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Immigration Judges' Union Issues Statement on Quotas and Caseload...

**The National Association of Immigration Judges
“Strenuously Opposes” Proposed Quotas and Completion
Deadlines Announced by DOJ as Tools to Measure the
Performance of Immigration Judges**

WASHINGTON -- Federal immigration judges, represented by the National Association of Immigration Judges (NAIJ), expressed shock and dismay at the U.S. Department of Justice’s Executive Office for Immigration Review (EOIR) announcement that it intends to implement production quotas and case completion deadlines to Immigration Judge performance evaluations. “We have strenuously opposed this plan each step of the way since the it was first raised last fall,” said NAIJ President Ashley Tabaddor, who serves as an Immigration Judge in Los Angeles. “It’s our belief that such measures will undermine the public's faith in the fairness of our courts, leading to a huge increase in appeals and legal challenges that in turn will create crippling delays in our already overburdened immigration courts and flood the federal courts of appeal as well. If history has taught us any lessons, it is that attempts to streamline like this ultimately will increase the backlog.”

Under the labor laws that pertain to federal employees, the Department of Justice has the right to impose quantitative measures on judges. However, it’s the position of NAIJ that Immigration Judge performance should be evaluated according to widely accepted judicial standards, which expressly prohibit quantitative measures of performance. It’s the organization’s position that should numeric and time based metrics be applied, judicial time and energy will be diverted to documenting performance, rather than deciding cases. Each judge’s job security will be based on whether or not they meet these unrealistic numbers and will raise concerns as to whether actions they take, such as denying a continuance or excluding a witness, are legally sound or personally motivated to improve their performance ratings.

While no number or time-based standard is acceptable, the numbers proposed by EOIR are unreasonable and unsupported. EOIR has neither provided any basis for these metrics, nor have they explained crucial components of the formulas they propose. “It is not even clear what will be counted as a ‘completion,’ which is the foundation of this misguided plan,” said Judge Tabaddor.

The unacceptable backlogs at our nation’s Immigration Courts are due to decades of inadequate funding and politically motivated interference with docket management. Resources devoted to immigration enforcement have increased exponentially with no concurrent resource provisions to the courts. In addition, the shifting priorities of various administrations have lead to docket management decisions not based on when cases are ready to be heard.

“The solution to ending the delays that plague our courts is not to scapegoat judges,” said Judge Tabaddor, “ The answer is a straightforward two part solution of more resources and structural reform.”

Congress last month took an important step to address the inadequacy of resources by providing money to hire 100 more Immigration Judges. “The necessary next step is to take the Immigration Courts out of the Department of Justice where they are currently placed,” said Judge Tabaddor. “The mission of an independent and neutral court is incompatible with the role of a law enforcement agency. This latest, misguided decision by EOIR makes that conclusion all the more clear and highlights the urgent need for structural reform,” she added.

DISCLAIMER: *The views expressed here do not necessarily represent the official position of the United States Department of Justice, the Attorney General, or the Executive Office for Immigration Review. The views represent the NAIJ President’s personal opinions, which were formed after extensive consultation with the membership of NAIJ.*

The National Association of Immigration Judges (NAIJ), founded in 1971, is a voluntary organization formed with the objectives of promoting independence and enhancing the professionalism, dignity, and efficiency of the Immigration Court.

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