**HOUSTON-AILA**

**Dec. 9, 20-20**

**Address by Paul Wickham Schmidt, Retired U.S. Immigration Judge**

**Good evening, Houston! Hope you and yours are staying well. Thanks for joining me to help plan the next big battle for our New Due Process Army (“NDPA”).**

**I’m retired, so I can tell it like it is: no party line, no bureaucratic doublespeak, no BS, just the truth, the whole truth, and nothing but the truth. Nevertheless, I do want to hold AILA, your organizers, you, and anyone else of any importance whatsoever harmless for the following remarks, for which I am solely responsible. To borrow the words of country music superstar Toby Keith, “it’s me baby, with your wakeup call!”**

**And, perhaps to state the obvious: “Houston, we’ve got a problem!” The problem is EOIR, it’s threatening our entire justice system, and I need your help to fix it!**

**42 days and counting left in the kakistocracy – governance by the worst among us. We got the job done in November. But, by no means is the fight to preserve our justice system and save our nation over. Indeed, in many ways it’s just beginning!**

**I’m dividing my presentation this evening into two parts. First, I’m going to take you from one of the highlights of my career, the *Kasinga* decision in 1996, to the depths of the current unmitigated disaster in our Immigration Courts. I’ll explain how policy-making by myth, inadequate leadership, followed by malicious incompetence snuffed out hope and progress and replaced it with despair and return to the dark days of Jim Crow.**

**Then, I’m going to tell you what needs to be done to restore and re-energize due process at EOIR, why our time is now, and why *your* voices as members of our New Due Process Army (“NDPA”) need to be heard loud and clear by the incoming Biden-Harris Administration.**

**I.**

**In *Matter of* *Kasinga*, I applied the generous well-founded fear standard for asylum established by the Supreme Court in *Cardoza-Fonseca* to reach a favorable result for a female asylum applicant based on a particular social group of women of the tribe who feared persecution in the form of female genital mutilation, or “FGM.” I sometimes think of this as the “high water mark” of asylum law at the BIA.**

**Since then, proper, generous application of asylum laws to serve the purpose of flexibly, fairly, and consistently extending protection to those facing persecution has been steadily declining. The Trump Administration essentially overruled *Cardoza-Fonseca* and abolished asylum law without legislative change.**

**Both Congress and the Supremes have failed to stand up to this egregious abuse of the law, constitutional due process, and human decency that presents a “clear and present danger” to our nation’s continued existence.**

**Indeed, the performance of the Supremes on the Administration’s overt assault on asylum has been so woeful as to lead me to wonder whether any of the Justices other than Justice Sotomayor have actually *read* the *Cardoza* decision. Certainly, most of the others have failed to consistently and courageously carry forth its spirit and to grapple with their responsibility for letting a lawless Executive trample the constitutional and human rights, as well as the human dignity, of the most vulnerable among us.**

**How did we get to this utterly deplorable state of affairs and what can the Biden Administration do to save us? Will they act boldly and courageously or continue to the tradition of ignoring abuses directed against asylum seekers and the deleterious effect it has on our society and the rule of law? I can guarantee that racial justice and harmony will continue to evade us as a nation unless and until we come to grips with the ongoing abuses in the Immigration Courts — “courts” that no longer function as such in any manner except the misleading name!**

**Background**

**To understand what has happened since *Kasinga*, here’s some background. In U.S. asylum law, there generally has been an “inverse relationship” between geography and success. The further your home country is from the U.S., the more generous the treatment is likely to be.**

**Thus, folks like *Kasing*a from Togo, or those from Tibet, Ethiopia, or Eritrea, with relatively difficult access to our borders, tend to do relatively well. On the other hand, those from Mexico, Haiti, Central America, and South America, who have easier access to our borders, tend to be treated more restrictively.**

**This reaction has been driven by a hypothesis with limited empirical support, but which has been accepted in some form or another by all Administrations, regardless of party, since the enactment of the Refugee Act of 1980. That is, the belief that human migration patterns are driven primarily by the policies and legal regimes in prosperous so-called “receiving countries” like the U.S.**

