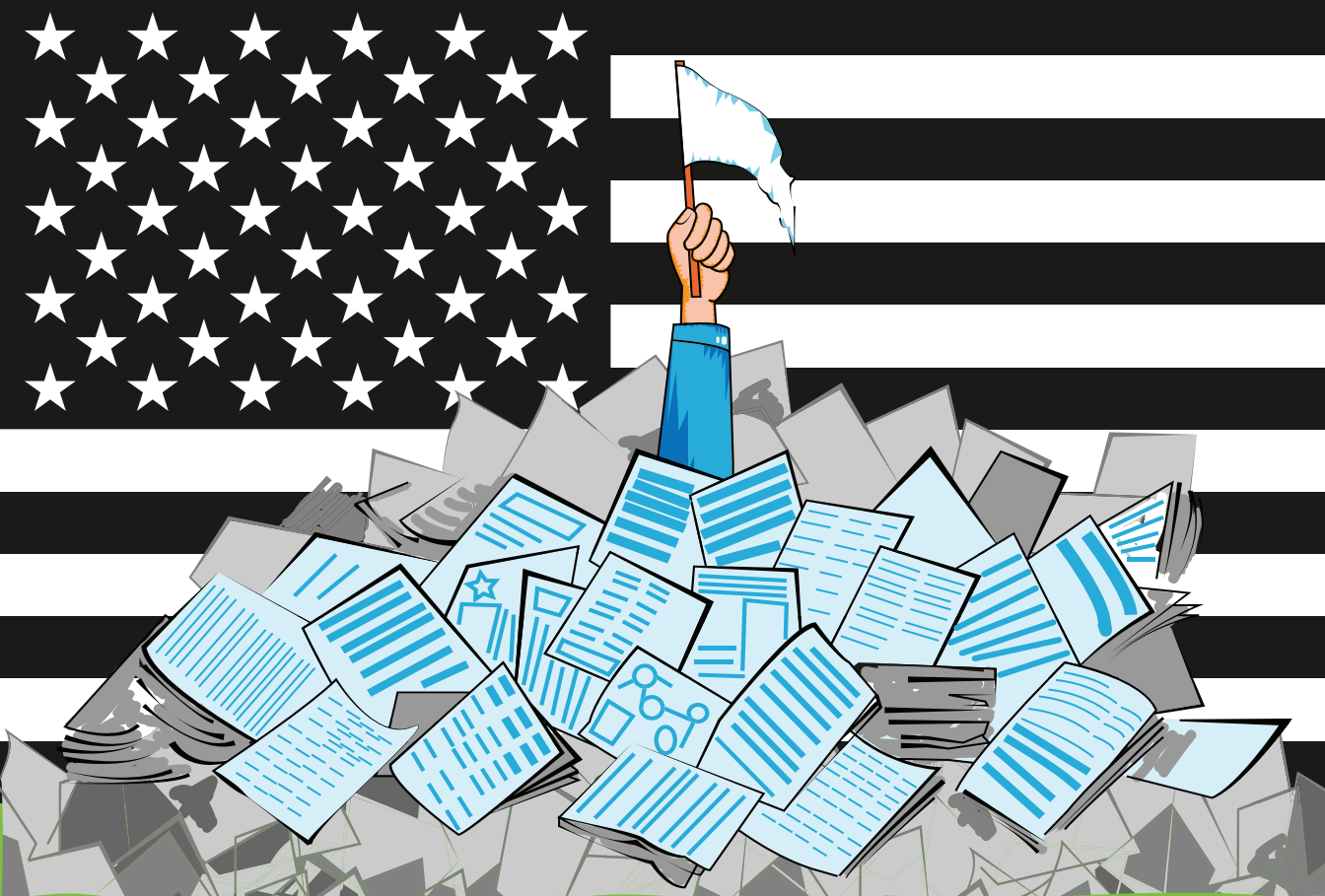
WHAT CONGRESS CAN DO

- **Hold USCIS Accountable for Crisis-Level Case Backlogs.** Require USCIS to rescind policies that will increase case backlogs, such as memos requiring duplicative review and new in-person interviews. Demand transparency and data from USCIS regarding its case processing.
- **Rescind Policies That Turn USCIS Into a Third Enforcement Agency.** Introduce legislation that rescinds enforcement-focused policies, including the memos that target students, fast-track denials, and put more people into removal proceedings.
- **Protect Work Authorization for H-4 Spouses.** Pass legislation that would protect regulations allowing spouses in H-4 status to work.



Resources at www.aila.org/uscis

- *AILA Policy Brief: Seven Ways USCIS is Defying the Will of Congress*
- *AILA Policy Brief: USCIS Processing Delays Have Reached Crisis*
- *Letter from U.S. Representatives Demands USCIS Accountability*



Domestic abuse survivors, abandoned children, and those seeking asylum or refugee status may be left in life-threatening circumstances without timely adjudication. —Letter from Members of Congress to USCIS Director Francis Cisna

Reform Our Immigration Court System

For years the immigration court system has been plagued by systemic problems that have severely undermined its ability to deliver just and fair decisions in a timely manner. Housed within the Department of Justice, the Executive Office for Immigration Review (EOIR) is vulnerable to executive branch interference, a structural flaw which the current administration has exploited and which undermines the very integrity of the system. These problems are compounded by a growing case backlog that is nearing 900,000 cases.

