

ADDRESS BY ATTORNEY GENERAL JANET RENO
THE ANNUAL IMMIGRATION JUDGES CONFERENCE
NEWPORT BEACH, CALIFORNIA
MONDAY, MAY 22, 1995

Thank you, Tony. I appreciate your kind introduction. It is a pleasure to be with you today.

Judge Creppy advises me that this is the first time an Attorney General has ever addressed an Annual Immigration Judges' Conference. I seem to have started a trend. Some of you may remember that I was the first Attorney General to ever address an Immigration Judges' training conference. In any event, I am delighted to have been invited to join you here in Newport Beach; I am honored to be speaking to you outstanding members of my Court -- I only have one and the Immigration Court is it. I am also delighted to be the first Attorney General to address your annual conference, and I hope that this is a tradition that will continue.

The work that you do for the people of the United States is extremely important to them and to the lives of the people who appear before you. To realize how important your work is, you have but to look at almost any newspaper on almost any day. If you do that, you're almost certain to find a prominent article about immigration in the United States. Those articles will be filled with words like "asylum", "deportation", and "exclusion". All of those words represent matters over which you have tremendous -- in many cases exclusive -- control.

The Congress of the United States has placed great emphasis on immigration issues in the recent past. Look at Congress' passage of the Immigration Act of 1990, and the Anti- Drug Abuse Act. Both of those pieces of legislation had tremendous impact on immigration, on aliens and aliens' rights. Here in California, you've read much about the debate regarding the passage of Proposition 187. You've probably read that similar proposals have been made in other states

limiting the access of aliens to programs financed by state governments. All of these matters manifest the interest of your communities and your country in what you do. That interest is, in large measure, a reflection of the importance placed on what you do.

Because of the country's interest in matters related to immigration, this Administration and the Congress have implemented several immigration initiatives that have, or will soon, directly affect your caseload. Many of them will place additional time constraints on what you have always done expeditiously. Most of those initiatives involve programs that have already been implemented. For example, last year's passage of the Violent Crime Control and Law Enforcement

Act of 1994 (better known as the "Crime Bill") contained a Presidential immigration initiative which was to enhance the Institutional Hearing Program. This initiative has substantially broadened your statutory mandate to conduct immigration hearings in prisons. All of us have been concerned for quite some time about the cost of incarcerating illegal aliens in our penal institutions for crimes committed in the United States. In an effort to curtail some of that spending, the Administration and the Department of Justice are stepping up the Institutional Hearing Program in an effort to reach more of those criminal aliens during their period of incarceration in order to effect their removal from the United States at the earliest possible date. The goal, of course, is to effect the immediate deportation of aliens upon their release from prison without the

requirement for further detention at government expense pending the completion of the immigration hearing process.

In addition, the President had another very important immigration initiative that will significantly affect your workload. This initiative will expedite the handling of asylum cases which come before your Courts. On January 4, 1995 new asylum regulations became effective which provide that applicants for asylum will not be eligible to apply for employment authorization for 150 days following the date of their application for asylum. Our goal is to have the applications for asylum decided within that 150-day period. Those whose applications are not granted within this period will know quickly and will not spend months or years in the United

States only to find out that they cannot stay. The Crime Bill was also responsible for the funding of 63 new Immigration Judges this year. The number of those appointments should give you some idea of this legislation's anticipated impact on your workload.

Both of those initiatives are well into the implementation phase at this point. You have seen the impact that these changes have had on your workload, and I am confident that you can foresee, just as I do, that that impact will continue and is very likely to grow.

Immigration Courts across the United States in FY 1992 received 124,000 cases. In FY 1993, your receipts were

142,000 cases. In FY 1994, the number was 163,000 cases. We have just now begun to receive what we refer to as "expedited asylum cases". Based on our receipts in March of 1995 , we can predict that our receipts for this fiscal year will exceed the 200,000 mark. That increase would be significant even under normal circumstances because of its magnitude. An increase of 40,000 cases is significant; however, it is made even more significant by the fact that this increase would not include any "easy", "short", or "quick" cases. All of the cases represented by that increase of 40,000 will be time-consuming cases. That means that your already crowded calendars will become even more crowded and will stretch out even further into the future. Additionally, while you will be required to expeditiously handle asylum claims, our Immigration Court is

and will continue to be confronted with even more complex cases involving internationally acclaimed issues such as gender-based persecution and other special circumstance cases that will impact immigration policies both at home and abroad. Your job is not easy. Your job is one that I recognize as being critical.

The Immigration and Naturalization Service has its initiatives and plans, also. In FY 96, they will significantly enhance their ability to deport aliens against whom final orders of deportation have been issued. They will also build, or contract for, more detention space to assist them in their enhanced deportation efforts by enabling them to keep track of those aliens who are to be deported. Both of these things cost

money. We have allocated \$170 million to the INS for these initiatives.

I am aware of your workload and how far into the future your calendars are creeping. Everyone in the Department is aware of that, also. I mentioned that we will be appointing 63 new Immigration Judges pursuant to the authority contained in the Crime Bill, but that will not be enough. We have included provision for another 37 Immigration Judges in the FY 1996 budget, anticipating a continuing increase in your workload. We will make every effort to give you the resources necessary to enable you to keep pace with that caseload.