**Thus, generous and humane asylum policies will encourage unwanted flows of asylum seekers across international borders. And, of course, we all know that *nothing* threatens the national security of the world’s greatest nuclear superpower more than a caravan or flotilla of desperate, unarmed asylum seekers and their families trying to turn themselves in at the border or to the Border Patrol shortly after arrival.**

**Conversely, restrictive policies including rapid, unfair rejection, border turn-backs, mass detentions, criminal sanctions, denials of fair hearings, walls, border militarization, and hostile, often racially and religiously charged rhetoric, will cause asylum seekers to “stay put” thus deterring them and reducing the number of applications threatening our national security. In other words, encourage or require legitimate asylum seekers to “perish in place.” Often, these harsh policies are disingenuously characterized as being, at least partially, “for the benefit of asylum seekers” by discouraging them from undertaking dangerous journeys and paying human smugglers only to be summarily rejected upon arrival.**

**This “popular hypothesis” largely ignores the effect of conditions in refugee sending countries, including both geopolitical and environmental factors. For example, the current migration flow is affected by the practical difficulties of travel in the time of pandemic and by economic failures and cultural changes resulting from unabated climate change, not just by the legal restrictions that might be in place, in the U.S. and other developed nations.**

**It also factors out the “business narratives” of human smugglers designed to manipulate asylum seekers in ways that maximize profits under a variety of scenarios and to take maximum advantage of mindlessly predictable government “enforcement only” strategies.**

**Indeed, there is plenty of reason to believe that such policies serve to maximize smugglers’ profits, extort more money from desperate asylum seekers, but with little long-term effect on migration patterns. The short-term reduction in traffic, often hastily mischaracterized as “success” by the government, probably reflects, in part, “market adjustments” as smugglers raise their rates to cover the increased risks and greater planning caused from more enforcement. That “prices some would-be migrants out of the market,” at least temporarily, and forces others to wait while they accumulate more money to pay smugglers.**

**It also likely increases the number of migrants who die while attempting the journey. But, there is no real evidence that four decades of various “get tough” and “deterrence policies” — right up until the present — have had or will have a determinative long term effect on extralegal migration to the U.S. It may well, however, encourage more migrants to proceed to the interior of the country and take “do it yourself” refuge in the population, rather than turning themselves in at or near the border to a legal system that has been intentionally rigged against them.**

**Regardless of its empirically questionable basis, “deterrence theory” has become the primary driving force behind government asylum policies. Thus, the fear of large-scale, out of control “Southern border incursions” by asylum seekers has driven all U.S. Administrations to adopt relatively restrictive interpretations and applications of asylum law with respect to asylum seekers from Central America.**

**Starting with a so-called “Southern border crisis” in the summer of 2014, the Obama Administration took a number of steps intended to discourage Central American asylum seekers. I’m sure many of you in Texas are well aware of these. They resulted in my spending some “quality time” in Los Frenos and in Pearsall, Texas, of course home of the unforgettable “Big Peanut.”**

**These policies included: use of so-called “family detention;” denial of bond; accelerated processing of recently arrived children and adults with children; selecting Immigration Judges largely from the ranks of DHS prosecutors and other Government employees; keeping asylum experts off the BIA; taking outlandish court positions on detention and right to counsel for unrepresented toddlers in detention; and dire public warnings as to the dangers of journeying to the U.S. and the likelihood of rejection upon arrival.**

**These efforts did little to stem the flow of asylum seekers from the Northern Triangle. However, they did result in a wave of “Aimless Docket Reshuffling” (“ADR”) at the Immigration Courts that accelerated the growth of backlogs and the deterioration of morale at EOIR. Later, Sessions & Barr would “perfect the art of ADR” thereby astronomically increasing backlogs, even with many more judges on the bench, to something approaching 1.5 million known cases, with probably hundreds of thousands more buried in the “maliciously incompetently managed” EOIR (non)system.**

