



ROUND TABLE
of Former Immigration Judges

ENDORSEMENT OF H.R. 6577
BY
THE ROUND TABLE OF FORMER IMMIGRATION JUDGES
February 18, 2022

The Round Table of Former Immigration Judges, composed of 52 former Immigration and Appellate Immigration Judges, wholeheartedly endorses H.R. 6577. We urge its passage.

Members of the Round Table of Former Immigration Judges were appointed by and served under both Democratic and Republican administrations. Our periods of service on the bench span 1980 through December 2021. As former Immigration Judges, we are acutely aware of the systemic flaws in the placement of the Immigration Court within the Department of Justice, our nation's highest law enforcement agency. Ever aware of our duty to exercise our independent judgment to accord due process, we conscientiously strove to do so throughout our years on the bench. However, challenges to our ability to do so were ever present. While we felt that we individually were administering impartial justice, we could not overcome the appearance of partiality, created by the structural flaw in the system, in the eyes of the parties and public.

Establishment of an independent Immigration Court under Article I of the Constitution is long overdue. On March 1, 1981 the Congressionally created bipartisan Select Commission on Immigration & Refugee Policy, issued its Final Report, entitled U. S. Immigration Policy and the National Interest, calling for creation of an Article I Immigration Court :

“The Select Commission recommends that existing law be amended to create an immigration court under Article I of the U.S. Constitution.” [pp. xxviii-xxix]

The Select Commission, which began its work in 1979, undertook an exhaustive study which ultimately identified and recognized the structural flaw which H.R. 6577 will finally correct. Steps taken by successive administrations since 1981 have not fixed the problem. Rep. Bill McCollum, (R FL), a prior Chair of the House Immigration Subcommittee, introduced several Article I Immigration Court bills over the years. It is not a partisan issue. The structure simply does not allow for truly impartial adjudication. Political policy making functions should not be commingled with adjudicative functions. Impartial adjudication is essential for due process. Congressional action is necessary to eliminate the systemic structural flaw. Passage of H.R. 6577 will do that. H.R. 6577 will establish a judicial structure for adjudicative immigration proceedings that will assure due process, an American value enshrined in the U.S. Constitution. We applaud the introduction of H.R. 6577 and look forward to its enactment.