

# National Law Journal

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## **Immigration judges**

In "Wide disparities are found in granting asylum" Pamela A. MacLean makes several generalizations about the Executive Office for Immigration Review (EOIR); the findings of the Transactional Records Access Clearinghouse (TRAC) report and the disparity of grant rates among our immigration judges; and the reassignment of the former chief immigration judge. These statements merit clarification to set the record straight. I appreciate the opportunity to do so here.

The article mischaracterizes the U.S. attorney general's review as an effort to "clean up a crumbling system." As the attorney general stated on Aug. 9 at our 2006 Immigration Judges' Conference, "the review has left me reassured of the talent and professionalism that exists in the immigration courts and at the Board of Immigration Appeals. I am secure in the knowledge that our immigration judges and board members stand ready to serve their country in discharging their demanding responsibilities to apply the rule of law and protect the Constitution." He also mentioned the need for improvement, and we are committed to the reforms he has highlighted.

As part of his review, the attorney general has recommended a closer analysis of the TRAC report and the disparities among immigration judges and grant rates. Accordingly, we plan to examine those findings more closely and provide recommendations to the deputy attorney general. We will further examine these findings within the context of the docket and the setting where the cases are heard-critical factors when comparing asylum rates among the judges. Detained respondents often have criminal convictions rendering them ineligible for any relief from removal. In addition, some may lack the equities necessary for a favorable exercise of discretion. These elements all factor in to help one understand these variations better and to make the system more transparent to all.

Finally, we want to note that the former chief immigration judge's reassignment within EOIR was not related to the attorney general's review. Reassignments of senior executives are not uncommon within the federal government, the Senior Executive Service and within EOIR. The former chief judge was reassigned from one adjudicating component to another due to management needs. There was absolutely no allegation of misconduct or wrongdoing that prompted this change.

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