**Success for Central American asylum applicants thus remained problematic, with more than two of every three applications being rejected. Nevertheless, by 2016, largely through the efforts of pro bono litigation groups, applicants from the so-called “Northern Triangle” – El Salvador, Honduras, and Guatemala – had achieved a respectable approval rate ranging from approximately 20% to 30%.**

**Most of these successful claims were based on “particular social groups” composed of battered women and/or children or family groups targeted by violent husbands or boyfriends, gangs, cartels, and other so-called “non-governmental actors” that the Northern Triangle governments clearly were “unwilling or unable to control.”**

**Crosshairs**

**Upon the ascension of the Trump Administration in 2017, refugee and asylum policies became driven not only by “deterrence theory,” but also by racially, religiously, and politically motivated “institutionalized xenophobia.” The initial target was Muslims who were “zapped” by Trump’s so-called “Muslim ban.” Although initially properly blocked as unconstitutional by lower Federal Courts, the Supreme Court eventually “greenlighted” a slightly watered-down version of the “Muslim ban.”**

**Next on the hit list were refugees and asylees of color. This put Central American asylum seekers, particularly women and children, directly in the crosshairs. In something akin to “preliminary bombing,” then Attorney General Jeff Sessions launched a series of false and misleading narratives against asylum seekers and their lawyers directed at an audience consisting of Immigration Judges and BIA Members who worked at EOIR and thus were his subordinates.**

**Without evidence, Sessions characterized most asylum seekers as fraudulent or mala fide and blamed them, quite absurdly, as a primary cause for the population of 11 million or so undocumented individuals estimated to be residing in the U.S. He also accused “dirty immigration lawyers” of having “gamed” the asylum system, while charging “his” Immigration Judges with the responsibility of “assisting their partners” at DHS enforcement in stopping asylum fraud.**

# **The Attack**

**While not directly tampering with the “well-founded fear” standard for asylum, with Sessions leading the way, the Administration launched a three-pronged attack on asylum seekers.**

**First, using his power to review BIA precedents, Sessions reversed the prior precedent that had facilitated asylum grants for applicants who had suffered persecution in the form of domestic abuse. In doing so, he characterized them as “mere victims of crime” who should not be recognized as a “particular social group.” While not part of the holding, he also commented to Immigration Judges in his opinion that very few claimants should succeed in establishing asylum eligibility based on domestic violence. This was despite clear evidence that femicide, often connected with domestic violence and overt gender bias, runs rampant in all of the Northern Triangle nations.**

**He also imposed bogus “production quotas” on judges with an eye toward speeding up the “deportation railroad.” In other words, Immigration Judges who valued their jobs should start cranking out mass denials of such cases without wasting time on legal analysis or the actual facts.**

**Later, Sessions’s successor, Attorney General Bill Barr, overruled the BIA precedent recognizing “family” as a particular social group for asylum. He found that the vast majority of family units lacked the required “social distinction” to qualify.**

**For example, a few prominent families like the Rockefellers, Clintons, or Kardashians might be generally recognized by society. However, ordinary families, like the Schmidts, would be largely unknown beyond their own limited social circles. Therefore, we would lack the necessary “social distinction” within the larger society to be recognized as a particular social group.**

**Second, Sessions and Barr attacked the “nexus” requirement that persecution be “on account of” a particular social group or other protected ground. They found that most alleged acts of domestic violence or harm inflicted by abusive spouses, gangs and cartels were “mere criminal acts” or acts of “random violence” not motivated by the victim’s membership in any “particular social group” or any of the other so-called “protected grounds” for asylum.**

**Third, they launched an attack on the long-established “nongovernmental actor” doctrine. They found that normally, qualifying acts of persecution would have to be carried out by the government or its agents. For non-governmental actions to be attributed to that government, that government would basically have to be helpless to respond.**

**They found that the Northern Triangle governments officially opposed the criminal acts of gangs, cartels, and abusers and made at least some effort to control them. They deemed the fact that those governments are notoriously corrupt and ineffective in controlling violence to be largely beside the point. After all, they observed, no government including ours offers “perfect protection” to its citizens.**

