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impossible for an immigrant to meet.”² Atlanta’s Immigration Court records one of the highest denial rate of asylum applications—98 percent—in the United States.³

The observations identified several areas of key concern that indicate that some of the Immigration Judges do not respect rule of law principles and maintain practices that undermine the fair administration of justice. During the course of our observations, we witnessed the following issues:

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interpreter was not available, an Immigration Judge continued to conduct a bond hearing without interpretation for the respondent.

I. Background

A. Standards for Conduct in Immigration Courts

Immigration Judges (IJ) employed by the Executive Office for Immigration Review
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The observers planned to sit in on the exact type and number of sessions held by each IJ in the Court during a typical week. This covered 45 sessions in total, and broke down into 27 merits hearings, 13 master calendar hearings, two custody hearings, and three master/custody hearings. Students took

IJ Cassidy asked each of the four student

against immigrant respondents, or lacked the necessary patience, dignity, and courtesy required of IJs in immigration proceedings.

1. Expressions of Prejudice

In one hearing, an attorney for a detained respondent argued that his client was neither a threat to society nor a flight risk.¹⁹ In this hearing, IJ Cassidy rejected the respondent's request for bond, stating broadly that "an open border is a danger to the community." He then analogized

Cassidy's scrutiny. The observer was not alone. In one case, IJ Cassidy had to tell the witness to relax – that “she is not in a time out.”²⁶

3. Expressions of Disinterest in Proceedings

Observers also noted that some IJs often expressed disinterest in proceedings during court. Disinterest in proceedings not only indicates a lack of professionalism and courtesy required of IJs, but also raises concern with an IJ's ability to be neutral factfinders in proceedings. Nearly all observers mBT 50 Orocto bey all obse10.08 cm Bd0.2(o be) 2 (i) 0.2rveo tao beyon Q

example, several IJs routinely failed to hold calendared hearings or cancelled them, sometimes without notification to the Court Clerk. Over the course of seven weeks, observers were unable to attend 14 of the 45 sessions listed on the Court calendar provided to the local bar. We later learned from court administrators that each IJ hold hearings every other week on Mondays and Fridays, and not every week, as was listed publicly on the published calendar.

IJ Cassidy cancelled several sessions in the final weeks of the observation period. According to the Clerk of Court, IJ Cassidy had informed IJ Pelletier, not the Clerk, of the cancellation.³² Such absences lead to delays in proceedings, which often affected respondents waiting for their hearings – some of whom had paid attorneys to attend the hearings. It also wasted the time of the ICE attorney and the interpreter, both of whom were present. During one of these absences, the staff at Irwin Detention Center, from which detainees appear remotely before the court, called in five times ready to proceed with hearings.³³

D. Denial/Lack of Individualized Consideration for Bond

Under the Immigration and Nationality Act, a detained respondent in removal proceedings may be released on payment of a bond of at least \$1,500 or by enrolling in a conditional parole program.³⁴ The Atlanta Immigration Court, on average, grants bond to 20% of respondents. (e) 0-0.2S205Q

The very appearance of physical restraints also provides a high risk of bias. Using shackles and restraints on an immigrant detainee appearing in court is arbitrary and dehumanizing. In fact, one Second Circuit Judge has described his image of a shackled defendant as “a dancing bear on a lead, wearing belly chains and manacles.”⁴⁷

Restraints also physically hinder detainees, making it difficult for them to function effectively during the proceedings. Students observed at least one detainee who could not sign her documents because she was handcuffed.⁴⁸ In another instance, a detained respondent using

- Investigate and monitor IJs at the Atlanta Immigration Court to ensure compliance with standards to protect due process and impartiality.
- Instruct all IJs in the Atlanta Immigration Court that the recording equipment must remain on whenever an IJ is present in the courtroom, including during bond proceedings, to ensure transparency and accountability for prejudicial statements made in hearings.
- Investigate the frequent and routine cancellation of Immigration Court hearings by Atlanta-

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