

ATTORNEY GENERAL SPEECH
FOR
BOARD OF IMMIGRATION APPEALS INVESTITURE
WEDNESDAY, OCTOBER 18, 1995, 2 P.M.

I am truly delighted to be here today and to be a part of this important occasion. The issues surrounding immigration, both legal and illegal, have been a priority of the first order at the White House and the Department of Justice since the beginning of this Administration. As you know, President Clinton is committed to the full, fair, efficient administration of the Nation's immigration laws and has asked that all of us do everything in our power to make that goal a reality.

The work of the Board of Immigration Appeals, both in insuring the success of the Government's program through the timely handling of cases and in providing critical constitutional due process guarantees to individual appellants,

As the Board moves forward to a new era, under new leadership, with more Members, and facing greater challenges than ever before, it is fitting to recall the Board's long history of outstanding service to the Department and our nation. We have in our audience today two former Chairmen of the Board, each of whom provided his own unique brand of leadership to meet the challenges which previously faced the Board.

Maury Roberts was Chairman from 1968 to 1974. His unparalleled legal knowledge was indispensable during years when the Board was increasing its efforts to provide guidance on the meaning of complex laws. There is no question that the Board gained in stature and reputation under his tutelage and as a result of his scholarship.

David Milhollan presided over the Board during years when the its mission of fairly deciding individual appeals was severely tested. While presiding over a six-fold increase in workload, Chairman Milhollan also led and oversaw the 1983 creation of the Executive Office of Immigration Review. Under this new organization, the Immigration Judges were for the first time moved out of the Immigration and Naturalization Service, and became an independent element of the Executive Office for Immigration Review. For many years, Mr. Milhollan served not only as Chairman of the Board, but also as Director of the Executive Office for Immigration Review.

Now this legacy of strong leadership has been passed into the capable hands of a new Chairman, Paul W. Schmidt and a new Vice Chairman, Mary Maguire Dunne. In their first

months, they have moved rapidly, in concert with the Board, to bring about the changes necessary to better meet the Board's dual missions of providing guidance on the immigration law through precedent decisions while also promptly and correctly rendering decisions in thousands of cases.

All of you who have served with this Board and previous Boards deserve to be proud of your work. I am indeed proud to be associated with each of you.

The challenges you will be facing in the coming years will not be easy ones to meet. Your workload is continuing to increase at a rapid rate, and there is no reason to believe that trend will not continue. It is a difficult task indeed to carefully review so many thousands of cases, and to render

individual decisions in each one that are fair and consistent with this nation's immigration laws.

For those of you who have long been with the Board, I commend you on the job you have done up to now. Moreover, I have every confidence that with the additional resources the Board now has, including the expansion of the Board from five to 12 members, and the addition of staff to support the larger Board, you will be better able than ever not only to apply our immigration laws to your large caseload of individual cases, but also to interpret those complex laws.

As you are all well-aware, the laws you are called upon to apply and interpret have changed many times in recent years, and I believe that many more changes are coming. I will be counting on the Board of Immigration Appeals more

than ever to explain all these laws. It is essential that you do so clearly, promptly, and fairly. The immigration bar and the Immigration and Naturalization Service look to you for this guidance. So, of course, do the Immigration Judges, who are such an important part of our organization.

There are two reasons why your guidance in interpreting the law is so important today. First, with almost 180 Immigration Judges serving across the country, and more to come, consistency in adjudications -- which is essential to overall fairness -- can be achieved only through the Board's regular publication of precedent decisions. I know that in recent months the Board has been publishing an increasing number of decisions, and I applaud this.

Second, I can hardly fail to observe that in recent years,

fewer and fewer immigration cases have been considered and decided by the Supreme Court. At the same time, the individual circuit courts of appeal often do not agree on how to interpret the law. This often leaves only the Board as the final, nationwide arbiter of what the immigration laws mean. While recognizing that you are bound by circuit court law, I count on you to continue to lead in harmonizing the laws, the regulations and the case law with the need to provide fair results in every case. This is an enormous responsibility, but one which I have every confidence you can meet.

Immigration matters often have been in the news in the last year or so. We hear calls for tighter enforcement of the existing immigration laws, and proposals for stricter, and more restrictive, new laws. On the other side, we hear from the aliens themselves and their advocates, calling for fairer

treatment and an end to anti-alien sentiment and legislation.

In this contentious and often emotional climate, I call upon the Board to continue to provide a voice of reason, and to strike a balance between the need to protect our borders and our obligation to welcome and protect those new immigrants who have a right to be in this country.

The Board of Immigration Appeals, like the other components within EOIR, has always acted independently and must continue to do so. Nevertheless, I consider this Board to be a vital component of the Department of Justice. I know that together we can meet the many challenges that lie ahead.

I would like to close with these thoughts. I believe that all of us who have worked in the area of immigration law

have learned to appreciate, and never to take for granted, our good fortune in living in this great country.

As Board Members and Board staff, you see every day the cases of people who have sacrificed much to come to the United States, in hopes of enjoying the freedoms and opportunities so abundantly present here. As you administer and interpret our immigration laws, remember: residence in this country is a gift and a privilege. Those wishing to come to our country should abide by our laws in coming here, and follow them upon arrival here. When they do so, they should be afforded the same rights and protections we all enjoy.

Again, I congratulate each Board Member, I welcome the new Members, and I look forward to working with all of you in the months and years to come.

cannot be overstated. For over 60 years, the Board had sat as a beacon of light illuminating the often rocky and difficult shoals of immigration law. In this regard, it is without peer in the range of the administrative tribunals in its breadth of responsibility and the impact of its decisions.

Today's investiture is fitting not only because we have a new Chairman and so many new members but also because it serves to underscore the critical importance of the Board's role and the increasing impact of the work it does. I congratulate each Member of the Board on this momentous day. Some of you have served for many years; others are just beginning new roles. All of you bring extraordinary qualities of scholarship and personal achievement to your new positions. Having selected such a talented and diverse Board, we know you will face the challenge ahead with excellence + dedication.