No. 20-437

IN THE

Supreme Court of the United States

UNITED STATES,

Petitioner,

v.

REFUGIO PALOMAR-SANTIAGO,

Respondent.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

BRIEF FOR FORMER EXECUTIVE OFFICE OF IMMIGRATION REVIEW JUDGES AS *AMICI CURIAE* IN SUPPORT OF RESPONDENT

RICHARD W. MARK
Counsel of Record
AMER S. AHMED
PRAATIKA PRASAD
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-4000
rmark@gibsondunn.com

CHRIS JONES†
MACEY L. OLAVE
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
(415) 393-8200

Counsel for Amici Curiae

† Admitted only in New York and the District of Columbia.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

REGULATIONS

OTHER AUTHORITIES

INTEREST OF *AMICI CURIAE*[1]

Amici curiae are 35 former immigration judges (IJs) and members of the Board of Immigration Appeals (BIA or Board). A complete list of signatories can be found in the Appendix of Amici Curiae.

Amici have dedicated their careers to the immigration court system and to upholding the immigration laws of the United States of America. Each is intimately familiar with the immigration court system and its procedures. Together they have a distinct interest in ensuring that the immigration laws are interpreted and enforced so as not to foreclose avenues of relief for noncitizens based upon BIA precedent that federal courts have deemed bad law.

SUMMARY OF THE ARGUMENT

Determining whether a noncitizen in a reentry-after-removal proceeding who challenges the legality of the crime classification in the original removal decision waived appeal by not seeking it earlier requires looking at the "real-world workings" of removal proceedings. *Ross v. Blake*, 136 S. Ct. 1850, 1859 (2016); *see also* Resp. Br. at 34–35, 42–43. A legally valid waiver should not be found in cases like this one, where subsequent changes in the law overturn BIA precedent on the classification of certain

[1] All parties have consented to the filing of this brief. *Amici* state that this brief was not authored in whole or in part by counsel for any party, and that no person or entity other than *amici* or their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

convictions as removable offenses that, as a practical matter, rendered unavailable a colorable appeal at the time of the original removal proceeding. As *amici* know from experience, the "facts on the ground" in removal proceedings demonstrate that, in practice, many noncitizens do not have a meaningful appeal available to them when complex legal decisions concerning removable offenses are rendered. *Ross*, 136 S. Ct. at 1859.

First, over 60 percent of noncitizens—and 85 percent of detained noncitizens—are unable to obtain counsel in removal proceedings. Without counsel, it is substantially less likely that noncitizens are able to fully comprehend the issues and consequences at play in removal proceedings, particularly (as here) nuanced legal questions concerning the evolving classification of removable offenses. That is especially true given that over 85 percent of persons who appear in immigration court have limited proficiency in English and must rely on interpreters.

Second, unrepresented noncitizens rarely present or preserve novel legal arguments regarding classification of crimes for review. Although noncitizens receive formal advisals of their right to appeal a decision, detained or unrepresented noncitizens rarely exercise that right. In *amici*'s experience, this is attributable to any number of possibilities—from not appreciating that an issue is appealable, to not knowing whether binding BIA authority can even be challenged, to being told by others that they should waive their right to appeal.

Third, removal cases involve practical challenges that render filing an appeal an impractical option for many noncitizens. For example, detained noncitizens must stay detained during the pendency of an appeal, forcing noncitizens to choose between liberty and preserving appellate rights.

Fourth, in cases such as Mr. Palomar-Santiago's, appeal to the BIA is perceived as functionally unavailable (even if it is necessary to preserve an issue for a later petition for review). At the time of his initial IJ decision, there was clear-cut BIA authority on the sole legal issue in the case—whether his conviction constituted an aggravated felony—so, in that setting, it would have been difficult for him to envision the BIA reversing itself in order to reverse the IJ's decision.