This is the era of "downsizing" government. This is the era of reinventing government to make it more efficient -- more streamlined. Immigration Courts will be no exception to that process. While the Immigration Courts are expanding rapidly in terms of overall funding, it is critical that we seek out more efficient ways to use those resources. We will never have all the resources we would like, or think we require. We must learn to use every dime and every dollar to the maximum extent possible. In view of the President's initiatives regarding immigration and the mandates from Congress to do more to control immigration, we cannot, in good conscience, attempt to meet those initiatives and those mandates without devoting adequate resources to the task; but we must maintain and enhance our efficient processing of cases. Your ability and

expertise are self-evident, but we need your help. We need for you to look for ways to streamline the immigration hearing process. We need for you to encourage attorneys and bar associations to provide pro bono services to aliens as a means of streamlining the Immigration Court process.

There are steps that you can take to make it easier for pro bono attorneys to represent aliens in immigration proceedings. Chief Judge Creppy sent you a memo last February outlining many suggestions, and I join in his effort to solicit your support in creating an institutional environment which welcomes legal representation of immigrants.

I encourage you to be flexible in conducting your proceedings in order to facilitate representation. For example, be willing to grant continuances or requests to advance cases to accommodate attorneys' schedules. This flexibility will assist attorneys who need more preparation time to gain familiarity with a case before an appearance or filing deadline. It would also help attorneys who are giving their time to these cases to meet their ongoing professional and private responsibilities.

You can also work with your clerks and with counsel to provide the resources that advocates need to be effective. For example, you can ensure that attorneys have access to advance copies of the docket and court files. Easier access

to this information helps the advocates screen for clients with potentially successful claims and makes it easier for them to educate themselves and their clients about their claims.

I also encourage you to be flexible about your case and filing deadlines and exercise your discretion in other ways in order to accommodate pro bono advocates. Law students and non-attorney advocates can also be of tremendous assistance to aliens with claims in your courts, and I encourage you to accommodate their needs as well.

Based on your everyday experience in court, you undoubtedly have additional ideas for things that can be

done. I urge you to discuss this among yourselves, come up with new ideas, give us in Washington feedback, and actively work with us in developing new procedures.

Taking these small but significant steps helps everyone in the immigration system. Facilitating pro bono representation helps the aliens by providing them with counsel to represent their claims and to educate them about the immigration laws. Having counsel in these cases to provide you with the information you need also helps you by saving time you would otherwise have to spend conducting research or longer hearings. Finally, streamlining the process helps all of us by making the system more efficient.

I am also asking INS to take steps to facilitate pro bono representation. INS is working on improving its detention policies to provide greater access to counsel for detained aliens. INS is also working on improving access to its files and other information so that advocates can spend more time on the legal work and less time trying to track down information that is within INS's possession.

Working together, we can make it much easier for pro bono attorneys to represent aliens with claims in your courts. Our efforts will pay off by making the system more effective for all parties. I commend you for the assistance that you have already provided to pro bono attorneys and ask you to do everything that you can to accommodate their

needs.

I also want to commend you for the groundbreaking work that you are doing at this Conference. In particular, your agenda includes two sessions that will focus on gender issues in the immigration system: Tuesday's workshop on claims brought by battered immigrant spouses and Thursday's panel on recognizing gender-based persecution claims in asylum cases. These issues are of tremendous importance to immigrant women, who face special problems both in this country and in their home countries. The enactment of the Violence Against Women Act, as part of the President's Crime Bill, provided relief for battered immigrant spouses under the immigration laws -- enabling

them to gain independence from their batterers. As you will learn on Thursday, INS is issuing new guidance to asylum officers to ensure that they recognize gender-based persecution in their asylum decisions. That guidance, together with your training on those issues, will ensure that all who administer the asylum system are educated about those issues.

I congratulate Tony Moscado, Judge Creppy, and the individual immigration judges who have had the foresight to put on these workshops. I am confident that with efforts like these, our court and our judicial training programs will serve as models throughout the administrative adjudicatory system for professionalism and excellence.

In your work on these and other issues, I encourage you to look for ways to make the process work better and more efficiently.

As you work with the new legislation, look for ways to make the process work better -- more efficiently. Make your recommendations to Judge Creppy. We are a team and we want your suggestions. As I have indicated, you are doing a lot, and we are asking you to do more.

Your responsibility is great. Your discretionary authority is enormous -- certainly in the eyes of those who appear before you and apply to you for relief. Your decisions in the cases that come before you will directly affect the lives of hundreds

of thousands of people who pay our nation the compliment of wanting to live here. On behalf of the President and the nation, I thank you for doing so well the work that you do. I thank you for your selfless dedication to the task of meeting a tremendous work load.

Lastly, I thank you for inviting me to be with you. I wish each of you good luck for a very successful conference and good luck in all your future endeavors.

We know that and we know that you have legitimate concerns regarding your work environment. I want you to know that Judge Creppy and Tony Moscato share those concerns with Jamie Gorelick and me at every opportunity. I know of your

concern regarding the inequity of Immigration Judge pay. The Department has supported your request for an increase. I know of your concern regarding the security of your work environment. Never has your concern for security been as acute as it is now following the recent explosion in Oklahoma City. We share your concerns, just as we are concerned for all federal employees. Mr. Moscato shares your concerns. Judge Creppy shares your concerns. We will do everything possible to increase security for Immigration Courts.