***Any effort* by the government to control the actor, no matter how predictably or intentionally ineffective or nominal, should be considered sufficient to show that the government was willing and able to protect against the harm. In other words, even the most minimal or nominal opposition should be considered “good enough for government work.”**

# **The Ugly Results**

**Remarkably, notwithstanding this concerted effort to “zero out” asylum grants, some individuals, even from the Northern Triangle, still succeed. They usually are assisted by experienced pro bono counsel from major human rights NGOs or large law firms — essentially the “New Due Process Army” in action. These are the folks who have saved what is left of American justice and democracy. Often, they must seek review in the independent, Article III Federal Courts to ultimately prevail.**

**Some Article IIIs are up to the job; many aren’t. Unfortunately, the Fifth Circuit has been a prime example of that, lacking both the expertise and the philosophical inclination to actually enforce the constitutional and statutory rights of asylum seekers — “the other,” often people of color. After all, wrongfully deported to death means “out of sight, out of mind.” Nevertheless, in a recent unpublished remand, even the Fifth Circuit appears to have grown weary of rubber stamping the BIA’s disingenuous anti-asylum nonsense.**

**The Administration’s efforts to “dumb down” EOIR adjudications and inflict systemic bias against asylum seekers have had a major impact. Systemwide, the number of asylum cases decided by the Immigration Courts has approximately tripled since 2016 – from approximately 20,000 to over 60,000, multiplying backlogs as other, often older, “ready to try” cases are shuffled off to the end of the dockets, often with little or no notice to the parties.**

**At the same time, asylum grant rates for the Northern Triangle have fallen to their lowest rate in many years 10% to 15%. Taken together, that means many more asylum denials for Northern Triangle applicants, a major erosion of the generous “well-founded fear” standard for asylum, and a severe deterioration of due process protections in American law.**

**Basically, it’s a collapse of our legal system and an affront to human dignity. The kinds of things you might expect in a “Banana Republic.”**

**II.**

**Friends, you know, and I know, what is the biggest crisis facing the American justice system today. One that undermines and threatens racial justice, social justice, equality before the law, voting rights, American values, and indeed the very foundations of our democratic institutions and our justice system.**

**It’s imperative that our incoming Administration and its leaders fully recognize the overwhelming importance and extreme urgency of immediately ending the ongoing, deadly, and dangerous “Clown Show” at EOIR – the Executive Office for Immigration Review.**

**Under the defeated but not yet departed regime, as I have just described, EOIR has been weaponized by White Nationalist nativists to function as America’s Star Chambers. Once envisioned by its founders, including me, as a potential “jewel in the crown” of American justice, EOIR now has become an ungodly nightmare of anti-due process, anti-immigrant propaganda, bad judges, bogus stats, uncontrollable backlogs, malicious incompetence, stupid regulations, daily doses of irrationality, abuse of private attorneys, and institution of “worst practices.” But, it doesn’t *have* to be that way! No, not at all!**

**With courage, bold action, and, most important, the *right people* in place in leadership and key judicial positions, EOIR can be fixed: sooner, not later. The Immigration Courts can, indeed, through teamwork and innovation become the world’s best courts guaranteeing fairness and due process for all, promoting a model of best practices for the Federal Judiciary as a whole, and providing a trained and ready source of due-process oriented judges with strong immigration, human rights, and equal justice backgrounds for the Article III Judiciary and public policy positions.**

**EOIR will then be positioned for the essential transition to an Article I independent U.S. Immigration Court when we have the votes.**

**But, it will require a far more progressive, visionary, and aggressive approach than past Democratic Administrations. We must immediately (and legally) clear out the deadwood and get the problem solvers from the New Due Process Army (“NDPA”) — mostly now in the NGO, clinical, and private sectors, folks like you and your colleagues — in place to fix this horribly broken system.**

**Radical, meaningful reform must be built on this simple truth: *Treating individuals with unfailing fairness, simple courtesy, and respect,* *granting relief wherever possible and at the lowest possible levels of the system speeds things up and promotes best practices and maximum efficiency without stomping on anyone’s rights. And, it saves lives!***