ARGUMENT

I. GIVEN THE NATURE OF IMMIGRATION PROCEEDINGS IN THE UNITED STATES, APPELLATE REMEDIES ARE PRACTICALLY UNAVAILABLE TO MANY CHALLENGING REMOVALS BASED UPON MISCLASSIFICATION OF A PRIOR CONVICTION

The stakes of removal proceedings are enormous. Noncitizens "face the prospect of being forced from the country they call home—leaving behind friends, family, and loved ones—and being

deported to a country where they may fear imprisonment, torture, and even death."[2]

Despite the gravity of these consequences, the facts on the ground in these proceedings show that there are surprisingly few protections that ensure noncitizens understand the significance and operation of appellate review so that they may take practical advantage of that opportunity. *See* Resp. Br. at 2, 9–10, 40–43.

A. Most Noncitizens Face Removal Proceedings That Occur in a Foreign Language Without the Assistance of a Lawyer

Immigration proceedings are civil proceedings, so the government does not provide noncitizens with legal counsel. As a result, removal proceedings are "the only legal proceedings in the United States where people are detained by the federal government and required to litigate for their liberty against trained government attorneys without any assistance from counsel."[3] Instead, the Executive Office for Immigration Review is only required to give

---

[2] Evelyn Rodriguez, *Crossing the Judicial Border: Access to Judicial Review for a Premature Appeal of an Order for Removal*, 14 Seton Hall Cir. Rev. 185, 205 (2017).

[3] Am. Bar Ass'n Comm'n on Immigr., *Reforming the Immigration System: 2019 Update Report*, at UD ES – 22 (Mar. 2019), https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/2019_reforming_the_immigration_system_volume_1.pdf.

noncitizens in removal proceedings a list of pro bono legal services in their area.[4] These lists are often out of date, however, and the pro bono organizations listed are frequently over-committed and unable to take new cases. Moreover, the lists given to those in detention are the same as those given to non-detained respondents. Many of the listed organizations simply do not take on detained cases at all.

As such, the majority of noncitizens in removal proceedings lack attorney representation. According to one national study, over 60 percent of immigrants were unable to retain counsel in removal proceedings.[5] Similarly, in cases where noncitizens were charged with removal based on a criminal violation, 65 percent were unable to obtain representation.[6] These statistics are even higher for noncitizens who are detained. More than 85 percent of detained noncitizens are unable to retain counsel.[7] And while pro bono services can be useful, less than two percent

---

[4] Marissa Esthimer, *Crisis in the Courts: Is the Backlogged U.S. Immigration Court System at Its Breaking Point?,* Migration Pol'y Inst. (Oct. 3, 2019).

[5] Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. Pa. L. Rev. 1, 7, 9–10, 16, 32 (2015).

[6] *Id.* at 8–10, 20–36.

[7] *Id.* at 8, 27–28; *see also* Saba Ahmed et al.*, The Human Cost of IIRIRA—Stories From Individuals Impacted by the Immigration Detention System*, 5 J. Migration & Hum. Sec. 194, 199 (2017) (noncitizens who are not detained are five times more likely to be represented by counsel than those who are detained).

of noncitizens are able to secure pro bono legal assistance in removal proceedings.[8] Thus, less than 40 percent of noncitizens are represented by retained counsel in removal proceedings.

In *amici*'s experience, it is often substantially more difficult to conduct a removal proceeding when persons are not represented by counsel compared to when they are represented. That is because breaking down U.S. legal procedure and concepts for explanation to non-lawyer noncitizens requires painstaking effort, and an investment of time, that the high-volume immigration court system cannot spare. Individuals noticed for removal proceedings and appearing *pro se* usually have little familiarity with the U.S. legal system (and rarely have any legal training whatsoever). As such, while IJs try to explain procedural complexities, the concept of binding precedent and meritorious challenges thereto, and the process of appellate review, it is often unclear whether respondents understand the significance of the appellate right.

