



ROUND TABLE
of Former Immigration Judges

May 13, 2019

James McHenry, Director
Executive Office for Immigration Review
5107 Leesburg Pike, 26th Floor
Falls Church, VA 22041

Re: EOIR “Myth vs. Fact” memo

Mr. McHenry:

As former Immigration Judges and BIA Board Members, we write to state our offense at EOIR’s recently issued memo purporting to present imagined “myths” and wildly inaccurate and misleading information labeled as “fact.” The issuance of such a document can only be viewed as political pandering, at the expense of public faith in the immigration courts you oversee.

Even if anything contained in the memo is actually correct, it is simply not EOIR’s place to be issuing such a document. EOIR’s function is to protect the independence and integrity of the hundreds of judges who sit in its Immigration Courts, on the BIA, and within OCAHO.

American courts do not issue propaganda implying that those whose cases it rules on for the most part have invalid claims; that the participation of lawyers in its hearings provides no real value and has no impact on outcome; that the government’s own program to assist litigants in obtaining legal representation is a waste of taxpayer money; or that those unable to surmount the government-created obstacles to filing asylum applications are somehow guilty of deceit. Such statements indicate a bias which is absolutely unacceptable and, frankly, shocking.

We all had the honor of serving as judges within EOIR. Many of us remember when EOIR’s stated vision was “through teamwork and innovation, [to] be the world’s best administrative tribunals guaranteeing fairness and due process for all.” We remember a time when EOIR’s leadership took that mission seriously, and strove to achieve it.

The time for you to renew the agency mission is long overdue. Your job is to insulate the agency from political influences from the Department of Justice and beyond. Nothing short of judicial independence, neutrality, and fairness is acceptable for courts that make life and death determinations such as those which arise in immigration claims.

Hon. Steven Abrams, Immigration Judge, New York, Varick St., and Queens Wackenhut Detention Center, 1997-2013

Hon. Sarah M. Burr, Assistant Chief Immigration Judge and Immigration Judge, New York, 1994-2012

Hon. Esmerelda Cabrera, Immigration Judge, New York, Newark, and Elizabeth, NJ, 1994-2005

Hon. Teofilo Chapa, Immigration Judge, Miami, 1995-2018

Hon. Jeffrey S. Chase, Immigration Judge, New York, 1995-2007

Hon. George T. Chew, Immigration Judge, New York, 1995-2017

Hon. Bruce J. Einhorn, Immigration Judge, Los Angeles, 1990-2007

Hon. Cecelia M. Espenoza, Board Member, BIA, 2000-2003

Hon. Noel Ferris, Immigration Judge, New York, 1994-2013

Hon. John F. Gossart, Jr., Immigration Judge, Baltimore, 1982-2013

Hon. Miriam Hayward, Immigration Judge, San Francisco, 1997-2018

Hon. Rebecca Jamil, Immigration Judge, San Francisco, 2016-2018

Hon. William P. Joyce, Immigration Judge, Boston, 1996-2002

Hon. Carol King, Immigration Judge, San Francisco, 1995-2017

Hon. Elizabeth A. Lamb, Immigration Judge, New York, 1995-2018

Hon. Donn L. Livingston, Immigration Judge, New York and Denver, 1995-2018

Hon. Margaret McManus, Immigration Judge, New York, 1991 - 2018

Hon. Charles Pazar, Immigration Judge, Memphis, 1998-2017

Hon. Laura Ramirez, Immigration Judge, 1997-2018

Hon. John W. Richardson, Immigration Judge, Phoenix, 1990-2018

Hon. Lory D. Rosenberg, Board Member, BIA, 1995 - 2002.

Hon. Susan G. Roy, Immigration Judge, Newark, 2008-2010.

Paul W. Schmidt, Chairman and Board Member, BIA, 1995 - 2003; Immigration Judge, Arlington, 2003-2016.

Hon. Denise Slavin, Immigration Judge, Miami, Krome, and Baltimore, 1995-2019

Hon. Ilyce Shugall, Immigration Judge, San Francisco, 2017-2019

Hon. Andrea Hawkins Sloan, Immigration Judge, Portland, 2010 - 2017

Hon. Polly A. Webber, Immigration Judge, San Francisco, 1995-2017