**By contrast, studied rudeness and insensitivity to the public, mindless “enforcement only gimmicks,” en masse denials, and trying to run a “deportation railroad” eventually lead to gross inefficiencies and systemic failure. That’s *exactly* what we’re seeing today! And, it kills innocent individuals, while shamelessly squandering taxpayer funds, and driving the lawyers, that’s YOU, nuts.**

**Also, remember that fast, dramatic, and decisive personnel actions send shockwaves through the bureaucracy and shows them the new Administration is in charge and the “clown show is over.” Dilatory use of personnel authority and letting incompetents and those responsible for the EOIR mess remain in place does the exact opposite. *See,* theObama Administration.**

**Start by cleaning out the malicious incompetents in Falls Church. Immediately disempower the current Director, Deputy Director, Head of Administration, entire BIA, Chief Immigration Judge, and General Counsel. Abolish the ridiculous, bogus, and unnecessary Office of Policy. At the earliest possible point, transfer all of these existing folks to other jobs where they can’t do any more damage to human lives or our precious, now reeling, legal system.**

**Simultaneously, the Biden-Harris Administration should bring in, on at least a temporary basis, a team of expert problem solvers from the NDPA (e.g., you, and folks like you) to run EOIR, take over the BIA, and run OCIJ while they get a permanent team installed (which might, or might not, be the same people).**

**Every one of the pernicious, invidiously motivated, unethical, and leally wrong Sessions, Whitaker, and Barr “precedents” must be vacated, thereby immediately returning the law to its prior state. The incoming Attorney General can then send the cases to the “new BIA” for them to handle as they see fit.**

***Imagine*, what could be done with a *proper* precedent in *Matter of A-B-*. Instead of wrongfully regressing asylum law, a *correctly* rewritten precedent on the actual facts and the real asylum law, a law that is supposed to be *generously interpreted* to grant life-saving protection wherever possible, could serve as a road map illustrating and requiring routine granting of well-documented domestic abuse asylum cases from the Northern Triangle and other areas.**

**We could have practical, sensible, precedents written by scholar-judges to advance the concept of gender-based asylum rather than trying to eradicate it in a disgusting, racist, misogynist effort to send mostly brown-skinned women back to torture and death. For, make no mistake, White Nationalist racism and wanton cruelty have been at the heart of this regime’s vile, illegal, and immoral immigration and refugee policies.**

**The solution to the overwhelming Immigration Court backlog, largely self-created by DOJ politicos and EOIR bureaucrats mindlessly engaging in what I call “Aimless Docket Reshuffling,” is NOT to hire an additional 500 judges, thereby adding to the chaos, confusion, and inconsistency. Over the past four years, this regime has proved, *beyond any reasonable doubt*, that without a professional due-process committed court system administered and ultimately composed of expert judges and sufficient, well-trained staff, employing 21st century, cutting edge technology, more judges will simply mean more backlogs and more injustice! And, the *only* thing the current system has produced in abundance is *injustice* – we’ve had plenty; we don’t need any more!**

**The backlog can, and should be cut drastically and quickly. As I always say, *it’s not rocket science*!**

**Get all the non-detained, non-criminal cases more than 18 months old off the Immigration Court docket using the many tools readily available. Do things like:**

* + - **Extend DACA;**
    - **Expand TPS;**
    - **Enable TPS adjustments to LPR:**
    - **Send NLPR Cancellation Cases to USCIS for initial adjudication;**
    - **Encourage stateside processing;**
    - **Return to DHS those with apparent LPR eligibility if visa petitions or naturalization of family members were approved;**
    - **Send all unaccompanied kids to the Asylum Office *before* referring those who can’t be granted at the earliest level to Immigration Court;**
    - **Return to DHS those with approved or approvable U, V, T, SIJ status waiting for numbers to immigrate;**
    - **Use other forms of PD where necessary;**
    - **Work with the private bar and DHS to maximize representation and schedule merits hearings in a reasonable manner to reduce the number of continuances;**
    - **Empower the “new BIA” to “crack heads” if DHS officials, or for that matter, IJs resist or fail to carry out these policies.**