The challenge of conveying what is happening during removal proceedings is compounded by linguistic barriers. Even if a respondent understands questions and can testify from personal knowledge about facts relevant to their case, understanding the specialized area of legal procedure is another matter. Over 85 percent of people who appear in immigration

---

[8] Am. Bar Ass'n Comm'n on Immigr., *supra* note 3, at UD ES – 23.

courts have limited proficiency in English.[9] They rely on court-appointed interpreters. But interpreters may "lack basic interpretation skills" or "speak the wrong language," which can make it especially difficult to explain to the respondent procedural protections available under U.S. law.[10] Recently, for instance, an increasing number of people coming to the United States speak languages such as Mam, K'iche', Q'anjob'al, and Ixil that interpreters may not be equipped to handle.[11] In one case, for example, a court interpreter speaking in Ixil purportedly tried and failed to ask a man if he was competent to stand trial, and instead told him to "pray to God."[12] The increasing use of video teleconferencing technology in recent years makes translation even more challenging, as the outdated systems produce "small, grainy, or blurry" images that "prevent the interpreter from seeing the vital visual cues needed for accurate interpretation."[13] Finally, even if presented with competent interpretation, many individuals appearing in immigration court have limited formal education, which makes explaining

---

[9] Laura Abel, *Language Access in Immigration Courts*, Brennan Ctr. for Just., at 3 (2011).

[10] *Id.* at 1.

[11] Jennifer Medina, *Anyone Speak K'iche' or Mam? Immigration Courts Overwhelmed by Indigenous Languages*, N.Y. Times (Mar. 19, 2019), https://www.nytimes.com/2019/03/19/us/translators-border-wall-immigration.html.

[12] *Id.*

[13] Abel, *supra* note 9, at 9.

nuanced legal concepts and potentially case-dispositive issues difficult.

In short, as Judge Katzmann explained, "quality legal representation . . . and the skill in advocacy as to any legal issues and their preservation for appeal can make all the difference between the right to remain here and being deported."[14] For the vast majority of noncitizens, unfortunately, such quality representation lies out of reach.

B. Noncitizens Frequently Do Not Present or Preserve Novel Legal Arguments Regarding the Classification of Crimes

Even if unrepresented noncitizens understand that an appeal is available to them in a general sense, they do not understand what to appeal or how to do so. The legal complexity of removal proceedings can be daunting, especially for those who lack counsel. Indeed, "[w]ith only a small degree of hyperbole, the immigration laws have been termed second only to the Internal Revenue Code in complexity." *Castro-O'Ryan v. INS*, 847 F.2d 1307, 1312 (9th Cir. 1987) (internal marks omitted); *see also Padilla v. Kentucky*, 559 U.S. 356, 369 (2010) ("Immigration law can be complex, and it is a legal specialty of its own.").

Unrepresented and underrepresented persons face a significant challenge in trying to prepare for a

---

[14] Robert A. Katzmann, *The Legal Profession and the Unmet Needs of the Immigrant Poor*, 21 Geo. J. Legal Ethics 3, 7 (2008).

removal proceeding, as "[a] lawyer is often the only person who could thread the labyrinth." *Castro-O'Ryan*, 847 F.2d at 1312 (citation omitted). Due to "a lack of information and resources," many unrepresented noncitizens "are unable to determine what, if any, relief is available to them."[15] Detained noncitizens face particular challenges, as they are "usually unrepresented and lacking the legal education necessary to comprehend the esoteric nuances of immigration law."[16] Moreover, "[d]etainees often have difficulty making a phone call, let alone conducting legal research or gathering evidence."[17] For example, one detained noncitizen was unable to retain counsel, and his detention center did not have any resources to help him develop his case.[18] As a result, he felt "helpless against the ICE attorney, who could cite the latest case law to support the argument to deport [him]," and he concluded that "[t]here was almost no point in defending [himself]" because he was at a "complete disadvantage."[19] As more than 30 percent of the cases resolved each year involve

---

[15] Am. Bar Ass'n Comm'n on Immigr., *Reforming the Immigration System* 5–10 (2010), https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/coi_complete_full_report.authcheckdam.pdf.

[16] Geoffrey Heeren, *Pulling Teeth: The State of Mandatory Immigration Detention*, 45 Harv. C.R.-C.L. L. Rev. 601, 604 (2010).