- **Attacks on Judicial Independence and Access to Counsel:** In October 2018, EOIR implemented unprecedented case completion quotas as part of immigration judges' performance reviews, compelling them to decide cases under strict deadlines. The Attorney General also unilaterally issued several precedent decisions that restrict judges' authority to manage their own dockets and create obstacles for people to obtain legal counsel. No less concerning is the administration's recent use of ideological and political tests in the hiring of judges. Congress should conduct rigorous oversight into these policies which have placed a premium on the quantity of the cases decided over quality of the decisions themselves.



CLEARANCE RATE FY 2018 = 79%

GRAPHIC IS BASED ON AN ACTUAL IMAGE OF A SPEEDOMETER EOIR USES FOR CASE TRACKING.

DOJ Is Using a Shocking Speedometer to Track Judges' Cases



WHAT CONGRESS CAN DO

- **Support Article I Courts:** Support legislation creating an independent Article I immigration court that is separate from DOJ.
- **End Case Completion Goals:** Introduce legislation that ends and blocks implementation of case completion quotas on immigration judges.
- **Reverse Overreaching Attorney General Decisions:** Introduce legislation that reverses the Attorney General's decisions in *Matter of Castro-Tum* (preventing judges from administratively closing court cases), *Matter of A-B* (rewriting asylum law to block vulnerable people from qualifying for protection), *Matter of L-A-B-R* (making it more difficult for judges to grant requests for case continuances), and *Matter of S-O-G- & F-D-B-* (preventing judges from terminating cases).



"[Immigration Judge quotas] ... could be the death knell for judicial independence in the Immigration Courts." —***The Honorable A. Ashley Tobaddor, President of the National Association of Immigration Judges***

- **AILA Calls for Independent Immigration Courts:** While oversight would slow the most recent policies, it would not remedy the conflict of interest inherent in an immigration court system that is firmly under the control of the Attorney General. AILA urges Congress to introduce bipartisan legislation that establishes an independent immigration court system, outside the Department of Justice, under Article I of the Constitution.

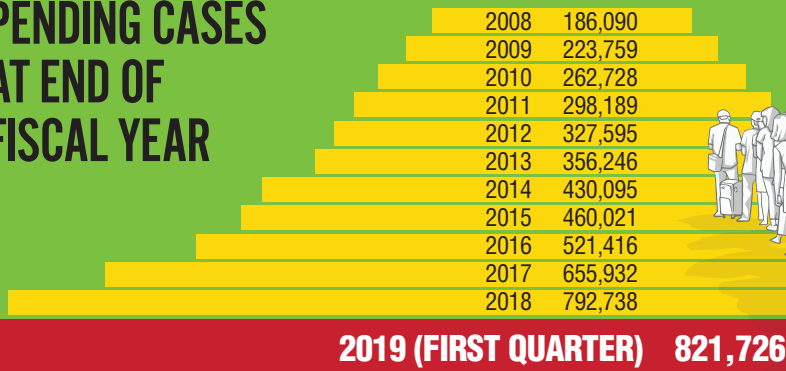
Additional resources at www.aila.org/immigrationcourts

AILA Policy Brief: Restoring Integrity and Independence to America's Immigration Courts

AILA Policy Brief: FOIA Reveals EOIR's Failed Plan for Fixing the Immigration Court Backlog

AILA Joins Senators in Call for Immigration Court Reform and Access to Counsel

PENDING CASES AT END OF FISCAL YEAR



Protect Due Process at the Border

In the past two years, the Trump administration has dramatically eroded the due process protections for asylum seekers and other migrants arriving at the southern border. At ports of entry, Customs and Border Protection (CBP) frequently turns away asylum seekers and has begun forcing migrants to remain in Mexico while they await court hearings. The administration has also announced an asylum ban; prosecuted more asylum seekers; increased the detention of families; and separated parents from their children. These policies are an inhumane response to a population composed largely of people in need of aid.

In partnership with the American Immigration Council, AILA works with hundreds of volunteer lawyers through our Immigration Justice Campaign to assist families and individuals apprehended at the southern border. We urge Congress to listen to their stories and investigate the violations of law and human rights occurring at the border. **Additional resources at www.aila.org/borderprocessing.**

WHAT CONGRESS CAN DO

- **Hold DHS Accountable for Inhumane Policies:** Conduct vigorous oversight of DHS's policies and demand solutions for managing migration flows that promote border security while ensuring due process.
- **Reduce Funding for Unnecessary Border Security:** Scale back funding for a wasteful and ineffective border wall, immigration detention facilities, and Border Patrol agents until DHS demonstrates a compelling need for these tools, as well as their efficacy.
- **Reverse DHS Policies that Violate Due Process:** Congress should introduce legislation that reverses or blocks the asylum ban, the Remain in Mexico policy, and family detention and family separation.



AILA will continue to fight for the due process rights of asylum seekers.

—Ben Johnson, AILA Executive Director

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The American Immigration Lawyers Association (AILA) is the national bar association of over 15,000 attorneys and law professors who practice and teach immigration law. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, publications and information, professional services, and expertise through its 39 chapters and over 50 national committees. AILA is an affiliated organization of the American Bar Association and is represented in the ABA House of Delegates. For more information about AILA, please visit our website at www.aila.org.



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