**Immediately cutting the backlog, as I suggest, would allow the “new EOIR” to operate at or close to “real time” without building backlog. With the current 500 IJs deciding a realistic average of approximately 500 cases/year, the “due process decisional capacity” of the EOIR system is about 250,000 - 300,000 cases annually.**

**For the first time in history, DHS must be required to respect and operate within this capacity. No more intentionally “overloading” system to create bogus backlogs and then claim “fake emergencies,” disingenuously blaming the victims: respondents, their lawyers, and the judges themselves. DHS must respect court capacities and operate with the same prudence and professionalism as every other law enforcement agency in America.**

**If more judges are needed on a strictly temporary basis (e.g., there is a *real*, rather than a manufactured emergency) have an auxiliary judiciary made up of qualified retired IJs, and other retired Federal and State judges ready to step in and handle routine tasks that involve primarily fact finding rather than immigration/human rights expertise (e.g., setting bonds, scheduling cases, granting non-dispositive motions, etc.). This would free up more IJ time. This is known as the “Lister/Schmidt Proposal,” and it can be found on my blog, immigrationcourtside.com.**

**In the longer run, the incoming Administration should consider transferring the Asylum Office to EOIR and using Asylum Officers similarly to U.S. Magistrate Judges in the Article III system.**

**As you know, a big part of the current problem is a broken, highly politicized, and over-bureaucratized Immigration Judge hiring system. Over the past three Administrations, it has intentionally been skewed to favor DHS prosecutors, insiders, and other government employees to the exclusion of well qualified experts from the private sector. The most glaring deficiency, at all levels of our current Federal Judiciary, is the absence of those who have ever represented an individual in Immigration Court and the essential practical expertise in the law and problem solving that they have developed. Folks like many of you and your colleagues!**

**We must establish a new, efficient, timely merit selection process for future IJ and BIA appointments emphasizing expertise in immigration, human rights, and demonstrated commitment to due process, involving meaningful input from private/NGO/academic bars. Then, apply these merit criteria to retention decisions for those IJs appointed by the current regime still in their two-year probation period.**

**It’s also absolutely essential that the “new EOIR” end the practice of hiding the recruitment process “under a rock” with ridiculous deadlines that clearly favor “pre-selected” insiders. EOIR must actively and aggressively recruit and encourage IJ applications from minorities, women, and immigration/human rights lawyers. Given that Vice President Elect Harris has broken new ground as a super-talented woman, minority, and the child of immigrants, it should be the best possible time to reach, inspire, and hire a far more diverse and representative Immigration Judiciary.**

**The merit selection process must highly value experience representing individuals in Immigration Court (not just ICE). That also means that it will be necessary for the private sector to develop slates of outstanding candidates by “beating the bushes” and encouraging the “best and brightest” among you to apply for these critically important positions.**

**The “new EOIR” must bring in a highly competent legal manager, with an immigration background and well-versed in the most modern technology, to head up EOIR Administration and straighten out the current ungodly mess. Someone who will end two decades of disgraceful incompetence and waste by installing a functioning nationwide e-filing system, like almost every other court in America.**

**Work cooperatively and creatively with the pro bono community toward universal representation. Tap into the best of the cutting-edge programs already out there in the private sector to train and accredit many more non-attorney representatives to fill the representation gap, particularly in asylum cases.**

**The Biden Administration must make peace with the union — the NAIJ. Barr and his EOIR cronies recently took advantage of a corrupted Federal labor relations process to “decertify” the NAIJ as punishment for their leaders speaking out against the gross mismanagement and concerted assault on due process at EOIR.**

**Install NAIJ President Judge Ashley Tabaddor or another current NAIJ Officer as the new Chief Immigration Judge with a mandate to fix problems and improve working conditions for everyone in the Immigration Courts. “Can” all the stupid and counterproductive due-process denying “production quotas” at the BIA and for IJs. Turn bogus “big brother IJ dashboards” into *useful* technology that will actually *aid* in the fair and timely substantive decision-making process. Emphasize fairness, scholarship, analysis, quality, and efficiency for judges at both the trial and appellate levels. Return docket control and management to the local IJs.**