[17] *Id.*

[18] Ahmed et al., *supra* note 7, at 200.

[19] *Id.*

detained persons, this is not an isolated concern.[20] In *amici*'s experience, the legal issues facing unrepresented persons are often so nuanced and complicated that it is extremely difficult—if not impossible—for noncitizens to figure out what they can do and how to do so.

At the end of hearings, IJs issue oral decisions in 75 to 90 percent of cases.[21] And a transcript of the hearing is only prepared if a noncitizen decides to appeal. Thus, noncitizens must determine whether to appeal without a record of the IJ's decision, which can further "discourage legitimate appeals."[22] Indeed, the data shows that noncitizens often choose not to perfect appeals (even if they initially reserve the right to do so), especially if not represented by counsel.[23]

---

[20] *Statistics Yearbook: Fiscal Year 2018,* EOIR ("EOIR Yearbook"), at 19, https://www.justice.gov/eoir/file/1198896/download (reporting the percent of cases involving detained persons was 40 percent in 2014; 31 percent in 2015; 31 percent in 2016; 36 percent in 2017; and 34 percent in 2018).

[21] Nat'l Ass'n of Immigr. Judges Int'l Fed'n of Prof'l & Tech. Eng'rs Judicial Council 2, 71 F.L.R.A. 1046, 1056 (2020).

[22] Am. Bar Ass'n Comm'n on Immigr., *supra* note 15, at 2–26.

[23] Noncitizens with representation are more likely to appeal adverse decisions. Between 2014 and 2018, an average of 78.2 percent of appeals were brought by noncitizens with representation. EOIR Yearbook, *supra* note 20, at 38 (reporting that 76 percent of completed appeals were brought by represented individuals in 2014; 77 percent in 2015; 79 percent in 2016; 80 percent in 2017; and 79 per cent in 2018).

While judges are required to advise noncitizens about avenues of relief, they retain discretion "in how they give this advice."[24] Some judges are more diligent and solicitous than others in asking noncitizens questions to determine whether they are eligible for relief and informing noncitizens that they can apply for relief.[25] Even so, what a lawyer might deem detailed disclosure may sound thoroughly discouraging to a layperson. For example, *amici* are aware of many instances across the country where IJs describing appellate rights have emphasized to noncitizens the long odds on appeal, or the fact that detained persons will remain confined throughout the lengthy appellate process. To one not trained in weighing options of the legal system, a presentation like that may be understood as boiling down to advice that any appeal is simply not worth it. That is particularly true when, as here, the basis for the decision is settled BIA law on the complex legal issue of how to analyze the immigration consequences of a criminal conviction.

In other cases, *amici* oversaw proceedings where it appeared that the noncitizens had been advised outside the courtroom to waive their right to appeal. For instance, former Judge King recalls instances where it appeared every person on a custody calendar had been told to waive an appeal because all the noncitizens used the same phraseology in doing so and insisted they did not want to appeal, even though

---

[24] David Hausman, *The Failure of Immigration Appeals*, 164 U. Pa. L. Rev. 1177, 1202 (2016).

[25] *Id.*

the judge encouraged them to at least reserve the right.

To be sure, removal proceedings in general might need amendments to ensure an equitable application of the INA's requirements, but that broader question is not before the Court. *Amici* highlight these circumstances to illustrate the real options for appeal and to demonstrate that what might technically be an available pathway in a technical sense is, for all practical purposes, a dead end. That is the context in which this Court should interpret the term "available" in section 1326(d).

C. Noncitizens Face Practical Challenges in Appealing Orders of Removal on Grounds of Misclassification

Irrespective of whether noncitizens recognize their appellate rights, there are also practical impediments to noncitizens' exercising the technically available avenue of appealing an IJ's adverse decision.

