

December 4, 2014

The Honorable Barbara Mikulski  
Chair  
U.S. Senate Committee on Appropriations  
Room S128, the Capitol  
Washington, D.C. 20510

The Honorable Richard Shelby  
Ranking Member  
U.S. Senate Committee on Appropriations  
Room S128, the Capitol  
Washington, D.C. 20510

Dear Senators:

On behalf of the undersigned immigration, civil rights, faith, human rights, and legal organizations, we write to express our support for increased funding for the immigration court system, legal counsel for vulnerable immigrant populations, and legal orientation programs (LOP) in the Commerce, Justice and Science appropriations bill or omnibus for the remainder of fiscal year 2015. The immigration court system has been overburdened for much of the past decade, the backlog of cases in the system has dramatically increased, border and interior enforcement has surged, and costs to taxpayers have skyrocketed yet funding for the immigration courts and counsel has not seen commensurate increases. This results in a situation where cases languish for years and the nation's immigration court system and enforcement mechanisms do not operate as efficiently as they could.

Our immigration courts have long suffered from a lack of funding. In 2006, then-Attorney General Alberto Gonzales recognized that the immigration courts were woefully understaffed to process a backlog of cases that back then stood at 169,000 and called for more funding to increase resources for the courts. Fast forward to today and the backlog of cases now stands at approximately 400,000 yet the number of immigration judges has not substantially increased. Today, there are approximately 243 judges which is 21 fewer than at the end of 2012 and just 13 more than in 2006 despite the fact that the backlog has increased by nearly 120 percent. Increased border enforcement has meant that the deportation caseloads were growing even faster than the number of judges who could handle the cases. Last year, \$18 billion was spent on immigration law enforcement, while only \$312 million was appropriated for the courts.

Immigration judges handle more than three times the number of cases handled by Article I federal district judges and they do so with less staff. Too few judges and staff mean that people with strong cases languish for years waiting in the system while people without viable claims for relief from removal also remain in the U.S. This challenge has been compounded by the Obama Administration's recent interest in processing the cases of unaccompanied minors and recent arrivals of parents with children at an expedited rate. This rocket docket for specific populations means that other long-term residents, families, asylum seekers and workers may have their cases delayed for years. The average time that a case is pending is now up to 587 days and immigrants who arrived before May 1, 2014 are waiting an average of 14 months before their first hearing. These delays increase the cost to the U.S. taxpayer by increasing detention costs and reconsideration of cases that have languished in the courts.

We also write in support of efforts to provide *pro bono* and direct legal representation to

vulnerable populations including unaccompanied minors. EOIR needs at least \$50,000,000 to promote innovations, including leveraging federal funds to bolster *pro bono* efforts and augment the “justice AmeriCorps” program, to improve the level and quality of legal representation for vulnerable populations, including unaccompanied children, and protecting children from mistreatment, exploitation, and trafficking. This funding request is extremely modest given that legal representation for unaccompanied children *alone* is estimated to cost between \$150 and \$200 million based on fiscal year 2014 arrival numbers. This funding request is extremely modest given that legal representation for unaccompanied children is estimated to cost between \$150 and \$200 million based on fiscal year 2014 arrival numbers. Without representation, it is nearly impossible for unaccompanied children – who range in age from toddlers to teenagers – to navigate our complex immigration laws and system. Immigration proceedings are adversarial and children are required to meet the same procedural, evidentiary, and legal rules as adults. Children who have representation are also more likely to appear for their court dates. We are concerned that the majority of the unaccompanied children do not have representation in their immigration proceedings, which in addition to being a grave violation of due process, leads to inefficiencies and a waste of resources in our immigration courts. Recent studies by the National Economic Research Associations and the Transactional Records Access Clearinghouse at Syracuse University have confirmed that representation facilitates appearance at hearings, and actually saves the government money. We recommend that EOIR use this funding to explore ways to better serve vulnerable populations such as children and improve court efficiency through pilot efforts aimed at increasing both *pro bono* and direct representation for children and other vulnerable populations. We also encourage EOIR and Health and Human Services (HHS) to continue to support and increase funding for *pro bono* initiatives that will enable federal dollars to go much further in securing representation for children.

Finally, we request \$25 million to expand LOP and legal orientation programs for custodians of unaccompanied children (LOPC) nationwide. These programs provide critical, comprehensive information about the immigration court process, promoting efficiency for the courts and fostering due process for noncitizens in removal proceedings, particularly those who do not have legal counsel. Studies have demonstrated the time and cost savings of LOP, as noncitizens require fewer days in court and spend less time in immigration detention. LOP and LOPC also foster compliance with the immigration court process, as individuals better understand their obligations to appear. This funding request is consistent with Chairwoman Mikulski’s supplemental appropriations bill from July 2014.

We look forward to working with you to increase funding for our immigration court system and legal counsel programs to ensure that American values of fairness and justice are respected in the immigration system.

Signed:

**International Organizations**

American Jewish Committee  
Center for Victims of Torture  
HIAS  
Physicians for Human Rights

Sisters of Mercy of the Americas

**National Organizations**

American Civil Liberties Union  
American Immigration Lawyers Association  
Americans for Immigrant Justice  
Asian Americans Advancing Justice-AAJC  
ASISTA Immigration Assistance  
Center for Community Change  
Center for Gender & Refugee Studies  
Council on American-Islamic Relations  
Detention Watch Network  
Franciscan Action Network  
Futures Without Violence  
Hispanic Federation  
Human Rights First  
Immigration Equality Action Fund  
Jesuit Conference of the United States  
Leadership Conference of Women Religious  
League of United Latin American Citizens  
Lutheran Immigration and Refugee Service  
National Alliance to End Sexual Violence  
National Alliance to End Sexual Violence  
National Asian American Pacific Islander Mental Health  
National Asian Pacific American Bar Association (NAPABA)  
National Council of Jewish Women  
National Council of La Raza (NCLR)  
National Employment Law Project  
National Immigrant Justice Center  
National Immigration Forum  
National Immigration Law Center  
National Korean American Service and Education Consortium  
National Queer Asian Pacific Islander Alliance  
NETWORK, A National Catholic Social Justice Lobby  
South Asian Americans Leading Together (SAALT)  
Southeast Asia Resource Action Center (SEARAC)  
The Advocates for Human Rights  
U.S. Committee for Refugees and Immigrants (USCRI)  
Women's Refugee Commission  
YWCA USA

**Regional Organizations**

Advocates for Survivors of Torture and Trauma  
Center for Survivors of Torture

**State Organizations**

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)  
Conversations With Friends - Ending Isolation by visiting and supporting detained immigrants (MN)  
Florence Immigrant & Refugee Rights Project (AZ)  
Florida Institutional Legal Services, Project of Florida Legal Services  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Law Center of Minnesota  
Immigrant Legal Advocacy Project (ME)  
Immigration Center for Women and Children (CA)  
Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)  
OneAmerica (WA)  
Political Asylum Immigration Representation Project (MA)  
Program for Torture Victims (CA)  
Washington State Coalition Against Domestic Violence  
Workers Defense Project (TX)

**Local Organizations**

Catholic Charities of Minneapolis and St. Paul  
Gulf Coast Jewish Family & Community Services' Florida Center for Survivors of Torture  
Human Rights Initiative of North Texas  
Interfaith Coalition on Immigration (Minneapolis, MN)  
Jewish Community Action (St. Paul, MN)  
New Sanctuary Coalition (New York, NY)  
Palabra (Santa Barbara, CA)  
Reformed Church of Highland Park, NJ  
Survivors of Torture, International (San Diego, CA)  
Wilco Justice Alliance (Williamson County, TX)