**To establish badly needed judicial independence, once the “Biden-Harris Team of Judicial Experts” is in place at EOIR, give them support and let them creatively solve problems. That means, no more political meddling and interference from “downtown.” No more micromanagement by politicos and hacks. No more certifications of cases to AG unless requested by the new BIA Chair.**

**We also need an AG who is advocate for human rights and immigrants’ rights. Additionally, there is a pressing need for immigration/human rights experts from the NDPA in authoritative positions in other parts of the DOJ, like the SG’s Office, OIL, and the Office of Legal Policy, as well as, of course DHS, ORR, State, and even CDC.**

**Remember: This isn’t “rocket science!” It’s just common sense, “practical scholarship,” best practices, moral courage, humanity, and respect for human dignity! All of which you and other members of the NDPA have in abundance! Most of all, it’s about getting the right practical experts in the key positions within the incoming Administration.**

**Unlike the Article III Courts, the “EOIR Clown Show” can be removed, replaced, and justice at all levels improved just by putting the right experts from the NDPA in charge right off the bat. Because these are Executive positions that do not require Senate confirmation, Mitch McConnell’s permission is not required.**

**Democratic Administrations, particularly the Obama Administration, have a history of not getting the job done when it comes to achievable immigration reforms within the bureaucracy. If you don’t want four more years of needless frustration, death, disorder, demeaning of humanity, and deterioration of the most important “retail level” of our justice system, let the incoming Biden Administration know: *Throw out the EOIR Clown Show and bring in the experts from the NDPA to turn the Immigration Courts into real, independent courts of equal justice and humanity that will be a source of national pride, not a deadly and dangerous national embarrassment!***

**Contrary to all the mindless “woe is me” suggestions that it will take decades to undo Stephen Miller’s racist nonsense, *EOIR is totally fixable — BUT ONLY WITH THE RIGHT FOLKS FROM THE NDPA IN CHARGE!*It only becomes “mission impossible” if the Biden-Harris Administration approaches EOIR with the same indifference, lack of urgency, and disregard for expertise and leadership at the DOJ that often has plagued past Democratic Administrations on immigration, human rights, and social justice.**

**It won’t take decades, nor will it take zillions of taxpayer dollars! With the right folks in leadership positions at EOIR, support for independent problem solving (not mindless micromanagement) from the AG & DOJ, and a completely new BIA selected from the ranks of the NDPA experts, we will see drastic improvements in the delivery of justice at EOIR by this time next year. *And, that will just be the beginning!***

***No more clueless politicos, go along to get along bureaucrats, unqualified toadies, and restrictionist holdovers calling the shots at EOIR, America’s most important, least understood, and “most fixable” court system! No more abuse of migrants and their hard-working representatives! No more ridiculous, “Aimless Docket Reshuffling” generating self-created backlogs! No more vile and stupid White Nationalist enforcement gimmicks being passed off as “policies!” No more “Amateur Night at The Bijou” when it comes to administration of the immigrant justice system at EOIR!***

***Get mad! Get angry! Stop the nonsense! Tell every Democrat in Congress and the Biden Administration to bring in the NDPA experts to fix EOIR! Now! Before more lives are lost, money wasted, and futures ruined! It won’t get done if we don’t speak out and demand to be heard! Let your voices ring out from banks of the   
Rio Grande to the shores of the Potomac, from the Gulf Coast to the centers of Government!***

***This is our time! Don’t let it pass with the wrong people being put in charge — yet again! Don’t be “left at the station” as the train of immigrant justice at Justice pulls out with the best engineers left standing on the platform and the wrong folks at the controls! Some “train wrecks” aren’t survivable!***

***Repeat after me*: “Hey hey, ho ho, the EOIR Clown Show has got to go!” Then pass it on to the incoming Administration! Let them know, in no uncertain terms, that you’ve had enough! More than enough!**

**Thanks for listening, have a great evening, stay well, take care of your families, and, always remember the NDPA rallying cry, Due Process Forever!**

**(12-10-20)**