A particularly notable circumstance is the dilemma detained noncitizens face when considering whether to appeal. If a detained person files an appeal, detention generally will continue for the pendency of the appeal.[26] The appeals process "can

---

[26] *See* 8 U.S.C. § 1226(a) (authorizing continued detention of a noncitizen "pending a decision on whether the alien is to be removed from the United States"); 8 C.F.R. § 1241.1 (holding that an order of removal becomes final when the immigrant

take many more years," meaning noncitizens who are detained "must remain locked up until they are granted relief or deported."[27] As an example, former Judge Shugall represented a client in private practice who was detained for nearly four years during the pendency of appeals to the BIA and then a federal court of appeals. The threat of spending months if not years in detention while an appeal is pending—especially given the low chance that the appeal will succeed in allowing the person to remain in the United States[28]—serves as a powerful deterrent against pursuing an appeal. Indeed, former Judge Chase recalled instances where persons serving sentences for nonviolent crimes stated that they wanted to waive their appeals because they preferred removal to remaining in jail during an appeal.

This is hardly surprising. "Detained immigrants are housed in jail-like facilities or actual jails contracted out by ICE" with conditions that are "on par with, or sometimes worse than, those in criminal incarceration."[29] Detainees are "packed into

---

loses at the BIA, waives his appeal, or fails to appeal on time).

[27] Grace Benton, *Making Sense of Prolonged Immigration Detention in a Post-*Jennings *World*, 34 Geo. Immigr. L.J. 809, 813 (2020).

[28] The BIA only resolves approximately 15 percent of cases in the respondent's favor. U.S. Dep't of Justice, *A Ten-Year Review of the BIA Pro Bono Project: 2002-2011*, at 12 (2014), https://www.justice.gov/sites/default/files/eoir/legacy/2014/02/27/BIA_PBP_Eval_2012-2-20-14-FINAL.pdf.

[29] Benton, *supra* note 27, at 811.

overcrowded and filthy holding cells, stripped of outer layers of clothing, and forced to endure brutally cold temperatures," "denied beds, bedding, and sleep," "deprived of basic sanitation and hygiene items," and "forced to go without adequate food, water, medicine, and medical care." *Doe v. Kelly*, 878 F.3d 710, 713–14 (9th Cir. 2017). For example, a detention center in Etowah County, Alabama has become notorious as "one of the worst immigrant jails in the country," subjecting detainees to sexual and physical abuse from law enforcement officers, "spotty access to healthcare," and deficiencies in food standards.[30] Thus, detained noncitizens are faced with a Hobson's choice: detention or waiver of their appellate rights.

The obstacles for detainees considering appeal are made worse by the growing backlog of immigration appeals. The number of appeals has steadily risen since 2017, reaching 89,918 appeals pending in the first quarter of 2021.[31] The backlog at the BIA may further lengthen the amount of time individuals would have to remain detained in order to pursue an appeal.

---

[30] Khushbu Shah, *Etowah: the Ice Detention Center with the Goal to 'Make Your Life Miserable,'* Guardian (Dec. 2, 2018), https://www.theguardian.com/us-news/2018/dec/02/etowah-the-ice-detention-center-with-the-goal-to-make-your-life-miserable.

[31] Exec. Office for Immigration Review, *Adjudication Statistics: All Appeals Filed, Completed, and Pending*, at 1 (2021), https://www.justice.gov/eoir/page/file/1248506/download (reporting that 15,711 appeals were pending at the end of 2017; 35,572 in 2018; 72,089 in 2019; 90,994 in 2020; and 89,918 in the first quarter of 2021).

And even if a detained noncitizen chooses to appeal an order of removal, he or she faces significant obstacles in actually litigating the case while in detention. Immigration detention centers are "remote and far-removed from urban centers," isolating detainees from the "legal representation to help them defend themselves against deportation."[32]

