

Summary

Despite the tremendous amount of press that illegal immigration in the years since the 2016 election, there is one aspect of immigration that is almost completely ignored by the media and forgotten by the American people: the Immigration Court System. With both legal and illegal immigration on the rise in the United States, the number of claims in Immigration Courts has skyrocketed in recent years, completely overwhelming the system. Despite recent attempts by the Trump administration to relieve the backlog by adding more judges to the system, this backlog has persisted nonetheless, and will likely continue unless lawmakers can find a long- term solution. One of the primary issues in the Immigration Court System is that immigration judges are given little to no control over their courtrooms, do not have access to court reporters or legal clerks, and are not even given control over their own case docket. Immigration judges may hold the title of “judge”, and wear judicial robes, but are treated no better than attorneys. For this case study, I examined the writings and interviews of both current and former immigration judges, lawyers, and other immigration officials in an attempt to understand how they propose fixing the Immigration Courts. This case study will outline a different approach to fixing the Immigration Court System: establishing an independent Executive Office for Immigration Review. By establishing this new office, immigrants all across the United States will finally have their day in Court, and will have a clearer path to citizenship.