

San Francisco Immigration Court Answers to Questions/Comments
from AILA NorCal Liaison Meeting.
August 29, 2006

1. What is the procedure for filing an I-191 with the court? Should we follow the instructions for cancellation applications even though this form is not listed on the instructions or do we pay locally (hoping they will accept it) and file with the court just like before?

The USCIS has revised its filing instructions for individuals in removal proceedings. The instructions now include instructions for the filing of Form I-191.

See: <http://www.uscis.gov/files/article/PreOrderInstr.pdf>

2. At least one AILA NorCal Board member's greatest concerns include: lack of ongoing training in professional conduct, lack of application of relevant and current law, and prejudice/bias. She thinks EOIR needs to find a way to help its judges deal with the emotional stress of the issues in immigration. It could be retreats with counselors, or rotations of duties to give IJs a break, for example.

In August 2006, the Attorney General directed that twenty-two new measures be implemented to improve the Immigration Courts and the Board of Immigration Appeals. Measure number four instructs the Director of EOIR to conduct a review of EOIR's current training programs for immigration judges and Board members and to develop a plan based on that review to strengthen training. The plan will be submitted to the Deputy Attorney General and will address, among other things, (i) whether expansion of the training program for new judges and Board members is warranted; (2) ways to ensure that immigration judges and Board members receive continuing education that is appropriate to their level of experience and instructive about current developments in the field of immigration law, and (iii) ways to ensure that immigration judges are trained properly on crafting and dictating oral decisions. EOIR is in the process of developing a training plan pursuant to the Attorney General's directive.

3. The NY Times and other newspapers have run long articles about cancellation of removal applicants denied relief after being represented by attorneys who were incompetent but who also obtained big legal fees from these folks. The 9th Circuit has dismissed many of these cases for lack of jurisdiction. Many of these cases seem to have real merit, and most are pathetic and heartbreaking. Would EOIR at the highest level entertain sua sponte motions to reopen some of these cases, as part of the responsibility for policing the immigration bar? The victims of mal practice always suffer the most.

A decision to reopen or reconsider a case sua sponte is made on a case-by-case basis. See 8 C.F.R. §§ 1003.2(a), 1003.23(b)(1).