D. An Appeal Is Not Practically Available to Persons Challenging an IJ's Classification Applying Binding BIA Precedent

In addition to these practical challenges, many appeals that are technically available to noncitizens may reasonably be perceived as unmeritorious. Many removal proceedings turn on factual questions, such as whether a person has established a well-founded fear of persecution in an asylum case. In Mr. Palomar-Santiago's case, however, the issue before the IJ was purely a legal issue: whether his conviction could be classified as an aggravated felony. At the time, binding BIA authority squarely on point said that it was. *See In re Magallanes-Garcia*, 22 I. & N. Dec. 1 (BIA 1998). That question—the classification of convictions as removable offenses—requires a nuanced analysis that this Court has repeatedly returned to, and corrected the BIA on, through a series of decisions explaining the categorical and modified categorical approach. *Moncrieffe v. Holder*, 569 U.S. 184, 190 (2013); *Mathis v. United States*, 136 S. Ct. 2243, 2253, 2256 (2016). It is not a binary question about which someone unschooled in

[32] Benton, *supra* note 27, at 811–12.

immigration and criminal law could reasonably reach an informed opinion.

As *amici* know from experience from serving as both IJs and members of the BIA, however, appealing an IJ's legal conclusion applying controlling BIA precedent—even if a creative appellate argument could be crafted *pro se*—would almost certainly be a dead letter. *Cf. Shalala v. Illinois Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000). In all likelihood, the BIA would issue a very short opinion stating that the IJ's decision was affirmed because it correctly applied BIA precedent. Indeed, as one scholar has noted, "[o]ne reason for the decrease in appeals may be recognition on the part of litigants that appealing to the BIA will almost inevitably result in an affirmation of the IJ's decision."[33] Given the complexities of applying the categorical approach, it is exceedingly unlikely that the BIA would reverse itself on how that doctrine applies to a particular crime until a federal circuit court overrules the BIA. As such, the Court should not bar Respondent from raising now the invalidity of his prior removal order *ab initio* because he did not take what would have been, at the time, the pyrrhic step of appealing the IJs decision to the BIA.

Moreover, appealing from the BIA to the circuit courts is not a practical option for many noncitizens. As an initial matter, a noncitizen faces removal once

---

[33] Michele Benedetto, *Crisis on the Immigration Bench: An Ethical Perspective*, 28 J. Nat'l Ass'n Admin. L. Judiciary 471, 483 n.69 (2008).

the BIA's order becomes final, and the court of appeals will only stay the order of removal in certain circumstances.[34] Thus, noncitizens may be deported before their federal appeal, making it difficult for them to even pursue the only appeal with any chance of success in overturning otherwise-fatal BIA precedent. And determining which BIA order(s) to appeal can create thorny finality issues that the circuits address differently, further complicating the process. For example, if the BIA affirms an order of removal but remands the case to the immigration judge, that may be a non-final order depending upon which circuit the case is being heard in. As a result, a noncitizen "who files her petition for review after a decision deemed non-final under relevant circuit law will have the petition dismissed for lack of jurisdiction."[35] If the noncitizen then fails to file the petition for review following entry of the actual final order, the noncitizen "will be barred from bringing an appeal if—as is often the case—the thirty-day filing deadline on the actual final agency order has run."[36] Many noncitizens also "lack the financial means" to pursue an appeal in federal court.[37] And of course,

---

[34] *See Nken v. Holder*, 556 U.S. 418, 425–26 (2009).

[35] Jesi J. Carlson et al., *Finality and Judicial Review Under the Immigration and Nationality Act: A Jurisprudential Review and Proposal for Reform*, 49 U. Mich. J.L. Reform 635, 637 (2016).

[36] *Id*.

[37] Evelyn H. Cruz, *Double the Injustice, Twice the Harm: The Impact of the Board of Immigration Appeals's Summary Affirmance Procedures*, 16 Stan. L. & Pol'y Rev. 481, 508 (2005).

"[w]ithout the resources to successfully appeal a decision to the Circuit Courts, litigants may be choosing not to appeal at all."[38] For detained noncitizens, pursuing further appeals to the circuit courts also means that they are detained for even longer. Thus, pursuing an appeal to the circuit courts is simply not a practically available option for many noncitizens.

* * *

Respondent seeks affirmance on a narrow ruling. Where a respondent's challenge goes to the fundamental legality of a removal order *ab initio*, and it is beyond question that the legal basis for the removal order has been nullified by binding precedent, it makes no sense to require exhaustion of a complex issue (or treat it as validly waived) when, as a practical matter, respondent could not have known that the legal basis for his or her removal order could be contested on appeal at the time.

---

[38] Benedetto, *supra* note 33, at 483 n.69.

CONCLUSION

For the foregoing reasons, the decision below should be affirmed.

Respectfully submitted,

CHRIS JONES†
MACEY L. OLAVE
GIBSON, DUNN &
CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
(415) 393-8200

RICHARD W. MARK
Counsel of Record
AMER S. AHMED
PRAATIKA PRASAD
GIBSON, DUNN &
CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-4000
rmark@gibsondunn.com

Counsel for Amici Curiae

† Admitted only in New York and the District of Columbia.

March 31, 2021

APPENDIX

AMICI CURIAE SIGNATORIES

Hon. Steven Abrams

Immigration Judge, New York (Varick Street) and Queens Wackenhut, 1997-2013

Hon. Terry A. Bain

Immigration Judge, New York, 1994-2019

Hon. Dayna M. Beamer

Immigration Judge, Honolulu, 1997-2021

Hon. Sarah Burr

Immigration Judge, New York, 1994-2012

Hon. Esmerelda Cabrera

Immigration Judge, New York, Newark, and Elizabeth, 1994-2005

Hon. Teofilo Chapa

Immigration Judge, Miami, 1995-2018

Hon. Jeffrey S. Chase

Immigration Judge, New York, 1995-2007

Hon. George T. Chew

Immigration Judge, New York, 1995-2017

Hon. Joan V. Churchill

Immigration Judge, Washington D.C. and Arlington, 1980-2005

Hon. Matthew D'Angelo

Immigration Judge, Hartford and Boston, 2003-2018

Hon. Cecelia Espenoza

Member, Board of Immigration Appeals, 2000-2003

Hon. Noel Ferris

Immigration Judge, New York, 1994-2013

Hon. James R. Fujimoto

Immigration Judge, Chicago, 1990-2019

Hon. John Gossart, Jr.

Immigration Judge, Baltimore, 1982-2013

Hon. Paul Grussendorf

Immigration Judge, Philadelphia and San Francisco, 1997-2004

Hon. Miriam Hayward

Immigration Judge, San Francisco, 1997-2018

Hon. Charles Honeyman

Immigration Judge, Philadelphia and New York, 1995-2020

Hon. Rebecca Jamil

Immigration Judge, San Francisco, 2016-2018

Hon. William F. Joyce

Immigration Judge, Boston, 1996-2002

Hon. Carol King

Immigration Judge, San Francisco, 1995-2017

Hon. Elizabeth Lamb

Immigration Judge, New York, 1995-2018

Hon. Donn Livingston

Immigration Judge, New York and Denver, 1995-2018

Hon. Margaret McManus

Immigration Judge, New York, 1991-2018

Hon. Charles Pazar

Immigration Judge, Memphis, 1998-2017

Hon. George Proctor

Immigration Judge, Los Angeles and San Francisco, 2003-2008

Hon. John Richardson

Immigration Judge, Phoenix, 1990-2018

Hon. Lory D. Rosenberg

Member, Board of Immigration Appeals, 1995-2002

Hon. Paul W. Schmidt

Chair, Board of Immigration Appeals, 1995-2001
Member, Board of Immigration Appeals, 2001-2003
Immigration Judge, Arlington, 2003-2016

Hon. Ilyce Shugall

Immigration Judge, San Francisco, 2017-2019

Hon. Helen Sichel

Immigration Judge, New York, 1997-2020

Hon. Denise Slavin

Immigration Judge, Miami and Baltimore, 1995-2019

Hon. Andrea Hawkins Sloan

Immigration Judge, Portland, 2010-2016

Hon. William Van Wyke

Immigration Judge, New York and York, PA, 1995-2015

Hon. Polly Webber

Immigration Judge, San Francisco, 1995-2016

Hon. Robert D. Weisel

Immigration Judge, New York, 1989-2016